

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-374, Youth Suicide Prevention and School Climate Survey Amendment Act of 2016
- D.C. Council schedules a public hearing on Bill 21-712, Fair Shot Minimum Wage Amendment Act of 2016
- Department of Behavioral Health announces funding availability for the FY 2016 – FY 2017 Community Mental Health Services Block Grant
- Department of Consumer and Regulatory Affairs publishes Construction Codes Administrative Bulletin CC2016-02 - Underground Garages in Special Flood Hazard Areas
- Department of Energy and Environment solicits comments on the District of Columbia Amended Draft 2016 Integrated Report
- Department of Health Care Finance publishes proposed changes to the renewal application for the Home and Community-Based Waiver for the Elderly and Persons with Physical Disabilities
- Department of Youth Rehabilitation Services announces funding availability for the Community Programming Initiative

DISTRICT OF COLUMBIA REGISTER

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2016

To amend, on an emergency basis, due to congressional review, the Accrued Sick and Safe Leave Act of 2008 to clarify that employees in the building and construction industry covered by a bona fide collective bargaining agreement shall be exempted from the paid leave requirements of the act only if the agreement expressly waives those requirements; to amend the Minimum Wage Act Revision Act of 1992 to exempt an employer from keeping precise time records for bona fide executive, administrative, and professional, as well as certain other, employees, to require an employer or a temporary staffing firm to provide notice regarding payment to an employee in a second language if the Mayor has made available a translation of the sample notice template in that second language and the employer knows that second language to be the employee's primary language or the employee requests notice in that second language, and to require the Mayor to make available, in any language required for a vital document under the Language Access Act of 2004, a translation of the sample template to be used by an employer or a temporary staffing firm when providing notice to an employee regarding payment; and to amend An Act To provide for the payment and collection of wages in the District of Columbia to continue to exempt an employer from paying wages to bona fide executive, administrative, and professional employees at least twice during each calendar month; provided, that the employer pays wages to such employees at least once per month.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Wage Theft Prevention Clarification Congressional Review Emergency Amendment Act of 2016".

Sec. 2. Section 7(b) of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.06(b)), is amended by striking the phrase "agreement." and inserting the phrase "agreement that expressly waives the requirements in clear and unambiguous terms." in its place.

Sec. 3. The Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*), is amended as follows:

- (a) Section 9 (D.C. Official Code § 32-1008) is amended as follows:
 - (1) Subsection (a)(1)(D) is amended to read as follows:

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“(D) The precise time worked each day and each workweek by each employee, except for employees who are exempt from the minimum wage and overtime requirements under section 5(a); and”.

(2) Subsection (c) is amended by striking the phrase “shall furnish to each employee at the time of hiring a written notice, both in English and in the employee’s primary language, containing the following information:” and inserting the phrase “shall furnish to each employee at the time of hiring a written notice in English in the form made available by the Mayor pursuant to subsection (e) of this section. If, pursuant to subsection (e) of this section, the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee’s primary language or that the employee requests, the employer also shall furnish written notice to the employee in that second language. The notice shall contain the following information:” in its place.

(3) Subsection (e) is amended to read as follows:

“(e) The Mayor shall make available for employers a sample template of the notice required by subsection (c) of this section within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 62 DCR 3603). The Mayor also shall make available for employers a translation of the sample template in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933).”.

(b) Section 9a is amended as follows:

(1) Subsection (a)(1) is amended by striking the phrase “containing the information required by section 9(c)” and inserting the phrase “containing the information required by section 9(c) and in the form of the sample template made available by the Mayor pursuant to section 9(e). The notice shall be provided in English and if, pursuant to section 9(e), the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee’s primary language or that the employee requests, the employer also shall furnish written notice to that employee in that second language.” in its place.

(2) Subsection (b) is amended to read as follows:

“(b)(1) When a temporary staffing firm assigns an employee to perform work at, or provide services for, another organization, the temporary staffing firm shall furnish the employee a written notice in English, in the form of the sample template made available by the Mayor pursuant to subsection (c) of this section, of:

“(A) The specific designated payday for the particular assignment;

“(B) The actual rate of pay for the assignment and the benefits, if any, to be provided;

“(C) The overtime rate of pay the employee will receive or, if applicable, inform the employee that the position is exempt from additional overtime compensation and the basis for the overtime exemption;

“(D) The location and name of the client employer and the temporary staffing firm;

“(E) The anticipated length of the assignment;

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“(F) Whether training or safety equipment is required and who is obligated to provide and pay for the equipment;

“(G) The legal entity responsible for workers’ compensation should the employee be injured on the job; and

“(H) Information about how to contact the designated enforcement agency for concerns about safety, wage and hour, or discrimination.

“(2) If, pursuant to subsection (c) of this section, the Mayor has made available a translation of the sample template in a second language that is known by the employer to be the employee’s primary language or that the employee requests, the employer also shall furnish written notice to that employee in the second language.”.

(3) Subsection (c) is amended to read as follows:

“(c) The Mayor shall make available for temporary staffing firms a sample template of the notice required by subsection (b) of this section within 60 days of the effective date of the Wage Theft Prevention Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-157; 62 DCR 3603). The Mayor also shall make available for employers a translation of the sample template in any language required for vital documents pursuant to section 4 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1933).”.

Sec. 4. Section 2 of An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1302), is amended by striking the phrase “Every employer shall pay all wages earned to his employees at least twice during each calendar month, on regular paydays designated in advance by the employer;” and inserting the phrase “Every employer shall pay all wages earned to his employees on regular paydays designated in advance by the employer and at least twice during each calendar month, except that all bona fide administrative, executive, and professional employees (those employees employed in a bona fide administrative, executive, or professional capacity, as defined in 7 DCMR § 999.1) shall be paid at least once per month;” in its place.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. Effective date.

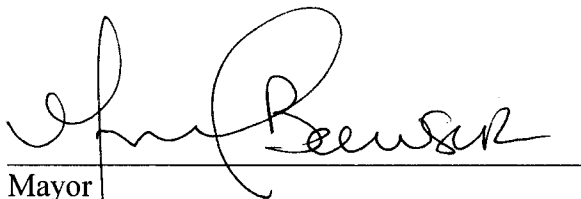
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 26, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2016

To amend, on an emergency basis, the District of Columbia Uniform Controlled Substances Act of 1981 to add certain classes and substances to the list of Schedule I controlled substances.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Revised Synthetics Abatement and Full Enforcement Drug Control Emergency Amendment Act of 2016".

Sec. 2. The District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), is amended as follows:

(a) Section 102 (27) (D.C. Official Code § 48-901.02(27)) is amended as follows

(1) Strike the phrase "as used in section 204(3) and section 206(1)(D)" and insert the phrase "as used in section 204(3), (5), and (6) and section 206(1)(D)" in its place.

(2) Strike the phrase "As used in section 204(3)" and insert the phrase "As used in section 204(3), (5), and (6)" in its place.

(b) Section 204 (D.C. Official Code § 48-902.04) is amended as follows:

(1) Paragraph (3) is amended as follows:

(A) The lead-in language is amended by striking the phrase "(for purposes of this paragraph only, the term "isomer" includes the optical, position, and geometric isomers)".

(B) New subparagraphs (G-i) through (G-xii) are added to read as follows:

"(G-i) 25I-NBOMe (also known as 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-ii) 25B-NBOMe (also known as 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-iii) 25C-NBOMe (also known as 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine);

"(G-iv) 5-APB (also known as 1-(benzofuran-5-yl)propan-2-amine);

"(G-v) 5-APDB (also known as 1-(2,3-dihydrobenzofuran-5-yl)propan-2-amine);

"(G-vi) 6-APB (also known as 1-(1-benzofuran-6-yl)propan-2-amine);

"(G-vii) 6-APDB (also known as 1-(2,3-dihydrobenzofuran-6-yl)propan-2-amine);

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“(G-viii) 3-methoxy-PCE (also known as *N*-ethyl-1-(3-methoxyphenyl)cyclohexanamine);

“(G-ix) 3-methoxy-PCP (also known as 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine);

“(G-x) 4-methoxy-PCP (also known as 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine);

“(G-xi) 5-MeO-DALT (also known as *N,N*-diallyl-5-methoxytryptamine);

“(G-xii) 4-AcO-DMT (also known as 5-acetoxy-*N,N*-dimethyltryptamine);”.

(C) A new subparagraph (M-i) is added to read as follows:

“(M-i) Methoxetamine (also known as 2-(ethylamino)-2-(3-methoxyphenyl)cyclohexanone);”.

(D) Subparagraph (JJ) is amended by striking the word “and”.

(E) Subparagraph (KK) is amended by striking the phrase “(2C-P);” and inserting the phrase “(2C-P); and” in its place.

(F) A new subparagraph (LL) is added to read as follows:

“(LL) Cathinone;”.

(2) Paragraph (5) is repealed.

(3) A new paragraph (5A) is added to read as follows:

“(5A) Synthetic Cathinones, which includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in Schedules II through V, is not approved by the Food and Drug Administration as a drug, and is structurally derived from or contains any quantity of the following substances, their salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Cathinones:

“(i) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include:

“(I) α -pyrrolidinopropiophenone, also known as:

“(aa) 1-phenyl-2-(1-pyrrolidinyl)-1-propanone; or

“(bb) α -PPP;

“(II) Dimethylcathinone, also known as:

“(aa) 2-(dimethylamino)-1-phenyl-1-propanone; or

“(bb) *N,N*-Dimethylcathinone; and

“(III) Ethcathinone, also known as:

“(aa) 2-(ethylamino)-1-phenyl-1-propanone;

“(bb) Ethylcathinone;

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“(cc) N-Ethylcathinone; or

“(dd) 2-Ethylaminobuphedro;

“(ii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, or alkoxy group. Examples of this structural class include naphyrone (also known as 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one);

“(iii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylenedioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include:

“(I) 3-fluoromethylone;

“(II) Mephedrone, also known as:

“(aa) 2-(methylamino)-1-(4-methylphenyl)-1-propanone;

“(bb) 4-MeMC;

“(cc) 4-Methylmethcathinone;

“(dd) 4-Methylephedrone; or

“(ee) 4-MMC; and

“(III) Methylone, also known as

“(aa) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)-1-propanone; or

“(bb) 3,4-Methylenedioxy-N-methylcathinone);

“(iv) Any compound containing or structurally derived from a piperazine, or diethylenediamine, structure with or without substitution at one of the nitrogen atoms of the piperazine ring to any extent. Examples include:

“(I) BZP, also known as:

“(aa) 1-(phenylmethyl)-piperazine;

“(bb) 1-Benzylpiperazine; or

“(cc) N-Benzylpiperazine; and

“(II) TMFPP, also known as:

“(aa) 1-[3-(trifluoromethyl)phenyl]-piperazine;

“(bb) 1-(m-Trifluoromethylphenyl) piperazine; or

“(cc) 3-Trifluoromethylphenylpiperazine;

“(B) Unclassified Synthetic Cathinones:

“(i) Aminorex (also known as (RS)-5-phenyl-4,5-dihydro-1,3-oxazol-2-amine);

“(ii) α -ET, also known as:

“(I) α -ethyl-1H-indole-3-ethanamine;

“(II) α -ethyltryptamine; or

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- “(III) 3-Indolybutylamine;
- “(iii) α -MT, also known as:
- “(I) α -methyl-1H-indole-3-ethanamine; or
- “(II) α -methyltryptamine;
- “(iv) α -PBP, also known as:
- “(I) 1-phenyl-2-(1-pyrrolidinyl)-1-butanone; or
- “(II) α -pyrrolidinobutiophenone;
- “(v) α -PVP (also known as α -pyrrolidinopentiophenone);
- “(vi) bk-MDDMA, also known as:
- “(I) 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)propan-1-one;
- “(II) Dimethylone;
- “(III) *N,N*-dimethyl-3',4'-methylenedioxcathinone;
- “(IV) *N,N*-dimethyl-3,4-methylenedioxcathinone; or
- “(V) *N,N*-Dimethyl MDCATH;
- “(vii) Buphedrone, also known as:
- “(I) 2-(methylamino)-1-phenylbutan-1-one; or
- “(II) MABP;
- “(viii) Butylone (also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one);
- “(ix) 3,4-DMMC, also known as:
- “(I) 1-(3,4-dimethylphenyl)-2-(methylamino)-1-propanone;
- “(II) 3,4-Dimethylmethcathinone;
- “(x) EMA, also known as:
- “(I) *N*-ethyl- α -methyl-benzeneethanamine; or
- “(II) *N*-Ethylamphetamine;
- “(xi) EMC, also known as:
- “(I) 1-(4-ethylphenyl)-2-(methylamino)propan-1-one;
- “(II) 4-EMC; or
- “(III) 4-Ethylmethcathinone;
- “(xii) Ethylone, also known as:
- “(I) 3,4-Methylenedioxy-*N*-ethylcathinone; or
- “(II) MDEC;
- “(xiii) Fenethylline (also known as (RS)-1,3-dimethyl-7-[2-(1-bpphenylpropan-2-ylamino)ethyl]purine-2,6-dione);
- “(xiv) Fluoromethcathinone (also known as 1-(4-fluorophenyl)-2-(methylamino)propan-1-one);
- “(xv) 3-FMC (also known as 3-fluoro-*N*-methylcathinone);
- “(xvi) 4-FMC, also known as:
- “(I) 1-(4-fluorophenyl)-2-(methylamino)propan-1-one;

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- “(II) 4-fluoro-N-methylcathinone; or
 “(III) Flephedrone;
 “(xvii) MDPBP, also known as:
 “(I) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-
 butanone; or
 “(II) 3,4-Methylenedioxy- α -Pyrrolidinobutiophenone;
 “(xviii) MDPPP, also known as:
 “(I) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-
 propanone; or
 “(II) 3,4-Methylenedioxy- α -Pyrrolidinopropiophenone;
 “(xix) MDPV, also known as:
 “(I) 1-(1,3-benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-
 pentanone; or
 “(II) 3,4-Methylenedioxy Pyrovalerone;
 “(xx) 4-MeBP, also known as:
 “(I) 2-(methylamino)-1-(4-methylphenyl)-1-butanone;
 “(II) 4-Methylbuphedrone;
 “(III) 4-methyl BP; or
 “(IV) 4-MeMABP
 “(xxi) 3-MEC, also known as:
 “(I) 2-(ethylamino)-1-(m-tolyl)propan-1-one; or
 “(II) 3-Methyl-N-ethylcathinone;
 “(xxii) 4-MEC, also known as:
 “(I) 2-(ethylamino)-1-(4-methylphenyl)-1-propanone; or
 “(II) 4-Methyl-N-ethylcathinone;
 “(xxiii) 4-MePPP, also known as
 “(I) 4'-methyl- α -Pyrrolidinopropiophenone;
 “(II) 4'-methyl PPP; or
 “(III) 2-(pyrrolidin-1-yl)-1-(p-tolyl)propan-1-one;
 “(xxiv) 3-MMC, also known as:
 “(I) 2-(methylamino)-1-(3-methylphenyl)-1-propanone;
 “(II) 3-methyl MS; or
 “(III) 3-Methylmethcathinone;
 “(xxv) Methedrone (also known as 1-(4-methoxyphenyl)-2-
 (methylamino)-1-propanone);
 “(xxvi) 4'-methyl PHP, also known as:
 “(I) 4'-methyl- α -pyrrolidinohexanophenone;
 “(II) MPHP;
 “(III) 4'-methyl- α -PHP; or
 “(IV) PV4;
 “(xxvii) Naphyrone, also known as:
 “(I) 1-(2-naphthalenyl)-2-(1-pyrrolidinyl)-1-pentanone; or

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“(II) Naphpyrovalerone;
 “(xxviii) N-hydroxy MDA, also known as:
 “(I) MDOH;
 “(I) N-hydroxy- α -methyl-1,3-benzodioxole-5-ethanamine;

or

“(II) N-Hydroxy-3,4-methylenedioxyamphetamine;
 “(xxix) N,N-DMA, also known as:
 “(I) N,N, α -trimethyl-benzeethanamine;
 “(II) N,N-Dimethylamphetamine;
 “(III) Dimetamfetamine; or
 “(III) Metrotonin;
 “(xxx) Pentedrone (also known as 2-(methylamino)-1-

phenylpentan-1-one); and

“(xxxi) Pentylone (also known as 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one);”.

(4) A new paragraph (6) is added to read as follows:

“(6) Synthetic Cannabimimetic Agents (also known as synthetic cannabinoids), which includes, unless specifically exempted, unless listed in another schedule, or unless approved by the Food and Drug Administration as a drug, any material, mixture, preparation, any compound structurally derived from, or that contains any quantity of the following synthetic substances, their salts, isomers, homologues, analogues and salts of isomers, homologues, and analogues, whenever the existence of these salts, isomers, homologues, analogues, and salts of isomers, homologues, and analogues is possible within the specific chemical designation:

“(A) Classified Synthetic Cannabimimetic Agents:

“(i) Adamantanoylindoles: Any compound containing or structurally derived from an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Examples include:

“(I) AB-001, also known as:

“(aa) (1s,3s)-adamantan-1-yl(1-pentyl-1H-indol-3-yl)methanone; or

“(bb) JWH 018 adamantyl analog; and

“(II) AM-1248, also known as:

“(aa) [1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]tricyclo[3.3.1.1^{3,7}]dec-1-yl-methanone; or

“(bb) AM1248;

“(ii) Adamantoylindazoles: or any compound containing or structurally derived from 3-(1-adamantoyl) indole, 3-(1-adamantoyl)indazole, 3-(2-

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adamantoyl)indole, N-(1-adamantyl)-1H-indole-3-carboxamide, or N-(1-adamantyl)-1H-indazole-3-carboxamide by substitution at the nitrogen atom of the indole or indazole ring with alkyl, haloalkyl, alkenyl, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole or indazole ring to any extent and whether or not substituted in the adamantyl ring to any extent. This category includes adamantyl carboxamide indazoles;

“(iii) Adamantylamidindoles: Any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent;

“(iv) Adamantylindazoles: Any compound containing or structurally derived from an N-(adamantyl)-indazole-3-carboxamide structure with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent. Examples include:

“(I) 5F-APINACA, also known as:

“(aa) 5-fluoro-APINACA

“(bb) 5F-AKB-48;

“(cc) 5F-AKB48;

“(dd) N-((3s,5s,7s)-adamantan-1-yl)-1-(5-

fluoropentyl)-1H-indazole-3-carboxamide; or

“(ee) N-(1-adamantyl)-1-(5-fluoropentyl)-1H-

indazole-3-carboxamide); and

“(II) APINACA, also known as:

“(aa) AKB-48;

“(bb) AKB48;

“(cc) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-

indazole-3-carboxamide; or

“(dd) N-(1-adamantyl)-1-pentyl-1H-indazole-3-

carboxamide;

“(v) Adamantylindoles: Any compound containing or structurally derived from an N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the adamantyl ring to any extent. Examples include:

“(I) 2NE1, also known as:

“(aa) APICA;

“(bb) JWH 018 adamantyl carboxamide; or

“(cc) 1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-

indole-3-carboxamide;

“(II) Adamantyl carboxamide indoles; and

“(III) STS-135, also known as:

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- 1-
yl-1H-indole-3-carboxamide;
Carboxamide;
- “(aa) 1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
“(bb) N-adamantyl-1-fluoropentylindole-3-
“(cc) 5F-APICA; or
“(dd) 5-fluoro-APICA;
“(vi) Benzimidazole Ketone: Any compound containing or structurally derived from (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Benzimidazole Ketones include:
“(I) FUBIMINA, also known as:
“(aa) (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone; or
“(bb) AM2201 benzimidazole analog; and
“(II) JWH-018 benzimidazole analog, also known as:
“(aa) naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-yl)methanone; or
“(bb) BIM-018;
“(vii) Benzoylindoles: Any compound containing or structurally derived from a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples include:
“(I) AM-630, also known as:
“(aa) [6-iodo-2-methyl-1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](4-methoxyphenyl)-methanone;
“(bb) AM630; or
“(cc) Iodopravadoline ;
“(II) AM-661 (also known as 1-(N-methyl-2-piperidine)methyl-2-methyl-3-(2-iodo)benzoylindole);
“(III) AM-679, also known as:
“(aa) (2-iodophenyl)(1-pentyl-1H-indol-3-

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yl)methanone; or

“(bb) AM679;

“(IV) AM-694, also known as:

“(aa) [1-(5-fluoropentyl)-1H-indol-3-yl](2-

iodophenyl)-methanone;

“(bb) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

or

“(cc) AM694;

“(V) AM-1241, also known as:

“(aa) (2-iodo-5-nitrophenyl)-(1-(1-

methylpiperidin-2-ylmethyl)-1H-indol-3-yl)methanone; or

“(bb) AM1241;

“(VI) AM-2233, also known as:

“(aa) (2-iodophenyl)[1-[(1-methyl-

2piperidinyl)methyl]-1H-indol-3-yl]-methanone; or

“(bb) AM2233;

“(VII) RCS-4, also known as:

“(aa) (4-methoxyphenyl)(1-pentyl-1H-indol-3-

yl)methanone; or

“(bb) SR-19; and

“(VIII) WIN 48,098, also known as

“(aa) (4-methoxyphenyl)[2-methyl]-1-[2-(4-

morpholinyl)ethyl]-1H-indol-3-yl]-methanone; or

“(bb) “Pravadoline”;

“(viii) Carbazole Ketone: Any compound containing or structurally derived from (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole Ketones include naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone (“EG-018”);

“(ix) Carboxamideindazoles: Any compound containing or structurally derived from 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and 3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen. Examples include:

“(I) AB-CHMINACA (also known as N-(1-amino-3-

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methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);

“(II) AB-FUBINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide);

“(III) AB-PINACA (also known as N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);

“(IV) 5F AB-PINACA, also known as:

“(aa) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or

“(bb) 5-fluoro AB-PINACA;

“(V) ADB-FUBINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1-H-indazole-3-carboxamide);

“(VI) ADB-PINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide);

“(VII) 5F ADB-PINACA, also known as:

“(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide); or

“(bb) 5-fluoro ADB-PINACA;

“(VIII) FUB-AMB, also known as:

“(aa) methyl (1-(4-fluorobenzyl)-1H-indazole-3-carbonyl)-L-valinate; or

“(bb) AMB-FUBINACA;

“(IX) MAB-CHMINACA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide);

“(X) MMB CHMINACA, also known as:

“(aa) methyl (S)-2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate; or

“(bb) MDMB-CHMICA; and

“(XI) 5F MN-18, also known as:

“(aa) 1-(5-fluoropentyl)-N-1-naphthalenyl-1H-indazole-3-carboxamide; or

“(bb) 5-fluoro MN-18;

“(x) Cycloalkanemethanone Indoles: whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cycloalkane ring to any extent;

“(xi) Cyclohexylphenols: Any compound containing or structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the cyclohexyl ring to any extent. Examples include:

“(I) CP 47,497 (also known as 2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol);

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- “(II) CP 47,497 C8 homologue, also known as:
“(aa) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol; or
“(bb) Cannabicyclohexanol;
“(III) CP 55,490;
“(IV) CP 55,940 (also known as 5-(1,1-dimethylheptyl)-2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol); and
“(V) CP 56,667;
“(xii) Cyclopropanoylindoles: Any compound containing or structurally derived from 3-(cyclopropylmethanoyl)indole, 3-(cyclopropylmethanone)indole, 3-(cyclobutylmethanone)indole or 3-(cyclopentylmethanone)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, and whether or not substituted on the cyclopropyl, cyclobutyl, or cyclopentyl rings to any extent;
“(xiii) Cyclopropylmethanone Indole: Any compound containing or structurally derived from 3-Cyclopropylmethanone indole or 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent and whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent;
“(xiv) Hexahydrodibenzopyrans: Any compound containing or structurally derived from Hexahydrodibenzopyrans, whether or not substituted in the tricyclic ring system except where contained in cannabis or cannabis resin;
“(xv) Hydroxycyclohexylphenol: Any compound containing or structurally derived from 2-(3-hydroxycyclohexyl)phenol structure, also known as cyclohexylphenols, with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted on the cyclohexyl ring to any extent. Examples of this structural class include:
“(I) CP-47,497 (also known as rel-5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol);
“(II) CP 47,497-C8-homolog, also known as:
“(aa) rel-2-[(1S,3R)-3-hydroxycyclohexyl]-5-(2-methylnonan-2-yl)phenol; or
“(bb) cannabicyclohexanol; and
“(III) CP-55,940 (also known as 2-((1S,2S,5S)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl)-5-(2-methyloctan-2-yl)phenol);
“(xvi) Indazole Ester (also known as carboxylateindazole): Any compound containing or structurally derived from 3-carboxylate-indazoles, whether or not substituted in the indazole ring to any extent or substituted to any degree on the carboxylate, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxylate oxygen. Examples of indazole esters include 5-fluoro SDB-005, also known as:
“(I) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indazole-3-carboxylate; or

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“(II) 5F SDB-005;

“(xvii) Indole Amides: Any compound containing or structurally derived from or containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxamide group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole Amides include:

“(I) 5F ABICA, also known as:

“(aa) (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide;

“(bb) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(cc) 5-fluoro ABICA;

“(II) ADBICA (also known as N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide));

“(III) 5F-ADBICA, also known as:

“(aa) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide; or

“(bb) 5-fluoro-ADBICA;

“(IV) NNE1 (also known as N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide);

“(V) 5F-NNE1, also known as:

“(aa) 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-NNE1

“(VI) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide); and

“(VII) 5F-SDB-006, also known as:

“(aa) N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide); or

“(bb) 5-fluoro-SDB-006;

“(xviii) Indole Esters: Any compound containing or structurally derived from a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the

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carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3, 3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3, 3-dimethyl-1-oxobutan-2-yl or pyrrole group and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole Esters may also be referred to as Quinolinylindolecarboxylates. Indole Esters include:

- “(I) BB-22, also known as:
 “(aa) 1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid;
 indole-3-carboxylate; or
 “(bb) quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate;
 “(cc) QUCHIC;
 “(II) FDU-PB-22 (also known as naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate);
 “(III) FUB-PB-22, also known as:
 “(aa) 1-[(4-fluorophenyl)methyl]-1H-indole-3-carboxylic acid, 8-quinolinyl ester; or
 “(bb) Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate;
 “(IV) NM2201, also known as:
 “(aa) naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate; or
 “(bb) CBL-2201;
 “(V) PB-22, also known as:
 “(aa) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid;
 “(bb) quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate;
 “(cc) 8-Quinolinyl 1-pentyl-1H-indole-3-carboxylate; or
 “(dd) “QUPIC”; and
 “(VI) 5F-PB-22, also known as:
 “(aa) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid;
 “(bb) quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate;
 “(cc) 8-Quinolinyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate;
 “(dd) 5-fluoro-PB-22; or
 “(ee) 5-fluoro QUPIC;

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“(xix) Naphthoylindoles: Any compound containing or structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl group, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the naphthyl ring to any extent. Naphthoylindoles include the following: AM-678, AM-1220, AM-1221, AM-1235, AM-2232, EAM-2201, JWH-004, JWH-007, JWH-009, JWH-011, JWH-015, JWH-016, JWH-018, JWH-019, JWH-020, JWH-022, JWH-046, JWH-047, JWH-048, JWH-049, JWH-050, JWH-070, JWH-071, JWH-072, JWH-073, JWH-076, JWH-079, JWH-080, JWH-081, JWH-082, JWH-094, JWH-096, JWH-098, JWH-116, JWH-120, JWH-122, JWH-148, JWH-149, JWH-164, JWH-166, JWH-180, JWH-181, JWH-182, JWH-189, JWH-193, JWH-198, JWH-200, JWH-210, JWH-211, JWH-212, JWH-213, JWH-234, JWH-235, JWH-236, JWH-239, JWH-240, JWH-241, JWH-242, JWH-258, JWH-262, JWH-386, JWH-387, JWH-394, JWH-395, JWH-397, JWH-398, JWH-399, JWH-400, JWH-412, JWH-413, JWH-414, JWH-415, JWH-424, MAM-2201, WIN 55,212. Naphthoylindoles also include:

“(I) AM-2201 (also known as (1-(5-fluoropentyl)-3-(1-naphthoyl)indole); and

“(II) WIN 55,212-2, also known as: *

“(aa) (R)-(+)-[2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone; or

“(bb) [2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[(1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);

“(xx) Naphthoynaphthalenes: Any compound containing or structurally derived from naphthalene-1-yl-(naphthalene-1-yl) methanone with substitutions on either of the naphthalene rings to any extent, including CB-13 (also known as 1-naphthalenyl[4-(pentylox)-1-naphthalenyl]-methanone or CRA-13);

“(xxi) Naphthoypyrroles: Any compound containing or structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent, including the following: JWH-030, JWH-031, JWH-145, JWH-146, JWH-147, JWH-150, JWH-156, JWH-243, JWH-244, JWH-245, JWH-246, JWH-292, JWH-293, JWH-307, JWH-308, JWH-309, JWH-346, JWH-348, JWH-363, JWH-364, JWH-365, JWH-367, JWH-368, JWH-369, JWH-370, JWH-371, JWH-373, JWH-392;

“(xxii) Naphthylamidoindoles: Any compound containing or

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structurally derived from a N-(naphthyl)-indole-3-carboxamide structure, whether or not further substituted in the indole ring to any extent or whether or not substituted in the naphthyl ring to any extent;

“(xxiii) Naphthylmethylindenes: Any compound containing or structurally derived from a 1-(1-naphthylmethylene)indene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indene group to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include JWH-176 (also known as 1-[(E)-(3-pentyl-1H-inden-1-ylidene)methyl]-naphthalene or (1-(3-pentyl)-1H-inden-1-ylidene)methylnaphthalene);

“(xxiv) Naphthylmethyl indoles: Any compound containing or

structurally derived from 1H-indol-3-yl-(1-naphthyl)methane structure, also known as naphthylmethylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include:

“(I) JWH-175 (also known as 3-(1-naphthalenylmethyl)-1-pentyl-1H-indole); and

“(II) JWH-184 (also known as 3-[(4-methyl-1-naphthalenyl)methyl]-1-pentyl-1H-indole);

“(xxv) Naphthylmethylindenes: Any compound containing or structurally derived from a naphthylideneindene structure or that is structurally derived from 1-(1-naphthylmethyl)indene with substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include JWH-171, JWH-176, and JWH-220;

“(xxvi) Naphthylmethylindoles: Any compound containing or structurally derived from an H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include JWH-175, JWH-184, JWH-185, JWH-192, JWH-194, JWH-195, JWH-196, JWH-197, and JWH-199;

“(xxvii) Phenylacetylindoles: Any compound containing or

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structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Examples include: JWH-167, JWH-201, JWH-202, JWH-203, JWH-204, JWH-205, JWH-206, JWH-207, JWH-208, JWH-209, JWH-237, JWH-248, JWH-249, JWH-250, JWH-251, JWH-253, JWH-302, JWH-303, JWH-304, JWH-305, JWH-306, JWH-311, JWH-312, JWH-313, JWH-314, JWH-315, JWH-316, RCS-8, SR-18, and Cannabipiperidiethanone (also known as 2-(2-methoxyphenyl)-1-[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-ethanone);

“(xxviii) Quinolinoyl Pyrazole: Any compound containing or structurally derived from Quinolinoyl pyrazole carboxylate (also known as Quinolinyl fluoropentyl fluorophenyl pyrazole carboxylate);

“(xxix) Quinolinyl Ester Indoles: Any compound containing or structurally derived from Quinolinyl ester indoles, being any compound containing or structurally derived from 1H-indole-3-carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

“(xxx) Tetrahydrobenzochromen: Any compound containing or structurally derived from (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Examples of this structural class include:

“(I) AM-087 (also known as (6aR,10aR)-3-(2-methyl-6-bromohex-2-yl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

“(II) AM-411 (also known as (6aR,10aR)-3-(1-adamantyl)-6,6,9-trimethyl-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol);

“(III) HU-210, also known as:

“(aa) 3-(1,1'-dimethylheptyl)-6aR,7,10,10aR-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

“(bb) [(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol];

“(cc) 1,1-Dimethylheptyl-11-hydroxytetrahydrocannabinol; or

“(dd) 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol;

“(IV) HU-211, also known as:

“(aa) 3-(1,1-dimethylheptyl)-6aS,7,10,10aS-tetrahydro-1-hydroxy-6,6-dimethyl-6H-dibenzo[b,d]pyran-9-methanol;

“(bb) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

“(cc) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; or

“(dd) “Dexanabinol”;

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“(V) HU-243, also known as

“(aa) (6aR,8S,9S,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-8,9-ditritio-7,8,10,10a-tetrahydro-6aH-benzo[c]chromen-1-ol; or

“(bb) 3-dimethylheptyl-11-hydroxyhexahydrocannabinol;

“(VI) JWH-051 (also known as (6aR,10aR)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-9-yl)methanol);

“(VII) JWH-133 (also known as (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran); and

“(VIII) JWH-359 (also known as (6aR,10aR)-1-methoxy-6,6,9-trimethyl-3-[(2R)-1,1,2-trimethylbutyl]-6a,7,10,10a-tetrahydrobenzo[c]chromene);

“(xxxii) Δ 8 Tetrahydrocannabinol: Any compound containing or structurally derived from 11-hydroxy- Δ 8-tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(n-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group;

“(xxxiii) Tetrahydrodibenzopyrans: Any compound containing or structurally derived from whether or not substituted in the tricyclic ring system except where contained in cannabis or cannabis resin;

“(xxxiiii) Tetramethylcyclopropanoylindoles: Any compound containing or structurally derived from 3-tetramethylcyclopropanoylindole, 3-(1-tetramethylcyclopropyl)indole, 3-(2,2,3,3-tetramethylcyclopropyl)indole or 3-(2,2,3,3-tetramethylcyclopropylcarbonyl)indole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, hydroxyalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropanoyl ring to any extent. Tetramethylcyclopropanoylindoles include cyclopropoylindoles, any compound containing or structurally derived from a 3-(cyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the cyclopropoyl ring to any extent. Examples of tetramethylcyclopropanoylindoles include:

“(I) A-796,260, also known as:

“(aa) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or

“(bb) A-796260;

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- “(II) A-834,735, also known as:
 “(aa) [1-[(tetrahydro-2H-pyran-4-yl)methyl]-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or
 “(bb) A-834735;
 “(III) AB-034 (also known as [1-[(N-methylpiperidin-2-yl)methyl]-1H-indole-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone);
 “(IV) UR-144 (also known as 1-pentyl-3-(2, 2, 3, 3-tetramethylcyclopropoyl)indole);
 “(V) 5-bromo-UR-144, also known as:
 “(aa) [1-(5-bromopentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclopropyl)-methanone; or
 “(bb) UR-144 N-(5-bromopentyl) analog;
 “(VI) 5-chloro-UR-144, also known as:
 “(aa) 1-(5-chloropentyl)-3-(2, 2, 3, 3-tetramethylcyclopropoyl)indole; or
 “(bb) 5Cl-UR-144; and
 “(VII) XLR11, also known as:
 “(aa) 1-(5-fluoropentyl)-3-(2,2,3, 3-tetramethylcyclopropoyl)indole;
 “(bb) 5-FUR-144; or
 “(cc) 5-fluoro UR-144;
 “(xxxiv) Tetramethylcyclopropane-Thiazole Carboxamides: Any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol-2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring by alkyl, haloalkyl, benzyl, halobenzyl, alkenyl, haloalkenyl, alkoxy, cyanoalkyl, hydroxyalkyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)alkyl, (4-tetrahydropyran)alkyl, or 2-(4-morpholinyl)alkyl, whether or not further substituted in the thiazole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent. Examples of tetramethylcyclopropane-thiazole carboxamides include the group tetramethylcyclopropyl thiazoles, or any compound containing or structurally derived from 2,2,3,3-tetramethyl-N-(thiazol- 2-ylidene)cyclopropanecarboxamide by substitution at the nitrogen atom of the thiazole ring, whether or not further substituted in the thiazole ring to any extent, whether or not substituted in the tetramethylcyclopropyl ring to any extent. Tetramethylcyclopropane-thiazole carboxamides also include A-836,339, also known as:
 “(I) [N(Z)]-N-[3-(2-methoxyethyl)-4,5-dimethyl-2(3H)-thiazolylidene]-2,2,3,3-tetramethyl-cyclopropanecarboxamide;
 “(II) N-[3-(2-Methoxyethyl)-4,5-dimethyl-1,3-thiazol-2(3H)-ylidene]-2,2,3,3-tetramethylcyclopropanecarboxamide: or
 “(III) A-836339;
 “(B) Unclassified Synthetic Cannabimimetic Agents:
 “(i) AM-356, also known as:
 “(I) AM356;

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- “(II) arachidonyl-1'-hydroxy-2'-propylamide;
“(III) N-(2-hydroxy-1R-methylethyl)-5Z,8Z,11Z,14Z-eicosatetraenamide
- “(IV) (R)-(+)-Arachidonyl-1'-Hydroxy-2'-Propylamide;
“(V) Methanandamide; or
“(VI) R-1 Methanandamide;
- “(ii) AM-855 (also known as (4aR,12bR)-8-hexyl-2,5,5-trimethyl-1,4,4a,8,9,10,11,12b-octahydronaphtho[3,2-c]isochromen-12-ol);
“(iii) AM-905 (also known as (6aR,9R,10aR)-3-[(E)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);
“(iv) AM-906 (also known as (6aR,9R,10aR)-3-[(Z)-hept-1-enyl]-9-(hydroxymethyl)-6,6-dimethyl-6a,7,8,9,10,10a-hexahydrobenzo[c]chromen-1-ol);
“(v) AM-2389 (also known as (6aR,9R,10aR)-3-(1-hexyl-cyclobut-1-yl) -6a,7,8,9,10,10a - hexahydro -6,6-dimethyl-6H-dibenzo[b,d]pyran-1,9-diol);
“(vi) BAY38-7271 (also known as (-)-(R)-3-(2-Hydroxymethylindanyl -4-oxy) phenyl-4,4,4-trifluorobutyl-1-sulfonate);
“(vii) CP 50,556-1, also known as:
“(I) 9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl]acetate;
“(II) [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-; octahydrophenanthridin-1-yl] acetate;
“(III) [9-hydroxy-6-methyl-3-[5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10, 10a-octahydrophenanthridin-1-yl]acetate; or
“(IV) “Levonantradol”;
“(viii) FUB-144 (also known as (1-(4-fluorobenzyl)-1*H*-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone);
“(ix) FUB-AMB, also known as:
“(I) AMB-FUBINACA; or
“(II) Methyl (1-(4-fluorobenzyl)-1 *H*-indazole-3-carbonyl) valinate; and
- “(x) 5-fluoro-AMB (also known as (S)- methyl 2- (1- (5-fluoropentyl)- 1*H*- indazole- 3-carboxamido)- 3- methylbutanoate);
“(xi) HU-308 (also known as (91R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol);
“(xii) HU-331 (also known as 3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);
“(xiii) JTE-907 (also known as N-(benzol[1,3]dioxol-5-ylmethyl) -7-methoxy-2-oxo-8-pentyloxy-1,2-dihydroquinoline-3-carboxamide);
“(xiv) JWH-057 (also known as (6aR,10aR)-3-(1,1-dimethylheptyl) -6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-Dibenzo[b,d]pyran);
“(xv) Mepirapim (also known as (4-methylpiperazin-1-yl)(1-pentyl-1*H*-indol-3-yl) Methanone);

ENROLLED ORIGINAL

N-Cyclohexylcarbamate);

“(xvi) URB597 (also known as [3-(3-carbamoylphenyl)phenyl] –

“(xvii) URB602, also known as:

“(I) [1,1'-Biphenyl]-3-yl-carbamic acid, cyclohexyl ester;

or

“(II) cyclohexyl [1,1'-biphenyl]-3-ylcarbamate;

“(xviii) URB754 (also known as 6-methyl-2-[(4-methylphenyl)amino] -4H-3,1-benzoxazin-4-one);

“(xix) URB937 (also known as 3'-carbamoyl-6-hydroxy-[1,1'-biphenyl]-3-yl Cyclohexylcarbamate);

“(xx) SDB-006 (also known as N-benzyl-1-pentyl-1H-indole-3-carboxamide);

“(xxi) THJ-2201 (also known as [1-(5-fluoropentyl)-1H-indazol-3-yl](naphthalen-1-yl)methanone); and

“(xxii) THJ-018 (also known as Naphthalen-1-yl(1-pentyl-1H-indazol-3-yl)methanone).”.

(c) Section 208(a)(7) (D.C. Official Code § 48-902.08(a)(7)) is repealed.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

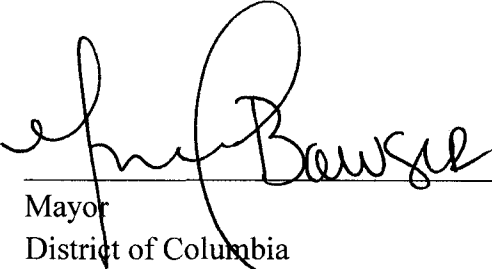
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 26, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To create, on an emergency basis, due to congressional review, a rebate program for the installation and registration of a security camera system on the exterior of property owned or leased by an individual, business, nonprofit, religious institution, or other entity and to establish a special fund to implement the rebate program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Private Security Camera Incentive Program Congressional Review Emergency Act of 2016".

Sec. 2. Private security camera system incentive program.

(a) Pursuant to section 7 of the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Temporary Act of 2015, effective January 9, 2016 (D.C. Law 21-48; 62 DCR 13979), there is established a Private Security Camera System Incentive Program ("Program"), to be administered by the Mayor, to encourage the purchase and installation of a security camera system ("system") on the exterior of a building owned or leased by an individual, business, nonprofit, religious institution, or other entity, as that term is defined in D.C. Official Code § 29-101.02(10), and to require registration of the system with the Metropolitan Police Department.

(b) To be eligible for the rebate provided for in this section, a property owner or lessee shall:

(1) After September 22, 2015, purchase and install a system on the exterior of the building;

(2) Register the system with the Metropolitan Police Department;

(3) Submit a rebate claim in accordance with Program rules promulgated pursuant to subsection (d) of this section ; and

(4) Meet all additional requirements and criteria provided for in Program rules promulgated pursuant to subsection (d) of this section.

(c)(1) Upon approval of a rebate claim, the Program shall provide a rebate as follows; provided, that the amount of the rebate shall not be more than the purchase price of the system:

(A) Up to \$200 per camera installed on the exterior of a building owned or leased by an individual, with a maximum rebate of up to \$500 per system per residential address; or

ENROLLED ORIGINAL

(B) Up to \$200 per camera installed on the exterior of a building owned or leased by a business, nonprofit, religious institution, or other entity, as that term is defined in D.C. Official Code § 29-101.02(10), with a maximum rebate of up to \$750 per system per address.

(2) Rebates shall be contingent upon availability of funds.

(3) No rebates shall be issued until the Mayor promulgates rules pursuant to subsection (d) of this section.

(d) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), and in accordance with this section, shall issue rules to implement the Program, including:

(1) Requirements for proof of purchase and system verification;

(2) Procedures for registering a system with the Metropolitan Police Department, including a certification by the recipient that the recipient shall not use the system to intentionally record specific individuals conducting lawful activity; and

(3) Identification of priority areas for Program eligibility; provided, that the priority areas include at least one area in each ward identified by crime levels and other public safety indicators in the corresponding police service area.

(e) A rebate issued under this section shall not be considered income for purposes of District of Columbia income tax.

(f) For the purposes of this section, the term “security camera system” means one or more outdoor surveillance cameras with functioning digital video recording capability.

(g) From the effective date of the Private Security Camera Incentive Program Emergency Act of 2015, effective January 15, 2016 (D.C. Act 21-274; 63 DCR 803), to the issuance of the final rebate under the Program, the Mayor shall provide a monthly report to the Council that includes the following information:

(1) The total number of rebates issued;

(2) The total number of private security cameras funded;

(3) The number of rebates issued in each police service area;

(4) The number of rebates issued in each priority area identified pursuant to subsection (d)(3) of this section;

(5) The number of rebates issued pursuant to subsection (c)(1)(A) or (B) of this section, respectively;

(6) The number of times the Metropolitan Police Department requested footage from a rebate recipient, and whether the request was granted or denied by the rebate recipient;

(7) The number of times that footage from a private security camera contributed to a successful arrest by the Metropolitan Police Department, including a breakdown by offense; and

(8) An analysis of the Program’s implementation and plans for future expansion, if any.

ENROLLED ORIGINAL

Sec. 3. Private Security Camera Incentive Fund.

(a) There is established as a special fund the Private Security Camera Incentive Fund ("Fund"), which shall be administered by the Mayor in accordance with subsections (c) and (d) of this section.

(b) Revenue from the following sources shall be deposited in the Fund:

- (1) Funds appropriated by the District;
- (2) Grants;
- (3) Donations from the public; and
- (4) Donations from private entities.

(c) Money in the Fund shall be used to implement the Private Security Camera Incentive Program ("Program"), including:

- (1) Providing rebates to eligible participants; and
- (2) Appropriate overhead or administrative expenses related to the Program and the Fund.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

Sec. 4. Applicability.

This act shall apply as of April 14, 2016.

Sec. 5. Fiscal impact statement.


The Council adopts the fiscal impact statement of the Budget Director 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. Effective date.

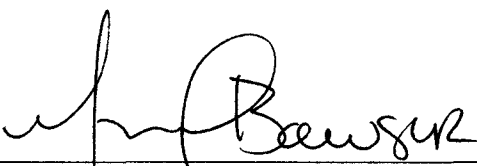
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To approve, on an emergency basis, Modification No. M0003 and proposed Modification Nos. M008 and M010 to Contract No. CW29248 to provide employee work uniforms and accessories to the District and to authorize payment for goods and services received and to be received under the contract modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. CW29248 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification No. M0003 and proposed Modification Nos. M008 and M010 to Contract No. CW29248 with Morgan's Inc. T/A Jimmie Muscatello's to provide employee work uniforms and accessories to the District, and authorizes payment in the total amount of \$4,028,949.04 for goods and services received and to be received under the contract modifications for the period from December 9, 2015, through December 8, 2016.

Sec. 3. Fiscal impact statement.

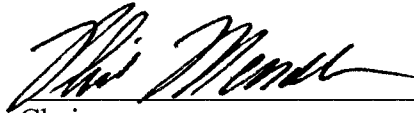
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

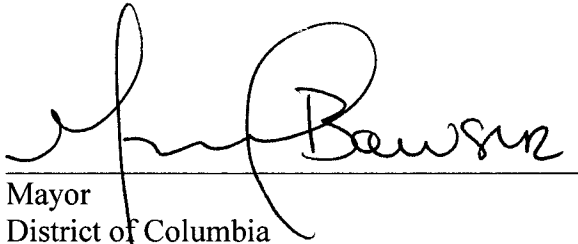
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27 2016

To approve, on an emergency basis, Modification Nos. M020 and M021 and proposed Modification No. M023 to Human Care Agreement No. DCRL-2013-H-0039A with The National Center for Children and Families to continue to provide case management and traditional and therapeutic family-based foster care services for children, and to authorize payment for the services received and to be received under these modifications.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Modifications to Human Care Agreement No. DCRL-2013-H-0039A Approval and Payment Authorization Emergency Act of 2016”.

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Modification Nos. M020 and M021 and proposed Modification No. M023 to Human Care Agreement No. DCRL-2013-H-0039A with The National Center for Children and Families to continue to provide case management and traditional and therapeutic family-based foster care services for children, and authorizes payment in the total not-to-exceed amount of \$10,563,472.10 for services received and to be received under these modifications.

Sec. 3. Fiscal impact statement.

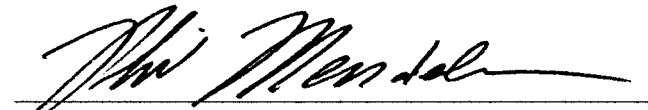
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

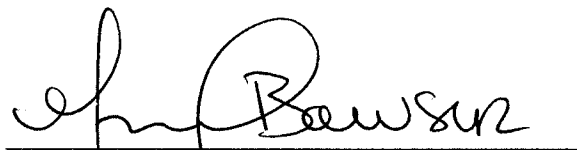
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, due to congressional review, the Marijuana Possession Decriminalization Amendment Act of 2014 to clarify that, for the purposes of the act, a private club is a place to which the public is invited, but does not include a private residence, 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 establish a private club task force to provide a report making recommendations regarding the licensing and operation of venues at which marijuana may be consumed within the parameters of 401(a)(1) of the District of Columbia Uniform Controlled Substances Act of 1981; and to amend Chapter 28 of Title 47 of the District of Columbia Official Code to require the Mayor to revoke any license, certificate of occupancy, or permit held by an entity that knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014 to occur at the specific address or unit identified in the license, certificate of occupancy, or permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Marijuana Possession Decriminalization Clarification Congressional Review Emergency Amendment Act of 2016”.

Sec. 2. The Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; 61 DCR 3482), is amended as follows:

(a) Section 301 (D.C. Official Code § 48-911.01) is amended as follows:

(1) Subsection (a)(3) is amended to read as follows:

“(3) Any place to which the public is invited. For the purposes of this subsection, and notwithstanding any other provision of law, a private club, which includes any building, facility, or premises used or operated by an organization or association for a common avocational purpose, such as a fraternal, social, educational, or recreational purpose, is a place to which the public is invited; provided, that a private club does not include a private residence.”.

(2) A new subsection (f) is added to read as follows:

“(f) No provision of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880), shall limit or be construed to limit the application of any provision of this section.”.

(b) A new Title III-A is added to read as follows:

ENROLLED ORIGINAL

“TITLE III-A STUDY OF MARIJUANA IN A PRIVATE CLUB.

“Sec. 310. Task force.

“(a) There is established a private club task force (“Task Force”). There shall be 7 members of the Task Force, who shall be appointed within 10 days after the effective date of the Marijuana Possession Decriminalization Clarification Temporary Amendment Act of 2106, enacted on February 18, 2016 (D.C. Act 21-319; 63 DCR 2211).

“(b) The Task Force shall consist of the following persons, or their designees:

“(1) The Director of the Alcoholic Beverage Regulation Administration;

“(2) The Director of the Department of Consumer and Regulatory Affairs;

“(3) The Director of the Department of Health;

“(4) The Chief of the Metropolitan Police Department;

“(5) The Attorney General for the District of Columbia; and

“(6) Two members of the Council of the District of Columbia, as appointed by the Council.

“(c)(1) The Task Force shall provide a report making recommendations regarding the licensing and operation of venues at which marijuana may be consumed that are within the lawful parameters for the possession, use, and transfer of marijuana set forth in section 401(a)(1) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)).

“(2) The report shall include the following:

“(A) Effective ways to regulate venues to ensure the health and safety of staff, members, and invitees and the health and safety of the nearby public and the general public;

“(B) Hours of operation;

“(C) Occupancy limits;

“(D) Whether food or beverages (alcoholic and non-alcoholic) may be sold on the premise;

“(E) The District agencies that should be involved in regulating the venues;

“(F) Security plans;

“(G) The amount of marijuana an individual shall be permitted to possess at the venue;

“(H) Whether a venue can store marijuana for a member, or invitee, of a venue;

“(I) Penalties for violating the regulations;

“(J) Licensing, including the requirements for licensure, such as proof of compliance with all applicable District laws, the application procedure, and fee structure;

“(K) Cost of membership or admission;

“(L) The limitations as to the location and the number of venues allowed to operate in the District;

ENROLLED ORIGINAL

“(M) How all District residents can utilize the benefits of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880);

“(N) Whether venues can operate in the District; and

“(O) Any other recommendations.

“(3) The Task Force shall complete its analysis and submit a report, along with any proposed recommendations, to the Council and the Mayor for review within 120 days after the creation of the Task Force.”.

Sec. 3. Section 47-2844(a-1)(1) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (B) is amended by striking the phrase “Title 48; or” and inserting the phrase “Title 48;” in its place.

(b) Subparagraph (C) is amended by striking the period at the end and inserting the phrase “; or” in its place.

(c) A new subparagraph (D) is added to read as follows:

“(D) Conduct that violates section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)). In addition, the Mayor shall revoke any certificate of occupancy or permit associated with the specific address or unit, whichever is more specific, of the holder of a certificate of occupancy or permit who knowingly permits a violation of section 301(a) of the Marijuana Possession Decriminalization Amendment Act of 2014, effective July 17, 2014 (D.C. Law 20-126; D.C. Official Code § 48-911.01(a)), to occur at the specific address or unit identified in the certificate of occupancy or permit.”.

Sec. 4. Fiscal impact statement.

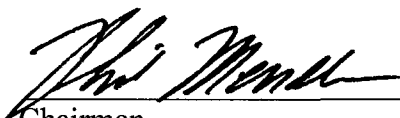
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

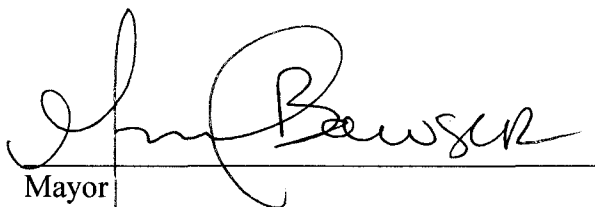
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2016

To amend, on an emergency basis, due to congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to approve the salary of the Director of the Homeland Security and Emergency Management Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Director of the Homeland Security and Emergency Management Agency Salary Approval Congressional Review Emergency Amendment Act of 2016”.

Sec. 2. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b), is amended by adding a new paragraph (2B) to read as follows:

“(2B) Notwithstanding paragraph (1) of this subsection, the Council approves an annual salary of \$215,035 for the position of Director of the Homeland Security and Emergency Management Agency Christopher Geldart.”.

Sec. 3. Applicability.

This act shall apply as of April 1, 2016.

Sec. 4. Fiscal impact statement.


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

ENROLLED ORIGINAL

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 26, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008 to clarify that certain contracts for development of Square 3128 are exempt from portions of the Procurement Practices Reform Act of 2010.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DMPED Procurement Clarification Emergency Amendment Act of 2016".

Sec. 2. Section 201 of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.11), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Any contract between the Deputy Mayor for Planning and Economic Development and a developer for the development of Square 3128 related to Zoning Commission Order No. Z.C. 13-14, or amendment to that order, shall not be subject to titles IV, V, and VI, and sections 702 and 1101 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §2-351.01 *et seq.*).”.

Sec. 3. Fiscal impact statement.

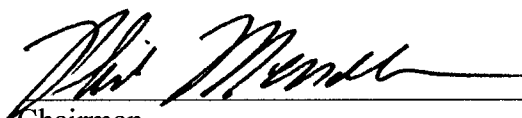
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 4. Effective date.

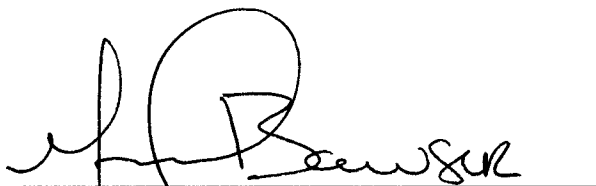
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, the Education Licensure Commission Act of 1976 to require that postsecondary educational institutions providing degree-granting or non-degree-granting online programs or courses to District residents must be licensed by the Higher Education Licensure Commission or authorized to operate in the District pursuant to a reciprocity agreement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Higher Education Licensure Commission Clarification Emergency Amendment Act of 2016”.

Sec. 2. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 38-1302) is amended as follows:

(1) Paragraph (4)(C) is amended by striking the phrase “through agents offers” and inserting the phrase “through agents or an online presence offers” in its place.

(2) A new paragraph (17) is added to read as follows:

“(17) “Reciprocity agreement” means an agreement joined by the District of Columbia with other member states, districts, or U.S. territories that establishes national standards for interstate offering of postsecondary distance education courses and programs.”.

(b) Section 6(b)(3) (D.C. Official Code § 38-1306(b)(3)) is amended by striking the phrase “45-day” both times it appears and inserting the phrase “14-day” in its place.

(c) Section 7(e) (D.C. Official Code § 38-1307(5)) is amended as follows:

(1) Strike the phrase “agreements with other jurisdictions as it relates to the licensing” and insert the phrase “reciprocity agreements with other jurisdictions that relate to the authorization” in its place.

(2) Strike the word “instruction” and insert the phrase “online instruction” in its place..

(d) Section 9 (D.C. Official Code § 38-1309) is amended as follows:

(1) Subsection (a-1) is repealed.

(2) Subsection (c-1) is amended by adding a new paragraph (3) to read as follows:

“(3) Paragraph (1) of this subsection shall not apply to a postsecondary educational institution that provides degree-granting or non-degree-granting online instruction to residents of the District through an online presence and that is authorized to operate in the District pursuant to a reciprocity agreement.”.

ENROLLED ORIGINAL

(e) A new section 9a is added to read as follows:

“Sec. 9a. Delivery of online instruction by a postsecondary educational institution.

“(a) A postsecondary educational institution may provide degree-granting or non-degree-granting online instruction to residents of the District through an online presence.

“(b) An educational institution that provides degree-granting or non-degree-granting online instruction to residents of the District through an online presence shall be deemed to be operating in the District, and shall either be:

“(1) Licensed by the Commission in accordance with this act; or

“(2) Authorized to operate in the District pursuant to a reciprocity agreement.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, due to congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to revise the salary limitation for the Chancellor of the District of Columbia Public Schools and to authorize the provision of certain employment benefits to the Chancellor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Chancellor of the District of Columbia Public Schools Salary and Benefits Approval Congressional Review Emergency Amendment Act of 2016".

Sec. 2. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase "the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$284,000)," and inserting the phrase "the Chancellor of the District of Columbia Public Schools Kaya Henderson (\$292,520)," in its place.

(b) Paragraph (3) is amended as follows:

(1) Designate the existing text as subparagraph (A).

(2) A new subparagraph (B) is added to read as follows:

"(B)(i) Notwithstanding subparagraph (A) of this paragraph and the Bonus and Special Pay Limitation Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), the Chancellor may be paid a recognition and renewal bonus of 5% of her annual base salary in 2016 and a performance bonus of up to 10% of her annual base salary for goals achieved by the end of the 2015-2016 school year.

"(ii) In addition to such other benefits as the Chancellor may be entitled to receive under existing law or regulation, and notwithstanding subparagraph (A) of this paragraph and section 1058, the Mayor may make a separation payment to the Chancellor of up to 24 weeks of the Chancellor's base salary if the Chancellor's contract is terminated for a reason other than criminal conduct, gross dereliction of duty, or gross misconduct, and the Mayor may make a payment to the Chancellor's executors, legal representatives, or administrators in the amount of 1/12 of the Chancellor's annual salary if the Chancellor dies during her term of employment."

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Sec. 3. Applicability.

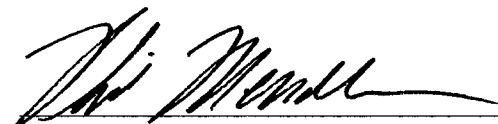
This act shall apply as of April 1, 2016.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To approve, on an emergency basis, multiyear Contract No. CW41701 with Systems and Methods, Inc. for the operation and maintenance of the District's State Disbursement Unit in support of the Child Support Enforcement Program, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW41701 Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW41701 with Systems and Methods, Inc. for the operation and maintenance of the District's State Disbursement Unit in support of the Child Enforcement Program, and authorizes payment in the total amount of \$8,340,000 for the services received and to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

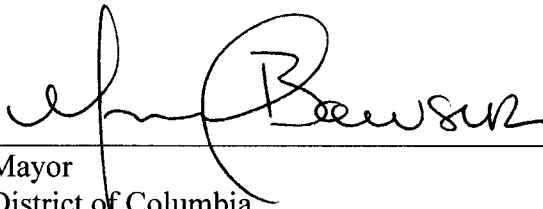
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, the Business Improvement Districts Act of 1996 to repeal the sunset provision.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Business Improvement Districts Sunset Repeal Emergency Amendment Act of 2016".

Sec. 2. Section 24(b) of the Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; 43 DCR 1698), is repealed.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED

April 27, 2016

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2016

To amend, on an emergency basis, due to congressional review, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that a District government attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment shall file a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals with the Department of Human Resources by December 15 of each year, to allow an attorney employed by the Council of the District of Columbia to file a Certificate of Good Standing with the Office of the Secretary to the Council of the District of Columbia, to allow the Director of the Department of Human Resources or the Secretary to the Council of the District of Columbia to verify good standing through electronic means, to clarify that the Director of the Department of Human Resources and the Secretary to the Council of the District of Columbia shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the Certificate of Good Standing filing requirement, and to authorize the Secretary to the Council of the District of Columbia to issue policy directives regarding timing, waiver, and notice of the Certificate of Good Standing filing requirement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Certificate of Good Standing Filing Requirement Congressional Review Emergency Amendment Act of 2016”.

Sec. 2. Section 881 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective July 25, 2002 (D.C. Law 14-182; D.C. Official Code § 1-608.81), is amended as follows:

(a) Subsection (a) is amended to read as follows:

“(a) Except as provided by the rules for temporary waiver of this requirement, each attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment, employed by the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or by any independent agency, shall file with the Department of Human Resources a Certificate of Good Standing from the

ENROLLED ORIGINAL

Committee on Admissions of the District of Columbia Court of Appeals by December 15 of each year; provided, that an attorney employed by the Council of the District of Columbia who is required to be a member of the District of Columbia Bar as a prerequisite of employment shall file a Certificate of Good Standing with the Office of the Secretary to the Council of the District of Columbia by December 15 of each year.”.

(b) A new subsection (a-1) is added to read as follows:

“(a-1) The Director of Human Resources or the Secretary to the Council of the District of Columbia may verify the good standing of an attorney, hearing officer, or administrative law judge subject to the requirement in subsection (a) of this section through electronic means with the Committee on Admissions of the District of Columbia Court of Appeals.”.

(c) Subsection (b) is amended to read as follows:

“(b) The Director of the Department of Human Resources and the Secretary to the Council of the District of Columbia shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the filing requirements of subsection (a) of this section.”.

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

(1) The lead-in language is amended by striking the phrase “Director of Personnel” and inserting the phrase “Director of the Department of Human Resources” in its place.

(2) Paragraph (3) is amended by striking the word “attorneys” and inserting the phrase “attorneys, hearing officers, or administrative law judges” in its place.

(e) A new subsection (c-1) is added to read as follows:

“(c-1) The Secretary of the Council of the District of Columbia may issue policy directives concerning:

“(1) The timing for filing the Certificate of Good Standing and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement may be granted by the personnel authority for the Council of the District of Columbia attorney; and

“(3) The procedures by which attorneys shall be notified of the filing requirement and whether they are in compliance with the requirement.”.

(f) Subsection (e) is amended by striking the phrase “an attorney” and inserting the phrase “an attorney, a hearing officer, or an administrative law judge” in its place.

Sec. 3. Applicability.

This act shall apply as of April 26, 2016.

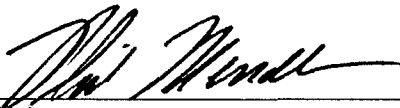
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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).

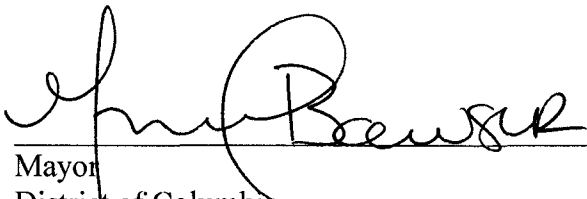
ENROLLED ORIGINAL

Sec. 5. Effective date.

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 26, 2016

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, the Fiscal Year 1997 Budget Support Act of 1996 to authorize the Mayor to waive or reduce permit fees, except for application fees, for the use of public space, public rights of way, and public structures for projects that are conducted by a civic association; and to amend section 24-225 of the District of Columbia Municipal Regulations to allow for the waiver or reduction of permit fees, except for application fees, for the use of public space, public rights-of-way, and public structures for projects that are conducted by a civic association.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Civic Associations Public Space Permit Fee Waiver Emergency Amendment Act of 2016”.

Sec. 2. Section 603a of the Fiscal Year 1997 Budget Support Act of 1996, effective December 2, 2011 (D.C. Law 19-48; D.C. Official Code § 10-1141.03a), is amended as follows:

- (a) Designate the existing text as subsection (a).
- (b) The newly designated subsection (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.
- (c) A new subsection (b) is added to read as follows:

“(b) For the purposes of this section, the term “civic association” means an organization that is:

“(1) Comprised of residents of the community within which the public space, public right of way, or public structure is located;

“(2) Operated primarily for the improvement of the community within which the public space, public right of way, or public structure is located; and

“(3) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3) or (4)).”.

Sec. 3. Section 24-225.12 of the District of Columbia Municipal Regulations is amended as follows:

ENROLLED ORIGINAL

- (a) Designate the existing text as paragraph (a).
- (b) The newly designated paragraph (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.
- (c) A new paragraph (b) is added to read as follows:

“(b) For the purposes of this subsection, the term “civic association” means an organization that is:

- “(1) Comprised of residents of the community within which the public space, public right-of-way, or public structure is located;
- “(2) Operated primarily for the improvement of the community within which the public space, public right-of-way, or public structure is located; and
- “(3) Exempt from taxation under section 501(c)(3) or (4) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(3) or (4)).”.

Sec. 4. Fiscal impact statement.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on an emergency basis, Chapter 13A of Title 47 of the District of Columbia Official Code to remove references to the discontinued Tax Sale Resource Center and to clarify the amounts required to be paid in order to receive a tax deed.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tax Sale Resource Center Clarifying Emergency Amendment Act of 2016".

Sec. 2. Chapter 13A of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1341 is amended as follows:

(1) Subsection (a)(2) is amended by striking the phrase:

"Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW."

(2) Subsection (b-1)(2) is amended by striking the phrase:

"Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW."

(b) Section 47-1353.01(b) is amended by striking the phrase:

"Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave., NW."

(c) Section 47-1382(b) is amended to read as follows:

"(b) Notwithstanding subsection (a)(1) of this section, upon issuance of a tax deed concerning a real property sold under § 47-1353(a)(3) or (b), the real property shall be free and clear of all prior taxes and liabilities owed by the real property to a taxing agency. The purchaser shall not be required to pay such prior taxes and liabilities to receive the tax deed."


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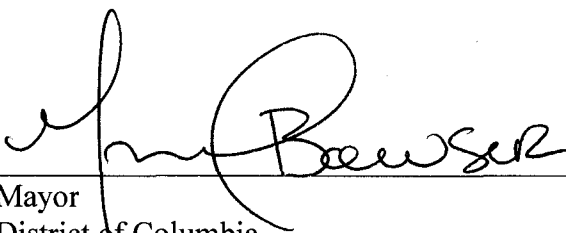
Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-374

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend the Department of Mental Health Establishment Amendment Act of 2001 to require all teachers and principals in public schools and public charter schools to complete the youth behavioral health program once every 2 years; to amend the State Education Office Establishment Act of 2000 to require the Office of the State Superintendent of Education (“OSSE”) to develop and publish online written guidance to assist local education agencies in developing and adopting policies and procedures for handling aspects of mental and behavioral health for students, to require OSSE to develop and annually publish online a catalogue of all professional development and training programs offered, to require OSSE to establish a pilot program for select District of Columbia public schools and public charter schools serving students in grades 7-10 to administer annual school climate surveys, and to require OSSE to annually report on school climate survey data.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Youth Suicide Prevention and School Climate Survey Amendment Act of 2016”.

Sec. 2. Section 115b of the Department of Mental Health Establishment Amendment Act of 2001, effective June 7, 2012 (D.C. Law 19-141; D.C. Official Code §7-1131.17), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended by striking the word “and” at the end.

(2) Paragraph (2) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (3) is added to read as follows:

“(3) Recognize the warning signs and risk factors for youth suicide and implement best practices for suicide prevention, suicide intervention, and suicide postvention.”.

(b) Subsection (b)(1) is amended by striking the phrase “Starting October 1, 2014, completion of the program shall be mandatory for all:” and inserting the phrase “Starting October 1, 2016, completion of the program shall be mandatory once every 2 years for all:” in its place.

ENROLLED ORIGINAL

(c) A new subsection (e) is added to read as follows:

“(e) For the purposes of this section, the term:

“(1) “Suicide intervention” means specific actions schools can take in response to student suicidal behavior, including:

“(A) Student supervision;

“(B) Notification of parents or guardians;

“(C) Crisis-response protocols;

“(D) When and how to request an immediate mental health assessment or emergency services; and

“(E) School re-entry procedures following a student mental health crisis.

“(2) “Suicide postvention” means planned support and interventions schools can implement after a suicide attempt or suicide death of a member of the school community that are designed to:

“(A) Reduce the risk of suicide contagion;

“(B) Provide support for affected students and school-based personnel;

“(C) Address the social stigma associated with suicide; and

“(D) Disseminate factual information about suicide.

“(3) “Suicide prevention” means specific actions schools can take to recognize and reduce suicidal behavior, including:

“(A) Identifying risk and protective factors for suicide and suicide warning signs;

“(B) Establishing a process by which students are referred to a behavioral health provider for help;

“(C) Making available school-based and community-based mental health supports;

“(D) Providing the location of available online and community suicide prevention resources, including local crisis centers and hotlines; and

“(E) Adopting policies and protocols regarding suicide prevention, intervention, and postvention, school safety, and crisis response.”.

Sec. 3. Section 3(b) of the State Education Office Establishment Act of 2000, effective October 21, 2000 (D.C. Law 13-176; D.C. Official Code § 38-2602(b)), is amended as follows:

(a) Paragraph (23) is amended by striking the word “and” at the end.

(b) Paragraph (24)(F) is amended by striking the period and inserting a semicolon in its place.

(c) New paragraphs (25), (26), and (27) are added to read as follows:

“(25)(A) Develop and publish online written guidance to assist LEAs in developing and adopting policies and procedures for handling aspects of student mental and behavioral health. The written guidance shall include model policies for identifying, appropriately supporting, and referring to behavioral health service providers students with mental and behavioral health concerns, and model policies for suicide prevention, suicide intervention, and suicide postvention, especially for at-risk youth sub-groups.

ENROLLED ORIGINAL

“(B) OSSE shall examine its guidance on mental and behavioral health in schools at least every 5 years and update its guidance as needed. Within 30 days of updating its guidance, OSSE shall notify LEAs of the update.

“(C) For the purposes of this paragraph, the term:

“(i) “At-risk youth sub-groups” means:

“(I) Youth living with mental illness or substance-use disorders;
 “(II) Youth who engage in self-harm or have attempted suicide;

“(III) Youth in out-of-home settings;

“(IV) Youth experiencing homelessness;

“(V) Youth who identify as lesbian, gay, bisexual, transgender, or questioning;

“(VI) Youth bereaved by suicide; and

“(VII) Other populations identified as at-risk of suicide in the most recent DC Youth Risk Behavior Survey results.

“(ii) “Suicide intervention” means specific actions schools can take in response to student suicidal behavior, including:

“(I) Student supervision;

“(II) Notification of parents or guardians;

“(III) Crisis-response protocols;

“(IV) When and how to request an immediate mental health assessment or emergency services; and

“(V) School re-entry procedures following a student mental health crisis.

“(iii) “Suicide postvention” means planned support and interventions schools can implement after a suicide attempt or suicide death of a member of the school community that are designed to:

“(I) Reduce the risk of suicide contagion;

“(II) Provide support for affected students and school-based personnel;

and
 “(III) Address the social stigma associated with suicide;

“(IV) Disseminate factual information about suicide.

“(iv) “Suicide prevention” means specific actions schools can take to recognize and reduce suicidal behavior, including:

“(I) Identifying risk and protective factors for suicide and suicide warning signs;

“(II) Establishing a process by which students are referred to a behavioral health provider for help;

“(III) Making available school-based and community-based mental health supports;

ENROLLED ORIGINAL

“(IV) Providing the location of available online and community suicide prevention resources, including local crisis centers and hotlines; and

“(V) Adopting policies and protocols regarding suicide prevention, intervention, and postvention, school safety, and crisis response;

“(26)(A) Develop and publish a publicly accessible online catalogue of all professional development or training programs offered by OSSE. For each professional development or training program, the catalogue shall include the following:

“(i) Date, time, and location of program sessions;

“(ii) A program description;

“(iii) The number of seats available per session of the program;

“(iv) Prerequisites for a particular session or program; and

“(v) Instructions for registration.

“(B) By June 30 of each year, beginning in 2017, OSSE shall publicly release its catalogue of professional development and training programs offered for the upcoming school year, and it shall periodically update the catalogue as additional programs are added; and

“(27)(A) Beginning in school year 2016-2017 and continuing through school year 2019-2020, implement a pilot program at select District of Columbia public schools and public charter schools for collecting school climate data through school climate surveys.

“(B) Pursuant to the pilot program, participating District of Columbia public schools and public charter schools, in conjunction with OSSE, shall annually issue a school climate survey to enrolled students in grades 7-10, school-based personnel, and the parents or legal guardians of enrolled students in grades 7-10.

“(C) Based on the survey data obtained pursuant to the pilot program described in subparagraph (A) of this paragraph, OSSE shall annually analyze school climate in the District and report its findings to the Mayor and the Council no later than October 1 following the school year in which the climate data was collected. Each annual report shall include an analysis of school climate data in light of participating schools’ student demographics, to be measured, at a minimum, by students’:

“(i) Race or ethnicity;

“(ii) Gender;

“(iii) Status as an English language learner;

“(iv) Status as a student with an individualized education program;

and

“(v) Status as an at-risk student, as defined by section 102(2A) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901(2A)).

“(D) By December 1, 2019, OSSE shall submit to the Council a plan to expand school climate surveys to all District of Columbia public schools and public charter schools serving any grade 6-12, beginning in school year 2020-2021.

“(E) For the purposes of this paragraph, the term “school climate survey” means a comprehensive Internet-based survey platform designed to be implemented by local

ENROLLED ORIGINAL

education agencies to collect data from students, parents, and school staff on 3 key domains of school climate:

“(i) Engagement, including cultural and linguistic competence, relationships, and participation;

“(ii) Safety, including emotional safety, physical safety, bullying and cyberbullying, substance use, and emergency readiness and management; and

“(iii) Environment, including physical environment, instructional environment, physical health, mental health, and discipline.”.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.


The Council adopts the fiscal impact statement in the committee report 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. Effective date.

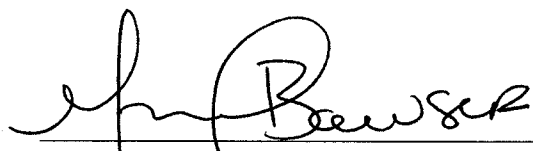
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-375

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 26, 2016

To amend section 2406 of Title 18 of the District of Columbia Municipal Regulations to require the Director of the District Department of Transportation (“DDOT”) to coordinate with the Fire and Emergency Medical Services Department (“FEMS”) to ensure adequate parking for FEMS personnel near firehouses or fire stations and to authorize the Director of DDOT to reserve parking spaces near a firehouse or fire station to accommodate one on-duty platoon of FEMS personnel.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Firehouse Parking Exception Regulation Amendment Act of 2016”.

Sec. 2. Section 2406 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2406) is amended by adding new subsections 2406.19 and 2406.20 to read as follows:

“2406.19 The Director of the District Department of Transportation shall coordinate with the Fire and Emergency Medical Services Department (“FEMS”) to ensure adequate parking at District firehouses and fire stations.

“2406.20 If a firehouse or fire station does not have adequate on-site parking to accommodate the personnel of one on-duty platoon, the Director of the District Department of Transportation may reserve parking within a distance not to exceed sixty feet (60 ft.) along the curb in front of, behind, or alongside of any building occupied by a firehouse or fire station for vehicles bearing special permits for FEMS personnel; provided, that the Director of the District Department of Transportation shall only reserve parking pursuant to this subsection to the extent necessary to accommodate parking at each firehouse or fire station for the personnel of one on-duty platoon.”.

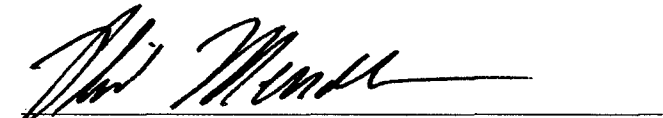
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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).

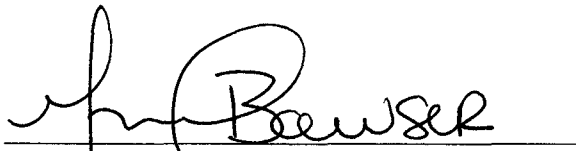
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in 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)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 26, 2016

ENROLLED ORIGINAL

AN ACT
D.C. ACT 21-376

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to approve the salary of the Director of the Homeland Security and Emergency Management Agency.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Director of the Homeland Security and Emergency Management Agency Salary Approval Temporary Amendment Act of 2016”.

Sec. 2. Section 1052(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52(b)), is amended by adding a new paragraph (2B) to read as follows:

“(2B) Notwithstanding paragraph (1) of this subsection, the Council approves an annual salary of \$215,035 for the position of Director of the Homeland Security and Emergency Management Agency Christopher Geldart.”.

Sec. 3. Fiscal impact statement.


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

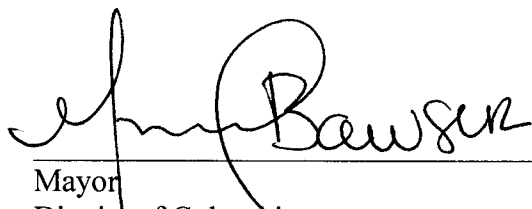
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in 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)), and publication in the District of Columbia Register.

ENROLLED ORIGINAL

(b) This act shall expire after 225 days of its having taken effect.


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
April 27, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-377

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 27, 2016

To amend, on a temporary basis, the Prevention of Child Abuse and Neglect Act of 1977 to include in the definition of case plan an additional requirement for children 14 years of age and older, to define the reasonable and prudent parent standard, to require that foster children receive a credit report on an annual basis beginning at 14 years of age, and to require the use of the reasonable and prudent parent standard by foster parents and group homes; and to amend section 16-2323 of the District of Columbia Official Code to require additional reporting requirements for children who have been placed in another planned permanent living arrangement.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Supporting Normalcy and Empowering Children in Foster Care Temporary Amendment Act of 2016".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 4-1301.02) is amended as follows:

(1) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the phrase "under the plan;" and inserting the phrase "under the plan. With respect to a child who has attained 14 years of age, the plan, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with up to 2 members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. The agency may reject an individual selected by a child to be a member of the case planning team at any time if the agency has good cause to believe that the individual would not act in the best interests of the child. One individual selected by a child to be a member of the child's case planning team may be designated to be the child's advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent parent standard to the child." in its place.

(B) Subparagraph (D) is amended by striking the phrase "16 years of age" and inserting the phrase "14 years of age" in its place.

(2) A new paragraph (16A) is added to read as follows:

"(16A) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best

ENROLLED ORIGINAL

interests of a child while at the same time encouraging the emotional and developmental growth of the child, that should be used when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.”.

(b) Section 303(a)(16)(A) (D.C. Official Code § 4-1303.03(a)(16)(A)) is amended as follows:

(1) Sub-subparagraph (ii) is amended by striking the phrase “District of Columbia; or” and inserting the phrase “District of Columbia;” in its place.

(2) Sub-subparagraph (iii) is amended by striking the phrase “terminated.” and inserting the phrase “terminated; or” in its place.

(3) A new sub-subparagraph (iv) is added to read as follows:

“(iv) The ward reaches 14 years of age and on an annual basis thereafter.”.

(c) A new section 303f is added to read as follows

“Sec. 303f. Reasonable and prudent parent standard.

“(a) Foster parents and group homes for children who have been abused or neglected shall use the reasonable and prudent parent standard when determining whether to allow a ward to participate in extracurricular, enrichment, cultural, and social activities.

“(b) The Agency, foster parents, and group homes shall not be held liable for any civil damages resulting from the application of, or the failure to apply, the reasonable and prudent parent standard, except in cases constituting gross negligence.”.

Sec. 3. Section 16-2323(d)(4) of the District of Columbia Official Code is amended as follows:

(a) Subparagraph (B) is amended by striking the word “and”.

(b) A new subparagraph (D) is added to read as follows:

“(D) For a child placed in another planned permanent living arrangement, the steps taken by the agency to ensure that the reasonable and prudent parent standard, as defined in section 102(16A) of the Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.02(16A)), has been followed and that the child has opportunities to engage in age-appropriate or developmentally appropriate activities; and”.

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).

ENROLLED ORIGINAL

Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in 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)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
April 27, 2016

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**

B21-715	Secondhand Property Sales Regulation Amendment Act of 2016 Intro. 4-25-16 by Councilmember Allen and referred to the Committee on Business, Consumer, and Regulatory Affairs
B21-723	Wage Enforcement Initiative Amendment Act of 2016 Intro. 4-28-16 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Business, Consumer, and Regulatory Affairs
B21-724	Immigration Services Protection Act of 2016 Intro. 4-29-16 by Chairman Mendelson at the request of the Attorney General and referred to the Committee on Judiciary
B21-736	Improving Access to Identity Documents Amendment Act of 2016 Intro. 5-3-16 by Councilmembers Grosso and Alexander and referred sequentially to the Committee on Judiciary until September 22, 2016, and then to the Committee on Transportation and the Environment

- B21-737 Advisory Neighborhood Commissions Access to Sign-Language Interpreters Amendment Act of 2016
- Intro. 5-3-16 by Councilmembers Allen and McDuffie and referred to the Committee on Housing and Community Development
-
- B21-738 Driver's License Fair Access and Equity Amendment Act of 2016
- Intro. 5-3-16 by Councilmembers Cheh Grosso, and Chairman Mendelson and referred to the Committee on Transportation and the Environment
-
- B21-739 TOPA Application-Assistance Program Amendment Act of 2016
- Intro. 5-3-16 by Councilmember Bonds and referred to the Committee on Housing and Community Development
-
- B21-740 Rental Housing Accommodation Nuisance Abatement Amendment Act of 2016
- Intro. 5-3-16 by Councilmember Bonds and referred to the Committee on Judiciary with comments from the Committee on Housing and Community Development
-
- B21-741 Recreation Center at 4th and Chesapeake Street Feasibility Study Act of 2016
- Intro. 5-3-16 by Councilmember May and referred to the Committee on Transportation and the Environment
-
- B21-742 Charitable Solicitations Relief Amendment Act of 2016
- Intro. 5-3-16 by Councilmembers Orange, Evans, and Nadeau and referred sequentially to the Committee on Business, Consumer, and Regulatory Affairs and the Committee of the Whole
-

PROPOSED RESOLUTIONS

- PR21-665 Housing Finance Agency Board of Directors Mr. Stanley Jackson Confirmation Resolution of 2016
- Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Community Development
-

- PR21-666 Not-for-Profit Hospital Corporation Board of Directors Chris G. Gardiner Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
-
- PR21-667 Not-for-Profit Hospital Corporation Board of Directors Khadijah Tribble Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
-
- PR21-668 Not-for-Profit Hospital Corporation Board of Directors Sean Ponder Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services
-
- PR21-669 Board of Library Trustees Kamili Anderson Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-
- PR21-670 Police Complaints Board Paul Ashton Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- PR21-671 Homeland Security Commission Darrell Darnell Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- PR21-672 Homeland Security Commission Daniel Kaniewski Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-

- PR21-673 Homeland Security Commission Rebecca Katz Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary
-
- PR21-674 Food Policy Council Alexandra Ashbrook Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-675 Food Policy Council Christopher Bradshaw Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-676 Food Policy Council Eric Kessler Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-677 Food Policy Council Caesar Layton Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-678 Food Policy Council Alexander Moore Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-679 Food Policy Council Paula Reichel Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- PR21-680 Food Policy Council Joelle Robinson Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-

PR21-681 Food Policy Council Tambra Raye Stevenson Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment

PR21-682 Historic Preservation Review Board Chris Landis Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-683 Historic Preservation Review Board Andrew Aurbach Confirmation Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR21-688 Homeland Security Commission Susan Reinertson Confirmation Resolution of 2016
Intro. 4-25-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary

PR21-689 Integrated Design and Electronics Academy Public Charter School Revenue Bonds Project Approval Resolution of 2016
Intro. 4-26-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue

PR21-694 Board of Podiatry Alison Garten Confirmation Resolution of 2016
Intro. 4-29-16 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health and Human Services

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/ABBREVIATED

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

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE ON

B21-0647, the “Rental Housing Late Fee Fairness Amendment Act of 2016”

and

B21-0646, the “Property Rehabilitation for Affordable Housing Act of 2016”

on

Monday, May 16, 2016, at 10:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Councilmember Anita Bonds, Chairperson of the Committee on Housing and Community Development, will hold a public hearing on B21-0647, the Rental Housing Late Fee Fairness Amendment Act of 2016 and B21-0646, the Property Rehabilitation for Affordable Housing Act of 2016. The public hearing will be held on Monday, May 16, 2016, at 10:00 AM in Room 500 of the John A. Wilson Building. **This notice is being revised to change the date of the hearing from May 11, 2016 to May 16, 2016.**

The stated purpose of B21-0646 is to transform vacant, blighted, and condemned properties, acquired through the tax sale process, into affordable housing. Residential units constructed or rehabilitated on these properties will be awarded to nonprofits and or/individuals in exchange for providing affordable housing units across all levels of area median income. The hearing will provide an opportunity for stakeholders and residents to provide comment on the legislation, specifically on use of the tax sale process to acquire properties, the imposed affordability levels, and the assistance with litigation costs associated with foreclosing on tax sale properties.

The stated purpose of B21-0647 is to regulate late fees imposed by a housing provider on a tenant for the late payment of rent. The bill defines the term "late payment" to mean rent that is unpaid within 10 days of the due date and caps late fees to 5% of the unpaid amount of rent. The bill also requires that the late fee be charged only once and correlate to the unpaid amount of rent and prohibits landlords from assessing late fees unless a written agreement between the landlord and tenant provides for the imposition of late fees. Finally, it provides for the imposition of a civil fine if its provisions are violated, and up to three times of the excess late fee collected to be transmitted to the tenant from the landlord.

Those who wish to testify are requested to telephone the Committee on Housing and Community Development, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on May 13, 2016. Persons wishing to testify are encouraged to submit 15 copies of written testimony. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Community Development, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 112, Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, May 30, 2016.

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

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

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

Announces a Public Hearing

on

- **B21-712, the “Fair Shot Minimum Wage Amendment Act of 2016”**

**Thursday, May 26, 2016, 11:00 A.M.
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr., announces the scheduling of a public hearing by the Committee on Business, Consumer, and Regulatory Affairs on B21-712, the “Fair Shot Minimum Wage Amendment Act of 2016”. The public hearing is scheduled for Thursday, May 26, 2016 at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

B21-712, the “Fair Shot Minimum Wage Amendment Act of 2016”, would increase the minimum wage in the District of Columbia to \$15.00 an hour by July 1, 2020. In addition, beginning on July 1, 2021, and during each successive year, the minimum wage would increase in proportion to the increase in the Consumer Price Index. The bill would also increase the minimum wage for any employee who receives gratuities to \$7.50 an hour by July 1, 2022 and to 50% of the minimum wage in each year thereafter. The bill would authorize certain penalties for an employer’s failure to comply with the minimum wage and reporting requirements for employees who receive gratuities. Finally, the bill would require the living wage to be at least equal to the minimum wage.

Individuals and representatives of organizations who wish to testify at the public hearing are asked to contact Faye Caldwell of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Tuesday, May 24, 2016. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Friday, May 27, 2016. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

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

B21-721, Medical Marijuana Cultivation Center Expansion Amendment Temporary Amendment Act of 2016, **B21-729**, Sales to Minors Penalty Clarification Temporary Amendment Act of 2016, **B21-735**, Sale of Synthetic Drugs Temporary Amendment Act of 2016, and **B21-745**, Mandatory Driver Instruction Regulation Temporary Amendment Act of 2016 were adopted on first reading on May 3, 2016. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on June 7, 2016

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 21-183: Request to reprogram \$3,199,000 of Fiscal Year 2016 Local funds budget authority within the Department of Youth Rehabilitation Services (DYRS) was filed in the Office of the Secretary on April 27, 2016. This reprogramming will ensure that DYRS will be able to cover professional services, equipment and machinery, and furniture and fixture costs, including a technical certification workshop for youth and the installation of security cameras at Group Home facilities.

RECEIVED: 14 day review begins April 28, 2016

Reprog. 21-184: Request to reprogram \$3,646,634 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 April 27, 2016. This reprogramming ensures that OSSE will be able to comply with requirements set by the Healthy Tots Act of 2014 legislation.

RECEIVED: 14 day review begins April 28, 2016

Reprog. 21-185: Request to reprogram \$200,000 of Capital funds budget authority and allotment within the Office of Unified Communications (OUC) was filed in the Office of the Secretary on April 27, 2016. This reprogramming is needed to support the cost of upgrades for IT applications and hardware replacement for items that have reached the end of their useful lifecycle.

RECEIVED: 14 day review begins April 28, 2016

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 6, 2016
 Petition Date: June 20, 2016
 Roll Call Hearing Date: July 5, 2016
 Protest Hearing Date: September 14, 2016

License No.: ABRA-102653
 Licensee: A-Team Importers, LLC
 Trade Name: A-Team Importers
 License Class: Retailer’s Class “A” Liquor Store
 Address: 4221 Connecticut Avenue, N.W. (Rear Access)
 Contact: Cary Greene/Alyssa McTimpeny: 202-973-4244/503-778-5469

WARD 3

ANC 3F

SMD 3F02

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

NATURE OF OPERATION

Online sales only.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES AND SERVICE

Sunday through Saturday 7am-12am

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

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016
Protest Hearing Date: September 14, 2016

License No.: ABRA-102759
Licensee: BB DC 1, LLC
Trade Name: Bareburger
License Class: Retailer's Class "C" Restaurant
Address: 1647 20th Street, N.W.
Contact: Kevin Lee: (703) 941-3133

WARD 2

ANC 2B

SMD 2B03

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 September 14, 2016 at 1:30 pm.

NATURE OF OPERATION

A restaurant providing a variety of burgers and drinks. Total number of seats: 48. Total Occupancy Load: 65. Total number of Sidewalk Cafe seats: 72.

HOURS OF OPERATION FOR THE PREMISES AND SIDEWALK CAFE

Sunday 10 am- 11 pm Monday through Friday 11 am- 11pm Saturday 10am – 11pm

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE FOR THE PREMISES AND SIDEWALK CAFE

Sunday through Saturday 12 pm- 11 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016
Protest Date: September 14, 2016

License No.: ABRA-102120
Licensee: Beefsteak Operator, LLC
Trade Name: Beefsteak
License Class: Retailer's Class "C" Restaurant
Address: 4531 Wisconsin Avenue, N.W.
Contact: Kayla Brown: (407) 506-0514

WARD 3 ANC 3E SMD 3E01

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

NATURE OF OPERATION

A fast casual restaurant offering unique vegetable-centered meals. Sidewalk Cafe with an occupancy load of 12 seats.

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

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: April 22, 2016
Petition Date: June 6, 2016
Hearing Date: June 20, 2016

License No.: ABRA-101583
Licensee: Bohemian Restaurants, LLC
Trade Name: Bistro Bohem
License Class: Retailer's Class "C" Restaurant
Address: 1840 6th Street, N.W.
Contact: Vendula Sidzina: 202-351-9008

WARD 6

ANC 6E

SMD 6E02

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add a Sidewalk Cafe with 19 seats.

CURRENT HOURS OF OPERATION

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

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday 10:00 am – 2:00 am, Monday through Thursday 11:30 am - 2:00 am, Friday 11:30 am- 3:00 am, Saturday 10:00 am - 3:00 am

PROPOSED HOURS OF OPERATION FOR SIDEWALK

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

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

Sunday 10:00 am – 1:00 am, Monday through Thursday 11:30 am - 1:00 am, Friday 11:30 am- 2:00 am, Saturday 10:00 am - 2:00 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-097672

License Class/Type: C Restaurant

Applicant: Paul Choi

Trade Name: Bonchon

ANC: 6D02

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

1015 HALF ST SE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11:30 am - 2 am	11:30 am - 2 am
Monday:	11:30 am - 2 am	11:30 am - 2 am
Tuesday:	11:30 am - 2 am	11:30 am - 2 am
Wednesday:	11:30 am - 2 am	11:30 am - 2 am
Thursday:	11:30 am - 2 am	11:30 am - 2 am
Friday:	11:30 am - 2 am	11:30 am - 2 am
Saturday:	11:30 am - 2 am	11:30 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-086701

License Class/Type: D Restaurant

Applicant: Soze, LLC

Trade Name: DC-3

ANC: 6B03

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

423 8TH ST SE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11am - 12am	11am - 12am
Monday:	11am - 12am	11am - 12am
Tuesday:	11am - 12am	11am - 12am
Wednesday:	11am - 12am	11am - 12am
Thursday:	11am - 12am	11am - 12am
Friday:	11am - 12am	11am - 12am
Saturday:	11am - 12am	11am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016

License No.: ABRA-097053
Licensee: Shabby, LLC
Trade Name: Due South
License Class: Retailer's Class "C" Restaurant
Address: 301 Water Street, S.E.
Contact: Andrew Kline: (202) 686-7600

WARD 6

ANC 6D

SMD 6D07

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Summer Garden endorsement with seating for 21.

CURRENT HOURS OF OPERATION ON PREMISE

Sunday through Thursday 11 am - 2 am, Friday and Saturday 11 am - 2:30 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE

Sunday through Thursday 11 am - 2 am, Friday and Saturday 11 am - 2 am

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

Sunday through Saturday 11am - 2 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-015698

License Class/Type: C Multipurpose

Applicant: Eritrean Cultural & Civic Center

Trade Name: Eritrean Cultural Center

ANC: 6E04

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

600 L ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-000779 License Class/Type: C Club

Applicant: The Historic Georgetown Club, Inc.

Trade Name: Georgetown Club at Suter Tavern

ANC: 2E03

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

1530 WISCONSIN AVE NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Monday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Tuesday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Wednesday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Thursday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Friday:	11:30 am - 1:30 am	11:30 am - 1:30 am
Saturday:	11:30 am - 1:30 am	11:30 am - 1:30 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016
Protest Hearing Date: September 14, 2016

License No.: ABRA-102696
Licensee: Grape Intentions Inc.
Trade Name: Grape Intentions Inc.
License Class: Retailer's Class "A" Liquor Store (Online)
Address: 440 L Street, N.W. #506
Contact: Brett Freeman: (415) 867-2202

WARD 6

ANC 6E

SMD 6E05

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 September 14, 2016 at 4:30 pm.

NATURE OF OPERATION

Class A Online Retailer that allows customers to subscribe to a wine subscription with monthly shipping.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7 am – 12 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-089126

License Class/Type: C Restaurant

Applicant: CANAL PARK ENTERTAINMENT, LLC

Trade Name: IL PARCO

ANC: 6D07

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

202 M ST SE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Summer Garden

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-008658

License Class/Type: C Restaurant

Applicant: La Fourchette Inc.

Trade Name: La Fourchette

ANC: 1C07

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

2429 18TH ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-093865

License Class/Type: D Restaurant

Applicant: PQ Mt Vernon Inc

Trade Name: Le Pain Quotidien

ANC: 6E05

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

433 MASSACHUSETTS AVE NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 10pm	8am - 10pm
Monday:	7am - 10pm	8am - 10pm
Tuesday:	7am - 10pm	8am - 10pm
Wednesday:	7am - 10pm	8am - 10pm
Thursday:	7am - 10pm	8am - 10pm
Friday:	7am - 10pm	8am - 10pm
Saturday:	7am - 10pm	8am - 10pm

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-060467

License Class/Type: C Restaurant

Applicant: 1600 U, Inc.

Trade Name: Local 16

ANC: 2B08

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

1600 U ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Dancing Entertainment Sidewalk Cafe Summer Garden

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: May 6, 2016
Petition Date: May 20, 2016
Hearing Date: July 5, 2016

License No. ABRA-060464
Licensee: 1600 U, Inc.
Trade Name: Local 16
License Class: "C" Restaurant
Address: 1600 U Street, NW

WARD: 2

ANC: 2B

SMD: 2B08

The Alcoholic Beverage Regulation Administration (ABRA) provides notice that the Licensee has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The current parties to the agreement(s) are: February 19, 2002, between Local 16 and ANC 1C, a second entered into February 20, 2007, between Local 16 and ANC 2B, and a third entered into July 20, 2011, between Local 16 and Balfour Condominiums.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-088258 **License Class/Type: C Restaurant**

Applicant: Matchbox 14th Street LLC

Trade Name: Matchbox

ANC: 1B12

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

1901 14TH ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-079276

License Class/Type: C Restaurant

Applicant: Matchbox Capitol Hill, LLC

Trade Name: Matchbox

ANC: 6B03

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

517 8TH ST SE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016

License No.: ABRA-075479
Licensee: Family's Corporation
Trade Name: My Canton Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 1772 Columbia Road, N.W.
Contact: Jose A. Polio: 202-797-7555

WARD 1

ANC 1C

SMD 1C07

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to add a Sidewalk Cafe with 8 seats.

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

Sunday 10:00 am – 2:00 am, Monday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am - 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday 8:00 pm – 1:00 am, Monday and Tuesday No Entertainment, Wednesday through Saturday 8:00 pm - 1:00 am

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

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

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-095684 **License Class/Type: C Multipurpose**

Applicant: National Theatre Corporation/SMG World/Jam Theatrical LTD

Trade Name: National Theatre

ANC: 2C01

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

1321 PENNSYLVANIA AVE NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12 pm - 11 pm	12 pm - 11 pm
Monday:	1 pm - 11 pm	1 pm - 11 pm
Tuesday:	1 pm - 11 pm	1 pm - 11 pm
Wednesday:	1 pm - 11 pm	1 pm - 11 pm
Thursday:	1 pm - 11 pm	1 pm - 11 pm
Friday:	12 pm - 12 am	12 pm - 12 am
Saturday:	12 pm - 12 am	12 pm - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-020455

License Class/Type: C Marine Vessel

Applicant: Potomac Party Cruises, Inc.

Trade Name: Nina's Dandy

ANC: 6D04

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

0 PRINCE ST

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	11 am - 11 pm
Monday:	9 am - 12 am	11 am - 11 pm
Tuesday:	9 am - 12 am	11 am - 11 pm
Wednesday:	9 am - 12 am	11 am - 11 pm
Thursday:	9 am - 12 am	11 am - 11 pm
Friday:	9 am - 12 am	11 am - 11 pm
Saturday:	9 am - 12 am	11 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-098268

License Class/Type: C Restaurant

Applicant: TNT LLC

Trade Name: Olivia's Diner

ANC: 2B06

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

1120 19TH ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7AM - 7AM	10AM - 2AM
Monday:	7AM - 7AM	8AM - 2AM
Tuesday:	7AM - 7AM	8AM - 2AM
Wednesday:	7AM - 7AM	8AM - 2AM
Thursday:	7AM - 7AM	8AM - 2AM
Friday:	7AM - 7AM	8AM - 3AM
Saturday:	7AM - 7AM	8am - 3AM

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-081175

License Class/Type: C Restaurant

Applicant: Saigon Bistro, LLC

Trade Name: Pho Eurasian

ANC: 2B02

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

2153 P ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 12 am	11 am - 11 pm
Monday:	11 am - 12 am	11 am - 11 pm
Tuesday:	11 am - 12 am	11 am - 11 pm
Wednesday:	11 am - 12 am	11 am - 11 pm
Thursday:	11 am - 12 am	11 am - 11 pm
Friday:	11 am - 12 am	11 am - 12 am
Saturday:	11 am - 12 am	11 am - 12 am

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-096627

License Class/Type: C Restaurant

Applicant: Pops Seabar, LLC

Trade Name: Pop's Seabar 1

ANC: 1C03

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

1817 COLUMBIA RD NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10am - 1:30am	10am - 1am
Monday:	10am - 1:30am	10am - 1am
Tuesday:	10am - 1:30am	10am - 1am
Wednesday:	10am - 1:30am	10am - 1am
Thursday:	10am - 1:30am	10am - 1am
Friday:	10am - 3am	10am - 2:30am
Saturday:	10am - 3am	10am - 2:30am

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-091030 License Class/Type: C Restaurant

Applicant: NEIGHBORHOOD RESTAURANT GROUP XVIII,LLC

Trade Name: Red Apron at Union Market

ANC: 5D01

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

1309 5TH ST NE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8am - 8:30pm	8am - 8:30pm
Monday:	11am - 8:30pm	11am - 8:30pm
Tuesday:	11am - 8:30pm	11am - 8:30pm
Wednesday:	11am - 8:30pm	11am - 8:30pm
Thursday:	11am - 8:30pm	11am - 8:30pm
Friday:	11am - 8:30pm	11am - 8:30pm
Saturday:	8am - 8:30pm	8am - 8:30pm

ENDORSEMENT(S): Summer Garden

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-014125

License Class/Type: C Restaurant

Applicant: ROTINI, INC.

Trade Name: Ristorante Piccolo

ANC: 2E05

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

1068 31ST ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11:30 am - 12 am	11:30 am - 12 am
Monday:	11:30 am - 11 pm	11:30 am - 11 pm
Tuesday:	11:30 am - 11 pm	11:30 am - 11 pm
Wednesday:	11:30 am - 11 pm	11:30 am - 11 pm
Thursday:	11:30 am - 11 pm	11:30 am - 11 pm
Friday:	11:30 am - 11 pm	11:30 am - 11 pm
Saturday:	11:30 am - 12 am	11:30 am - 12 am

ENDORSEMENT(S): Entertainment

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-092684

License Class/Type: C Restaurant

Applicant: 301 Romeo LLC

Trade Name: Romeo & Juliet

ANC: 6C02

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

301 MASSACHUSETTS AVE NE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 2am	8am - 2am
Monday:	7am - 2am	8am - 2am
Tuesday:	7am - 2am	8am - 2am
Wednesday:	7am - 2am	8am - 2am
Thursday:	7am - 2am	8am - 2am
Friday:	7am - 3am	8am - 3am
Saturday:	7am - 3am	8am - 3am

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-086790

License Class/Type: C Restaurant

Applicant: Good Neighbors, LLC

Trade Name: Salt & Pepper

ANC: 3D05

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

5125 MacArthur Boulevard BLVD NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	6 am - 11 pm	10 am - 11 pm
Monday:	6 am - 11 pm	10 am - 11 pm
Tuesday:	6 am - 11 pm	10 am - 11 pm
Wednesday:	6 am - 11 pm	10 am - 11 pm
Thursday:	6 am - 11 pm	10 am - 11 pm
Friday:	6 am - 12 am	10 am - 12 am
Saturday:	6 am - 12 am	10 am - 12 am

ENDORSEMENT(S): Summer Garden

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-013218

License Class/Type: C Restaurant

Applicant: La Taberna Del Alabardero Inc

Trade Name: Taberna Del Alabardero

ANC: 2B06

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

1776 I ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Entertainment Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION
ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-089801 License Class/Type: C Restaurant

Applicant: Ted's Bulletin 14th Street, LLC

Trade Name: Ted's Bulletin

ANC: 2B09

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

1818 14TH ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 2 am	8 am - 2 am
Monday:	7 am - 2 am	8am - 2 am
Tuesday:	7 am - 2 am	8 am - 2 am
Wednesday:	7 am - 2 am	8 am - 2 am
Thursday:	7 am - 2 am	8 am - 2 am
Friday:	7am - 3 am	8 am - 3 am
Saturday:	7 am - 3 am	8 am - 3 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-082569

License Class/Type: C Restaurant

Applicant: Four Partners LLC

Trade Name: Ted's Bulletin

ANC: 6B03

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

505 8th ST SE

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

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

ENDORSEMENT(S): Sidewalk Cafe

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: May 6, 2016
Petition Date: June 20, 2016
Hearing Date: July 5, 2016
Protest Hearing: September 14, 2016

License No.: ABRA-102592
Licensee: Dock 79 Restaurant, LLC
Trade Name: The Salt Line
License Class: Retailer's Class "C" Restaurant
Address: 7 Potomac Avenue, S.E.
Contact: Stephen O'Brien: 202 625-7700

WARD 6

ANC 6D

SMD 6D02

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such 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 September 14, 2016 at 1:30 pm.

NATURE OF OPERATION

New restaurant, specializing in oysters. Total Occupancy Load is 130. Summer Garden with 120 seats.

HOURS OF OPERATON OF PREMISES AND SUMMER GARDEN

Sunday through Thursday 8 am – 2:30 am, Friday and Saturday 8 am – 3:30 am

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

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-000645

License Class/Type: C Club

Applicant: The Sphinx Club

Trade Name: The Sphinx Club Inc

ANC: 2F08

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

1315 K ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 1 am	11 am - 1 am
Monday:	11 am - 1 am	11 am - 1 am
Tuesday:	11 am - 1 am	11 am - 1 am
Wednesday:	11 am - 1 am	11 am - 1 am
Thursday:	11 am - 1 am	11 am - 1 am
Friday:	11 am - 2 am	11 am - 2 am
Saturday:	11 am - 2 am	11 am - 2 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-100275

License Class/Type: C Restaurant

Applicant: SYSTEM D LLC

Trade Name: THE WYDOWN COFFEE BAR

ANC: 2B09

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

1924 14TH ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7am - 11pm	9AN - 11PM
Monday:	6am - 11pm	9AM - 11PM
Tuesday:	6am - 11pm	9AM - 11PM
Wednesday:	6am - 11pm	9am - 11am
Thursday:	6AM - 12AM	9am - 12am
Friday:	6AM - 12AM	9am - 12am
Saturday:	7AM - 12AM	9am - 12am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/6/2016**

Notice is hereby given that:

License Number: ABRA-076388

License Class/Type: C Restaurant

Applicant: VAP 1800 M Street, LLC

Trade Name: Vapiano

ANC: 2B06

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

1800 M ST NW

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

6/20/2016

A HEARING WILL BE HELD ON:

7/5/2016

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	10:00 am - 2:00 am	10:00 am - 2:00 am
Monday:	10:00 am - 2:00 am	10:00 am - 2:00 am
Tuesday:	10:00 am - 2:00 am	10:00 am - 2:00 am
Wednesday:	10:00 am - 2:00 am	10:00 am - 2:00 am
Thursday:	10:00 am - 2:00 am	10:00 am - 2:00 am
Friday:	10:00 am - 3:00 am	10:00 am - 3:00 am
Saturday:	10:00 am - 3:00 am	10:00 am - 3:00 am

ENDORSEMENT(S): Entertainment Summer Garden

FOR FURTHER INFORMATION CALL: (202) 442-4423

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

Posting Date: April 29, 2016
Petition Date: June 13, 2016
Hearing Date: June 27, 2016
**Protest Hearing: September 7, 2016

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

WARD 2

ANC 2F

SMD 2F05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 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 **September 7, 2016 at 1:30 pm.

NATURE OF OPERATION:

Restaurant serving Southern-style BBQ. Requesting Entertainment Endorsement for Live Entertainment and Cover Charge. Total Occupancy Load is 350 with seating for 55. No nude Performances.

HOURS OF OPERATON

Sunday through Thursday 7am-2am, Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****RESCIND**

Posting Date: April 29, 2016
Petition Date: June 13, 2016
Hearing Date: June 27, 2016

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

WARD 2

ANC 2F

SMD 2F05

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 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 **June 27, 2016 at 1:30 pm.

NATURE OF OPERATION:

Restaurant serving Southern-style BBQ. Requesting Entertainment Endorsement for Live Entertainment and Cover Charge. Total Occupancy Load is 350 with seating for 55. No nude Performances.

HOURS OF OPERATON

Sunday through Thursday 7am-2am, Friday and Saturday 7am-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

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

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, JUNE 21, 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 THREE

19263
ANC-3C **Application of Michael and Kimberly Baker**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the rear yard requirements under § 404, and the minimum required open court requirements under § 406, to construct a rear deck addition to an existing one-family dwelling in the R-4 District at premises 2629 Woodley Place N.W. (Square 2205, Lot 40).

WARD THREE

19279
ANC-3C **Application of Bridget Brink and Nicholas Higgins**, pursuant to 11 DCMR § 3104.1, for a special exception under § 223, not meeting the side yard requirements under § 405.9, to construct a two-story addition to an existing one-family dwelling in the R-2 District at premises 3512 Rodman Street N.W. (Square 1958, Lot 802).

WARD SIX

19280
ANC-6E **Application of Thomas E. Hardy**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 772.1, the open court requirements under § 776.1, and the nonconforming structure requirements under § 2001.3, to allow the conversion of an existing two-story, one-family dwelling into a three-story, four-unit apartment house in the C-2-A District at premises 1316 8th Street N.W. (Square 399, Lot 830).

WARD SIX

19281
ANC-6D **Application of DGS of DC**, pursuant to 11 DCMR §§ 3103.2, 3104.1, and 411.11, for a variance from the parking requirements under § 2100, and a special exception from the rooftop-mounted mechanical equipment requirements under §§ 411.6, 411.7, and 411.18, to permit the installation of new rooftop-mounted mechanical equipment to an existing public school in the R-5-B District at premises 1150 5th Street S.E. (Square 853N, Lot 809).

BZA PUBLIC HEARING NOTICE

JUNE 21, 2016

PAGE NO. 2

WARD ONE

19291 **Application of Geoffrey Earle and Cecilia Cortes-Earle**, pursuant to 11
ANC-1D DCMR § 3104.1, for a special exception under § 223, not meeting the lot
occupancy requirements under § 403.2, and the rear structure requirements under
§ 404.1, to construct a back deck to an existing one-family dwelling in the R-4
District at premises 1632 Hobart Street N.W. (Square 2591, Lot 790).

WARD FIVE

19296 **Application of James Little and William Colwell**, pursuant to 11 DCMR §
ANC-5E 3104.1, for a special exception from the rooftop structure requirements under §
400.24, to construct a third-story addition to an existing flat in the R-4 District at
premises 26 Adams Street N.W. (Square 3123, Lot 50).

WARD ONE

19297 **Application of Thor 3000 M Street LLC**, pursuant to 11 DCMR §§ 3103.2,
ANC-2E 3104.1, and 411, for a variance from the penthouse height requirements under §
770.6, the rear yard requirements under § 933, the off-street parking requirements
under § 2101.1, the size of parking space requirements under § 2115, the access,
maintenance, and operation requirements under § 2117, and the loading
requirements under § 2201.1, and a special exception from the penthouse use
requirements under § 411.4(c), and the penthouse setback requirements under §§
771, to permit the renovation and modernization of an existing hotel with
additional retail uses in the C-2-A and W-1 Districts at premises 3000 M Street
N.W. (Square 1197, Lot 70).

WARD ONE

**THIS CASE WAS POSTPONED FROM THE PUBLIC HEARING OF MAY 10, 2016 AT
THE APPLICANT'S REQUEST:**

19256 **Application of Kerry Reichs**, pursuant to 11 DCMR § 3103.2, for a variance
ANC-1D from the nonconforming structure requirements under § 2001.3, to permit an
addition to an existing one-family dwelling in the R-4 District at premises 1716
Hobart Street N.W. (Square 2588, 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

BZA PUBLIC HEARING NOTICE

JUNE 21, 2016

PAGE NO. 3

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.

**Note that party status is not permitted in Foreign Missions cases.*

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

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

learning which shares a common origin in the United Methodist faith. To date, no lease has been finalized between the Applicant and AU. In pursuing its lease negotiations with AU, the Applicant is committed to incorporating measures that will safeguard the community and the integrity of the Seminary and its spiritual mission. These AU students will be limited to mature juniors and seniors who will be screened by the Applicant for compatibility and be subject to its community covenants and discipline, including expulsion. The AU students will also remain subject to AU's code of conduct and be directly supervised by AU Resident Assistants living in Straughn Hall. No parking for the AU students will be provided or allowed on the Wesley Campus. The AU students will be provided security card access through a fence directly to the AU Campus which will minimize pedestrian traffic on Massachusetts Avenue between the two campuses. Wesley will request AU to extend its campus security to the Wesley Campus.

In order to accommodate the ongoing use of the authorized, but vacant beds on the Wesley Campus, the Applicant requests the following modification (**in bold**) of Condition No. 5:

The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan. **In the event any of the 49 beds currently in Straughn Hall ("Straughn Beds") are not needed to house Wesley students:**

- a. **Applicant may allow the Straughn Beds to be leased and occupied by full-time graduate students from American University;**
- b. **For the 2016-2017 academic year beginning in the fall 2016, Applicant may lease to American University the Straughn Beds for occupancy by no more than 55 full-time junior and senior AU students, including Resident Assistants; and**
- c. **No Wesley students shall be denied housing to allow for housing of non-Wesley students.**

Consistent with 11 DCMR § 3129.8, the scope of the public hearing is limited and shall not permit the Zoning Commission to revisit its original decision.

PLEASE NOTE:

- Failure of the Applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.
- Failure of the Applicant to be adequately prepared to present the application to the Commission, and address the required standards of proof for the application, may subject the application to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

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

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

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

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

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

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

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

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

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

sophomore students and for 62% of all full-time undergraduates. All of the freshman and sophomore housing and 58% of the housing for full-time undergraduates shall be located entirely on campus. By the start of the fall 2017 Semester, the University shall maintain a supply of on campus housing sufficient to make housing available for 100% of its full-time freshman and sophomore students and for 67% of all full-time undergraduates. Nothing in this condition is intended to preclude the University from continuing to house undergraduate students who are not freshmen or sophomores off-campus after the fall 2016 semester begins; provided that the University maintains the minimum percentage of on-campus housing required. (*Proposed changes in bold and italics.*)

Consistent with 11 DCMR § 3129.8, the scope of the public hearing is limited and shall not permit the Zoning Commission to revisit its original decision.

PLEASE NOTE:

- Failure of the Applicant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Commission.
- Failure of the Applicant to be adequately prepared to present the application to the Commission, and address the required standards of proof for the application, may subject the application to postponement, dismissal, or denial.

The public hearing in this case will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3117.4 of the Regulations, the Commission will impose time limits on the testimony of all individuals.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

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

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Thursday, June 23, 2016, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NOS. 15-24 and 15-24A (Gallaudet University and The JBG Companies – Review and Approval of a First-Stage Planned Unit Development and Related Map Amendment (Square 3591, Lot 4; Parcels 129/70, 129/103, 129/106, 129/112) (“Property”))

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

On October 15, 2015, the Office of Zoning received an application from Gallaudet University and The JBG Companies (collectively, the “Applicant”) requesting approval of a first-stage planned unit development (“PUD”) and PUD-related map amendment for a portion of the Florida Avenue Market (Case No. 15-24). On November 24, 2015, the Applicant submitted a letter clarifying that Parcel IV (defined below) was not contiguous with the other three parcels and constitutes a separate case (Case No. 15-24A). Given the relationship between Case Nos. 15-24 and 15-24A, the Applicant asked that the Commission hear both cases at the same time. The Office of Planning submitted a report in support of setting both applications down for a public hearing on January 14, 2016. On February 8, 2016, the Commission set down the applications for a public hearing and granted the Applicant’s request to hear both cases at the same time and stated that all submissions are to be filed under Z.C. Case No. 15-24. The Applicant provided its prehearing statement for both cases on April 11, 2016.

The property that is the subject of these applications consists of approximately 273,514 square feet of land area and is located on the north side of Florida Avenue, south of Penn Street, and between 5th Street and Gallaudet University’s campus. The Property has been divided into four parcels: Parcel I, Parcel II, Parcel III, and Parcel IV. Parcels I and II are located to the east of 6th Street; Parcels III and IV are located between 5th and 6th Streets. All four parcels are located in the C-M-1 Zone District. The Applicant seeks to rezone Parcel I and II to the C-3-A Zone District and Parcels III and IV to the C-3-C Zone District.

The Applicant proposes to develop a mixed-use development on the parcels. Parcel I will include University support space, office and retail uses; Parcel II will include university support space, retail, and residential uses; Parcel III will include ground floor retail and residential above; and Parcel IV will include ground floor retail with residential uses above. Once completed, the PUD will include approximately 1,850 units, 135,000 square feet of retail, 45,000 square feet of university support space and 65,000 square feet of office use. Parcels III and IV seek flexibility

to allow office use for a portion of the proposed residential space in the event market conditions allow.

Parcel I will have a FAR of 2.61, maximum height of 70 feet, a lot occupancy of 60% and will include approximately 135 parking spaces. Parcel II will have a FAR of 2.69, a maximum height of 70 feet, a lot occupancy of 60% and include approximately 100 parking spaces. Parcel III will have a FAR of 7.76, a maximum height of 120 feet, a lot occupancy of 73% and include approximately 405 parking spaces. Parcel IV will have a FAR of 7.44, a maximum height of 120 feet, a lot occupancy of 82% and will include approximately 355 parking spaces.

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

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3106.2.

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

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

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

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

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

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

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

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

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

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

TIME AND PLACE: **Thursday, June 30, 2016, @ 6:30 P.M.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 15-33 (Insight E Street, LLC – Consolidated PUD & Related Map Amendment @ Square 1043, Lots 128, 156, 157, 818, and 819)

THIS CASE IS OF INTEREST TO ANC 6B

On December 22, 2015, the Office of Zoning received an application from Insight E Street, LLC (the "Applicant") requesting approval of a consolidated planned unit development ("PUD") and related zoning map amendment from the C-M-1 Zone District to the R-5-B Zone District for property located at Square 1043, Lots 128, 156, 157, 818, and 819 (the "Property"). The Office of Planning submitted a report to the Zoning Commission, dated January 28, 2016. At its February 8, 2016, public meeting, the Zoning Commission voted to set down the application for a public hearing. The Applicant provided its prehearing statement on April 8, 2016.

The Property that is the subject of this application is bounded by E Street, S.E., to the north, a public alley to the west, a public alley to the south, and residential property and a public alley to the east. The Property contains approximately 41,183 square feet of land area and is presently used as a trash truck facility, an auto collision repair center, and unimproved parking areas for the trash truck facility and auto collision repair center. The Property is located in Ward 6 and is within the boundaries of Advisory Neighborhood Commission ("ANC") 6B.

The PUD is proposed to be a residential building with approximately 123,549 square feet of gross floor area (3.0 FAR) and approximately 153 units. The maximum height of the building is proposed to be 46 feet, 3 inches to the highest point of the roof and 50 feet, 3 inches to the top of the parapet. The PUD would include a habitable penthouse with a proposed height of 13 feet to the top of the screen wall, and a mechanical penthouse, which would have a maximum height of 15 feet. The PUD also would include approximately 90 parking spaces. As a result of the PUD related map amendment, the property would become subject to the Inclusionary Zoning Regulations. The PUD therefore will contain approximately 11,518 square feet of floor area set aside for Inclusionary Units. Approximately 5,484 square feet of the floor area will be set aside for households with a total annual income equal to less than 80% of the AMI and 6,034 square feet of floor area will be set aside for households with a total annual income equal to less than 50% of the AMI.

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

How to participate as a witness.

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

How to participate as a party.

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

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

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

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in § 3012.5(a) through (i).

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

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

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

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

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

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

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

TIME AND PLACE: **Monday, July 18, 2016, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 16-08 (Text Amendments to Current Version of 11 DCMR (Zoning) Chapter 3 and to the Adopted but not yet Effective Replacement Version of 11 DCMR (Zoning) Subtitle U, Chapter 3 – Continuation of Conforming Status of Certain Multiple Dwellings in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589)

THIS CASE IS OF INTEREST TO ANC 1C

On March 21, 2016, at the public hearing for Zoning Commission map amendment Case No. 15-09, the Commission requested that the Office of Planning prepare a text amendment that would allow existing multi-family dwellings to continue as conforming uses once the proposed remapping to R-4 was approved. The Office of Planning submitted a memo that among other things suggested a text amendment that would render existing apartment buildings conforming, as well as apartment buildings for which a building permit was applied for prior to setdown. The Office of Planning later supplemented that report to add additional text to allow for small modifications to submitted permits, as well as to ensure that the text amendment language is read as narrowly as possible.

At a public meeting on April 11, 2016, the Zoning Commission set down the suggested text for a public hearing. The Office of Planning's reports served as the supplemental filing described in § 3013.

The current version of Title 11 DCMR (Zoning) is proposed to be amended as follows:

Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 330, R-4 DISTRICTS: GENERAL PROVISIONS, is amended by inserting the following new mater of right use in alphabetical order:

Multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid Certificate of Occupancy, or under review for a building permit as of December 14, 2015, provided that the multiple dwelling shall not be expanded in floor area or in number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered. Notwithstanding § 3202.5(a), said building permit applications may be revised to address structural, mechanical, building code, or other similar issues raised during review, or to bring the building into greater compliance with zoning, so long as the proposed building

does not expand in volume, number of stories or number of units, all as stated in the initial building permit application and plans.

The replacement version of Title 11 DCMR adopted by the Zoning Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register* to become effective on September 6, 2016 is proposed to be amended as follows:

Subtitle U, USE PERMISSIONS, Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, § 301, MATTER-OF-RIGHT USES (RF), is amended by inserting the following new matter of right use in alphabetical order:

Multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid Certificate of Occupancy, or under review for a building permit as of December 14, 2015, provided that the multiple dwelling shall not be expanded in floor area or in number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered. Notwithstanding § 3202.5(a), said building permit applications may be revised to address structural, mechanical, building code, or other similar issues raised during review, or to bring the building into greater compliance with zoning, so long as the proposed building does not expand in volume, number of stories or number of units, all as stated in the initial building permit application and plans.

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

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

How to participate as a witness.

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

Time limits.

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

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

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

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

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

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

DEPARTMENT OF BEHAVIORAL HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Behavioral Health (“the Department”), pursuant to the authority set forth in Sections 5113, 5115, 5117 and 5118 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code §§ 7-1141.02, 7-1141-04, 7-1141.06 and 7-1141.07 (2012 Repl.)), hereby gives notice of the adoption of a new Chapter 64 (Reimbursement Rates for Services Provided by the Department of Behavioral Health Chapter 63 Certified Substance Use Disorder Providers) to Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of these rules is to set forth the reimbursement rates for services provided to eligible District residents, twenty-one (21) years of age or older, by substance use disorder treatment and recovery providers who have been certified pursuant to Chapter 63 of this title and have an active Human Care Agreement with the Department to provide such services.

The Department of Behavioral Health created new certification standards promulgated in Chapter 63 of this title to 1) generally update the substance use disorder treatment and recovery service requirements to reflect improvements in the American Society of Addiction Medicine (“ASAM”) practice guidelines; 2) align the certification requirements with other certified programs within the authority of the Department of Behavioral Health; and 3) include the requirements of the Adult Substance Abuse Rehabilitation Services (“ASARS”) State Plan Amendment (“SPA”) which enables Medicaid reimbursement for services falling within the ASARS requirements. This reimbursement rule is necessary in order to reimburse providers using non-Medicaid local District funds for non-Medicaid services provided under that chapter.

The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 22, 2016 at 63 DCR 000922. No comments were received and no substantive changes have been made. The Director adopted these rules as final on March 29, 2016 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Title 22-A DCMR, MENTAL HEALTH, is amended by adding a new Chapter 64 to read as follows:

**CHAPTER 64 REIMBURSEMENT RATES FOR SERVICES PROVIDED BY THE
DEPARTMENT OF BEHAVIORAL HEALTH CHAPTER 63
CERTIFIED SUBSTANCE USE DISORDER PROVIDERS**

6400 PURPOSE

6400.1 This chapter establishes the reimbursement rate for services provided to eligible District residents ages twenty-one (21) and older by Department of Behavioral Health (Department) certified substance use disorder providers, as this term is defined in Chapter 63 (Certification Standards for Substance Use Disorder

Treatment and Recovery Providers) of Subtitle A (Mental Health) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

6400.2 Establishment of these reimbursement rates will allow the Department to reimburse providers using non-Medicaid local funds for services provided in accordance with the Human Care Agreement to those clients who are not eligible for Medicaid funding, and for those services that are not reimbursable by Medicaid. Reimbursement rates using non-Medicaid local funds are equivalent to the reimbursement rates for equivalent services that may be reimbursable by Medicaid.

6400.3 Nothing in this chapter grants to a certified substance use disorder provider the right to reimbursement for costs of substance use disorder services and supports. Eligibility for reimbursement is determined solely by the Human Care Agreement between the Department and the certified substance use disorder provider, and reimbursement is subject to the availability of appropriated funds.

6401 REIMBURSEMENT RATE

6401.1 Reimbursement for substance abuse services shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003	15.00	Per service
Breathalyzer Collection	H0048	8.80	Per service
Urinalysis Collection	H0048LR	8.80	Per service
Case Management	H0006	21.97	15 min.
Case Management (HIV)	H0006HKHF	21.97	15 min.
Clinical Care Coordination	T1017HF	26.42	15 min.
Counseling, Group	H0005	8.00	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Counseling, Group, Psycho-educational	H2027HQ	6.65	15 min.
Counseling, Group, Psycho-educational (HIV)	H2027HQHF	6.65	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HF	26.42	15 min.
Counseling, Individual, Off-site	H0004HFTN	27.45	15 min.
Counseling, Family with Client	H0004HFHR	26.42	15 min.
Counseling, Family without Client	H0004HFHS	26.42	15 min.
Crisis Intervention	H0007HF	36.93	15 min.
Short-term MMIWM	H0010	605.00	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HF	85.34	Per service
Behavioral Health Assessment, on-going, Risk Rating	H0002TG	140.00	Per service
Diagnostic Assessment, Comprehensive, Adult	H0001	256.02	Per service
Diagnostic Assessment, Brief, Modify Tx Plan	H0001TS	85.34	Per service

SERVICE	CODE	RATE per UNIT	UNIT
Medication Assisted Treatment, Methadone, Clinic or Take Home	H0020	8.58	Dose
Medication Assisted Therapy, Administration	H0020HF	8.58	Per Service
Medication Management, Adult	H0016	44.65	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HF	57.42	15 min.
Residential Treatment, Room & Board	H0043	72.90	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UN	210.00	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UP	215.00	Per diem
Residential Treatment, Room & Board, Woman w/3 children	H0043UQ	220.00	Per diem
Residential Treatment, Room & Board, Women w/4 or more children	H0043UR	225.00	Per diem

SERVICE	CODE	RATE per UNIT	UNIT
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HF	85.34	Per service
Case Management, Recovery Support	T1017	21.97	15 min.
Environmental Stability, Supported Housing, Individual	H0044HF	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUN	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HF	21.97	15 min.
Training and Skills Development, Life Skills, Individual	H2014	21.97	15 min.
Training and Skills Development, Life Skills, Adult, Group	H2014HQ	6.65	15 min.
Substance Use Disorder Services NOS, Spiritual Support Group	H0047HF	6.65	15 min.
PsychoSocial Rehabilitative Service, Recovery Social Activities, Group	H2017HQ	6.65	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HF	21.97	15 min.
PsychoSocial Rehabilitative Service, Education Services, Group	H2017HFHQ	6.65	15 min.

6402 REIMBURSEMENT RATE FOR CLIENTS WHO ARE DEAF OR HARD-OF-HEARING

6402.1 Reimbursement for substance abuse services provided to clients who are deaf or hard-of-hearing by a provider certified to provide services to clients who are deaf or hard-of-hearing shall be as follows:

SERVICE	CODE	RATE per UNIT	UNIT
Urinalysis (Laboratory)	H0003HK	15.00	Per service
Breathalyzer Collection	H0048HK	11.88	Per service
Urinalysis Collection	H0048LRHK	11.88	Per service
Case Management	H0006HK	29.66	15 min.
Case Management (HIV)	H0006HKHFHV	29.66	15 min.
Clinical Care Coordination	T1017HFHK	35.67	15 min.
Counseling, Group	H0005HK	10.80	15 min.
Counseling, Group, Psycho-educational	H2027HQHK	8.97	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Counseling, Group , Psycho-educational (HIV)	H2027HQHFHK	8.97	15 min.
Counseling, Individual, On-site, Behavioral Health Therapy	H0004HFHK	35.68	15 min.
Counseling, Individual, Off-site	H0004HFTNHK	37.06	15 min.
Counseling, Family with Client	H0004HFHRHK	35.68	15 min.
Counseling, Family without Client	H0004HFHSHK	35.68	15 min.
Crisis Intervention	H0007HFHK	49.85	15 min.
Short-term MMIWM	H0010HK	816.75	Per diem
Behavioral Health Screening, Initial, Determine eligibility	H0002HFHK	115.21	Per service
Behavioral Health Assessment, on-going, Risk Rating	H0002TGHK	189.00	Per service
Diagnostic Assessment, Comprehensive, Adult	H0001HK	345.63	Per service
Diagnostic Assessment, Brief, Modify Treatment Plan	H0001TSHK	115.21	Per Service
Medication Assisted Treatment, Methadone, Clinic or	H0020HK	8.58	Dose

SERVICE	CODE	RATE per UNIT	UNIT
Take Home			
Medication Assisted Therapy, Administration	H0020HFHK	11.58	Service
Medication Management, Adult	H0016HK	60.28	15 min.
Multi-systemic Therapy for Transition Age Youth (TAY) (ACRA) (ages 21 – 24)	H2033HFHK	77.52	15 min.
Residential Treatment, Room & Board	H0043HK	98.42	Per diem
Residential Treatment, Room & Board, Woman w/1 child	H0043UNHK	283.50	Per diem
Residential Treatment, Room & Board, Woman w/2 children	H0043UPHK	290.25	Per diem
Residential Treatment, Room & Board, Woman w/3 children	H0043UQHK	297.00	Per diem
Residential Treatment, Room & Board - Women w/4 or more children	H0043URHK	303.75	Per diem
Recovery Support Evaluation, Alcohol/drug Assessment	H0001HK	115.21	Per service

SERVICE	CODE	RATE per UNIT	UNIT
Case Management, Recovery Support	T1017HFHK	29.66	15 min.
Environmental Stability, Supported Housing, Individual	H0044HFHK	849.00	Per month
Environmental Stability, Supported Housing, Woman w/children	H0044HFUNHK	1000.00	Per month
Prevention Education Service, Recovery Mentoring, Coaching	H0025HFHK	29.66	15 min.
Training and Skills Development, Life Skills, Individual	H2014HK	29.66	15 min.
Training and Skills Development, Life Skills, Adult, Group	H2014HQHK	8.98	15 min.
Substance Use Disorder Services NOS, Spiritual Support Group	H0047HFHK	8.98	15 min.
PsychoSocial Rehabilitative Service, Recovery Social Activities, Group	H2017HQHK	8.98	15 min.
PsychoSocial Rehabilitative Service, Education Services, Individual	H2017HFHK	29.66	15 min.
PsychoSocial Rehabilitative	H2017HFHQHK	8.98	15 min.

SERVICE	CODE	RATE per UNIT	UNIT
Service, Education Services, Group			

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 774; D.C. Official Code § 1-307.02 (2012 Repl. & 2015 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption of an amendment to Section 903 (Outpatient and Emergency Room Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The effect of these rules is to provide supplemental payments to eligible hospitals located within the District of Columbia that participate in the Medicaid program for outpatient hospital services.

The corresponding amendment to the District of Columbia State Plan for Medical Assistance (“State Plan”) requires approval by the Council of the District of Columbia (Council) and the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The Council approved the State Plan through the Fiscal Year 2016 Budget Support Act of 2015, signed August 11, 2015 (D.C. Act 21-148; 62 DCR 10905 (August 14, 2015)). CMS approved the corresponding State Plan Amendment on February 4, 2016.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on November 13, 2015 at 62 DCR 14908, and a Notice of Second Emergency and Proposed Rulemaking was published in the *D.C. Register* on February 19, 2016 at 63 DCR 001983. No comments were received and no substantive changes were made. The Director adopted these rules as final on April 27, 2016 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 903, OUTPATIENT AND EMERGENCY ROOM SERVICES, is amended by adding the following new Subsection 903.31:

- 903.31 Beginning FY 2016, each eligible hospital shall receive a supplemental hospital access payment calculated as set forth below:
- (a) Except as provided in Subsection (c) and (d), for visits and services beginning October 1, 2015, and ending on September 30, 2016, quarterly access payments shall be made to each eligible private hospital. Each payment shall be an amount equal to each hospital’s Fiscal Year (FY) 2013 outpatient Medicaid payments divided by the total in District private hospital FY 2013 hospital outpatient Medicaid payments, and multiplied by one quarter (1/4) of

the total outpatient private hospital access payment pool. The total outpatient private hospital access payment pool shall be equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for FY 2016 as determined by the State Medicaid agency;

- (b) Applicable private hospital FY 2013 outpatient Medicaid payments shall include all outpatient Medicaid payments to Medicaid participating hospitals located within the District of Columbia except for the United Medical Center;
- (c) In no instance shall a Disproportionate Share Hospital (DSH) hospital receive more in quarterly access payments than the hospital-specific DSH limit, as adjusted by the District in accordance with the District's State Plan for Medical Assistance (State Plan). Any private hospital quarterly access payments that would otherwise exceed the adjusted hospital-specific DSH limit, shall be distributed to the remaining qualifying private hospitals based on each hospital's FY 2013 outpatient Medicaid payments relative to the total qualifying private hospital FY 2013 outpatient Medicaid payments;
- (d) For visits and services beginning October 1, 2015, quarterly access payments shall be made to the United Medical Center. Each payment shall be equal to one quarter (1/4) of the public hospital access payment pool. The total public hospital access payment pool shall be equal to the lessor of the available spending room under the District-operated hospital outpatient Medicaid upper payment limit for FY 2016, and the United Medical Center DSH limit as adjusted by the District in accordance with the State Plan;
- (e) Payments shall be made fifteen (15) business days after the end of the quarter for the Medicaid visits and services rendered during that quarter; and
- (f) For purposes of this section, the term Fiscal Year shall mean dates beginning on October 1st and ending on September 30th.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia (District) 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 (2012 Repl. & 2015 Supp.)) and 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 adopts an amendment to Section 938 (Increased Reimbursement for Eligible Primary Care Services) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

This rule grants permanent authority to continue enhanced Medicaid reimbursement rates for specific primary care services, such as evaluation and management (E&M) services and immunization administration, provided by primary care services providers enrolled in the fee-for-service (FFS) program who meet specific eligibility requirements. Additionally, this rule will extend these enhanced rates when the same services are provided by psychiatrists, obstetricians and gynecologists (OB\GYNS), and advanced practice registered nurses (APRNs) who meet the program's eligibility requirements.

The Patient Protection and Affordable Care Act, as amended by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub.L. 111-152, 124 Stat. 1029), required the Medicaid program to increase reimbursement for specific primary care services furnished by certain primary care physicians to one hundred percent (100%) of the Medicare fee schedule in calendar years 2013 and 2014. DHCF, through the approval of a subsequent State Plan Amendment, extended the enhanced payment rates through the end of FY 2015. However, neither the ACA, nor the subsequent extension by the District, authorized enhanced payment rates to other types of physicians and providers who deliver these same primary care services, such as psychiatrists, OB/GYNS and APRNs, practicing under their own license.

The State Plan Amendment authorizing this permanent action was deemed approved by the Council of the District of Columbia (Council) on December 4, 2015 and approved by the Centers for Medicare and Medicaid Services (CMS) on February 17, 2016. The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on January 15, 2016 at 63 DCR 000585. No comments were received and no substantive changes have been made. For purposes of clarity, minor technical changes were made in the preamble to include a reference to the Patient Protection and Affordable Care Act; demonstrate continuity in Subsection 938.5; expand upon related sections in Subsection 938.8; and a grammatical correction in Subsection 938.10.

The Director adopted these rules as final on April 22, 2016 and they shall become effective on the date of publication of this notice in the *D.C. Register*.

Chapter 9, MEDICAID PROGRAM, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

Section 938, INCREASED REIMBURSEMENT FOR ELIGIBLE PRIMARY CARE SERVICES, is amended to read as follows:

938 INCREASED REIMBURSEMENT FOR ELIGIBLE PRIMARY CARE SERVICES

938.1 Except as provided in Subsection 938.2, primary care services eligible for enhanced reimbursement under the Healthcare Common Procedure Coding System (HCPCS) shall include evaluation and management (E&M) services billed under thirty-eight (38) select codes and Current Procedural Terminology (CPT) vaccine administration codes 90460, 90471, 90472, 90473, and 90474, or their successor codes. DHCF shall publish a list of all eligible codes on its provider website at www.dc-medicaid.com.

938.2 Primary care service providers shall include qualified primary care physicians, psychiatrists, obstetricians/gynecologists (OB\GYNs) and advanced practice registered nurses (APRNs).

938.3 A primary care physician, OB/GYN or psychiatrist shall be considered a qualified primary care physician eligible to receive increased reimbursement for certain primary care services, provided the following requirements are met:

(a) The physician has provided DHCF with a written self-attestation on a form prescribed by DHCF that he or she has a specialty designation of family medicine, general internal medicine, pediatric medicine, obstetrics/gynecology or psychiatry which states:

(1) That he or she has Board-certification in family medicine, general internal medicine, pediatric medicine, obstetrics and gynecology or psychiatry; or

(2) He or she has provided E&M and vaccine administration services under the codes described in Subsection 938.1 that equal at least sixty percent (60%) of all the Medicaid services that the physician bills during either of the following:

(i) The most recently completed calendar year; or

(ii) The month prior to the month that DHCF receives the self-attestation form referenced in this subsection for a primary care services provider enrolled in Medicaid for less than a full calendar year.

938.4 An advanced practice registered nurse (APRN) delivering services within his or her scope of practice, shall receive increased reimbursement for eligible primary

care services, provided the APRN has provided DHCF with a written self-attestation on a form prescribed by DHCF that states that he or she has provided E&M and vaccine administration services under the codes described in Subsection 938.1 that equal at least sixty percent (60%) of all the Medicaid services billed by the APRN during either of the following:

- (a) The most recently completed calendar year; or
- (b) The month prior to the month that DHCF receives the self-attestation form referenced in this subsection, for a primary care services provider enrolled in Medicaid for less than a full calendar year.

938.5 A primary care services provider, as defined in Subsections 938.3 and 938.4, who previously submitted a self-attestation form to DHCF and was eligible to receive the enhanced primary care rates in FY 15 need not submit a new form.

938.6 Except as provided in Subsection 938.7, reimbursement under this rule shall commence from the date that DHCF receives the self-attestation form from an eligible provider, as described in Subsections 938.3 through 938.5.

938.7 Reimbursement for eligible services provided on or after January 1, 2016, shall be made in accordance with the corresponding State Plan Amendment as approved by the Centers for Medicare and Medicaid Services (CMS), provided an eligible primary care services provider who is participating in Medicaid on the effective date of these rules has submitted the self-attestation form, as described in Subsections 938.3 through 938.6.

938.8 An eligible primary care services provider, who has submitted a self-attestation form as required in Subsections 938.3 through 938.6, shall be obligated to inform DHCF in writing of any changes that alter the provider's eligibility for reimbursement under this rule.

938.9 For eligible primary care services rendered by a primary care services provider, as described in this rulemaking, FFS Medicaid reimbursement shall be made at the lower of the providers' billed charges or the applicable reimbursement rate, as defined in Subsections 938.10 and 938.11.

938.10 The applicable rate for primary care services furnished for the period beginning with the effective date of the corresponding State Plan Amendment as approved by the CMS through the last date of the calendar year shall be the Medicare Part B schedule rate that is applicable to a non-facility site of service in effect on the first day of the same calendar year.

938.11 The applicable rate for eligible vaccine administration services shall be the Regional Maximum Administration Fee in effect for the calendar year in which the services were furnished.

- 938.12 For eligible primary care E&M services, the applicable rates for services furnished on or after January 1, 2016 shall be identified on the DHCF provider website at www.dc-medicaid.com.
- 938.13 For eligible vaccine administration services, the applicable rates for services furnished on or after January 1, 2016 shall be identified on the DHCF provider website at www.dc-medicaid.com.
- 938.14 DHCF shall publish the applicable rates for eligible primary care and vaccine administration services each calendar year on its provider website at www.dc-medicaid.com.
- 938.15 The eligibility of each primary care services provider shall be subject to verification that the provider has complied with the requirements set forth in this rule.
- 938.16 An eligible primary care services provider, who is found in violation of this rule, shall be subject to the requirements set forth in Chapter 13 of Title 29 DCMR, entitled Medicaid Program: Administrative Procedures.

DEPARTMENT OF YOUTH REHABILITATION SERVICES

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the District of Columbia Department of Youth Rehabilitation Services (“DYRS”), pursuant to the authority set forth in Section 108(h)(3) of the Department of Youth Rehabilitation Services Establishment Act of 2004, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.08(h)(3) (2012 Repl.)), hereby gives notice of intent to amend Chapter 12 (Community Placement of Juvenile Offenders) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (“DCMR”).

This rulemaking updates the guidelines for regulating community service programs for youth committed to the legal custody of DYRS by the D.C. Superior Court.

The first Notice of Proposed Rulemaking was published on June 12, 2015 in the *D.C. Register* at 62 DCR 8326. The Department received written comments from The Public Defender Service, writing on behalf of the Juvenile Justice Clinic at Georgetown University Law Center, Open City Advocates, Free Minds Book Club & Writing Workshop, D.C. Lawyers for Youth, Center for Children’s Law and Policy, School Justice Project, Inc., and Sasha Bruce Youthwork, Inc. As a result of the comments received, the Department made the following changes to the proposed rules:

1. The Department removed the word “Failure” and added the phrase, “If the youth refuses...” in Subsection 1201.9. The Department also added “until such time as the document is signed” to the end of Subsection 1201.9.
2. The Department removed “charged with” and replaced it with “arrested for” in Subsection 1203.1.
3. The Department removed the phrase “an independent” and added the word, “a” in Subsection 1204.1(d). The Department removed, “failed to comply with all federal, state and local laws, rules and regulations as required by the CPA and no additional hearing need be held by DYRS to determine whether the youth violated the terms of his or her CPA. Rather, a hearing will be held only to determine the appropriate level of placement based upon the violation” and added, “should remain securely detained throughout the pendency of the new case. DYRS shall consider such order when determining whether there is probable cause to securely hold the youth in the underlying commitment matter” in Subsection 1204.1(e).
4. The Department removed “on level of placement” in Subsection 1204.1(g).
5. The Department added “are unavailable at the date and time for which the hearing is scheduled” in Subsection 1204.1(m).
6. The Department also added paragraph 1204.1(n) to Subsection 1204.1. This paragraph states, “DYRS may continue the hearing for up to an additional (2) business days if the requisite DYRS representative is unavailable at the date and time for which the hearing is scheduled.”
7. The Department removed “provided” and replaced it with “present” in Subsection 1207.8. The Department also removed the word “its” and replaced it with “his” and deleted the phrase “whether counsel will be provided” in Subsection 1207.8.

The Department went on to combine parts of the former Subsection 1207.9 with the current Subsection 1207.8. This resulted in renumbering for the following original sections: 1207.10; 1207.11; 1207.12; 1207.13 and 1207.14. Subsection 1207.8 now includes the following language: "...the hearing shall or shall not proceed. The hearing officer shall state his or her reasons for the decision in writing and provide a copy to the youth and his or her parent, guardian, or responsible adult."

8. The Department replaced the word "placement" with "restrictiveness" in the former Subsection 1207.10, current Subsection 1207.9.
9. The Department replaced the word "placement" with "restrictiveness" in the former Subsection 1207.14, current Subsection 1207.12.
10. The Department added three paragraphs to Subsection 1208.9.
11. The Department added the phrase "should be securely held and DYRS shall abide by such determination" to the new Subsection 1208.9(a).
12. The Department added the phrase "If the youth is adjudicated or convicted in the new case, this shall establish that the youth has" to the new Subsection 1208.9(b).
13. The Department added "Upon request, DYRS shall provide an opportunity to hear recordings to the youth, his attorney of record, or stand-in counsel" to Subsection 1210.2.
14. The Department added "licensed within the District of Columbia" to Subsection 1210.3.
15. The Department added "requests for" to Subsection 1210.8. The Department also added "The hearing officer may grant continuances, without the request of either party, at his sole discretion for the administration and pursuit of justice and/or fairness to the parties or the hearing process. If the youth is securely detained, all hearings must occur within five (5) business days regardless of the grant of any continuances" to Subsection 1210.8.
16. The Department added "The hearing officer may deliberate to consult with clinicians, experts, and others prior to making a determination as to the appropriate sanction and/or level of restrictiveness" to Subsection 1210.18.
17. The Department added "in the hearing room" and "also" to Subsection 1211.1. The Department deleted "The hearing officer's decision will become final at the end of five (5) business days should the Director not exercise his right to review the hearing officer's decision" from Subsection 1211.1.
18. The Department replaced the word "placement" with "restrictiveness" in Subsection 1211.2.
19. The Department replaced the phrase "Director may review any placement decision" with "Agency may appeal the decision of the hearing officer within five (5) business days of the hearing officer's final decision" in Subsection 1211.6.
20. The Department replaced the word "the" with "any" in Subsection 1211.8. The Department added "If only the Agency or the youth appeals the results of the Community Status Review Hearing, the Director may only affirm or lower the hearing officer's determination on level of restrictiveness. If both the Agency and the youth appeal the decision, the Director may impose the full range of placement level determinations" to Subsection 1211.8.

21. The Department replaced “placement determination. The Director may impose a higher level of placement than that recommended by the hearing officer” with “restrictiveness determination” in Subsection 1211.9.
22. The Department deleted “at risk of imminent flight;” in Subsection 1212.1.
23. The Department added “A youth held under Section 1212 requires the approval of the Head of the Case Management Division or designee” in Subsection 1212.1.
24. The Department added the word “Emergency” in Subsection 1212.2.
25. The Department added “The hearing officer may determine that the emergency nature of the request will require the Emergency Community Status Review Hearing to occur on a Saturday or Sunday” in Subsection 1212.3.
26. The Department added “‘Awaiting Placement’: an agency status classification that occurs when a youth is waiting to be placed in a specific rehabilitative placement” in Section 1299.
27. The Department added “‘Community Status Review Specialist’: a DYRS employee responsible for overseeing the Community Status Review process, including scheduling hearings and ensuring written decisions are delivered in a timely manner in accordance with these regulations” in Section 1299.
28. The Department added “‘Safety Risk’: a determination by the agency made when there is credible evidence or a good faith belief that a youth either poses as a threat to the community or his or her life or well-being is threatened when in the community” in Section 1299.
29. The Department replaced “Adam Al-Joburi, Legislative Affairs Specialist, Department of Youth Rehabilitation Services, 450 H Street, N.W., 9th Floor, Washington, D.C. 20001, or by e-mail to adam.aljoburi@dc.gov” with “Lindsey Appiah, Acting General Counsel, Department of Youth Rehabilitation Services, 450 H Street, N.W., 9th Floor, Washington, D.C. 20001, or by e-mail to lindsey.appiah@dc.gov” in Section 1299.

The Director also gives notice of the intent to adopt these rules as final, in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

Chapter 12, COMMUNITY PLACEMENT OF JUVENILE OFFENDERS, of Title 29 DCMR, PUBLIC WELFARE, is amended as follows:

1200 GENERAL PROVISIONS

- 1200.1 The Department of Youth Rehabilitation Services (DYRS) shall administer community service programs for delinquents and persons in need of supervision (PINS) who are committed to the legal custody of DYRS by the D.C. Superior Court.
- 1200.2 The provisions of this chapter apply to the supervision and treatment of youth in community placements including: group homes, therapeutic group homes, the youth's own home, a foster home, or similar community placements.

- 1200.3 DYRS retains jurisdiction over the community placement status of youth committed to the agency's custody until one (1) of the following occurs:
- (a) The commitment is terminated by DYRS;
 - (b) The commitment expires; or
 - (c) The Court terminates its jurisdiction.
- 1200.4 Nothing in these regulations shall be deemed to limit DYRS' authority to act in accordance with those statutorily mandated responsibilities outlined in the Department of Youth Rehabilitation Services Establishment Act of 2005, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code §§ 2-1515.01 *et seq.*), and specifically Section 2(h) of the Act (D.C. Official Code § 2-1515.05(h)), which authorizes DYRS to take any action necessary to ensure the safety and well-being of youth in the Department's custody. DYRS shall have sole discretion to make specific placement decisions for youth committed to its custody. *In the Matter of J.M.W.*, 411 A.2d 345 (D.C. 1980) and *In Re P.S.*, 821 A.2d 905 (D.C. 2003).
- 1200.5 The community placement program shall be an alternative to placement in a secure facility. The program consists of placing youth in the least restrictive environment consistent with the youth's needs and public safety while being closely supervised by trained DYRS staff.
- 1200.6 Not all youth will benefit from a community placement, and a certain number will commit additional offenses or breaches of their Community Placement Agreement that warrant a thorough review of their community status. In addition, some youth may need a review of their community status for reasons other than for behavior contrary to public safety or breaches of the terms of their Community Placement Agreement.
- 1200.7 This chapter establishes a review process to determine whether continued community placement best services the youth's needs and public safety.
- 1200.8 DYRS shall follow the procedures set forth in this chapter when reviewing a youth's community placement.
- 1200.9 This chapter sets forth the process for:
- (a) Reviewing the status of youth in community placement; and
 - (b) Determining whether to place a youth in a secure facility or another more restrictive placement;

- (c) Permitting the youth to remain in the community under conditions articulated in a revised Community Placement Agreement; or
- (d) Temporarily removing a youth from the community without a hearing with the youth's consent when necessary for safety reasons or while awaiting placement in another facility or setting.

1200.10 A youth who is non-English speaking, deaf, or because of a hearing or other communication impediment cannot readily understand or communicate by spoken English, may request that the agency appoint a qualified interpreter. Upon such a request, the agency will provide a qualified interpreter.

1200.11 A parent, guardian, or responsible adult who is non-English speaking, deaf, or because of a hearing or other communication impediment cannot readily understand or communicate by spoken English, may request that the agency appoint a qualified interpreter. The agency's decision whether or not to appoint a qualified interpreter does not provide the parent, guardian, or responsible adult any rights or remedies not otherwise available by law.

1200.12 Unless the delay would result in undue prejudice to the youth, a failure of DYRS to meet any of the deadlines established within any part of these regulations shall not affect the agency's decision to conduct a community status review and/or community status review hearing.

1201 COMMUNITY PLACEMENT AGREEMENTS

1201.1 DYRS shall only place youth in a community placement after a determination that such a placement is the least restrictive environment consistent with public safety and with the Department of Youth Rehabilitation Services Establishment Act of 2005, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code §§ 2-1515.01 *et seq.*), and D.C. Official Code § 16-2301.02.

1201.2 DYRS case workers shall work closely with youth in a community placement and their families and/or responsible adult(s) to provide those services necessary for rehabilitation to take place.

1201.3 Each youth shall adhere to the specific terms of his/her Community Placement Agreement (CPA). The terms shall include, but not be limited to, the following:

- (a) Attending school or work regularly;
- (b) Meeting curfews;
- (c) Refraining from the illegal use of controlled substances;
- (d) Complying with all federal, state and local laws, rules and regulations; and

- (e) Abiding by all court orders and directives of DYRS case management staff.
- 1201.4 The DYRS Case Worker shall thoroughly explain the terms of the CPA to the youth and the youth shall sign the CPA as a condition of DYRS placing the youth in the community.
- 1201.5 The DYRS Case Worker shall make reasonable efforts to discuss the agreement with the youth's family or the responsible adult and/or counsel of record.
- 1201.6 Counsel of record or alternate counsel may sign the CPA after consultation with the youth if the parent, guardian or responsible adult is unavailable. Counsel shall not be called as a witness against the youth if the youth is later alleged to have violated the agreement.
- 1201.7 Where the youth's community placement is a private residence, the DYRS Case Worker shall thoroughly explain the terms of the agreement with the youth and his or her parent or guardian if the youth will reside at home or the responsible adult if the youth will reside in an alternate private residence.
- 1201.8 The youth and parent, guardian, or responsible adult shall sign the CPA as a condition of DYRS placing the youth in a private residence.
- 1201.9 The youth shall sign a new CPA whenever the level of restrictiveness is changed. If the youth refuses to sign the new CPA, the youth will be placed in secure placement until such time as the document is signed
- 1201.10 Failure to comply with terms of the CPA may result in the youth being placed in an alternative community placement and/or the youth's community placement being rescinded.

1202 RESCISSION OF COMMUNITY PLACEMENT STATUS

- 1202.1 DYRS shall hold youth who have entered into a CPA accountable for behavior contrary to public safety or the terms of the CPA.
- 1202.2 DYRS shall initiate a review of a youth's community placement status within three (3) business days of the Agency receiving notification that a committed youth has been arrested, and shall convene a Community Status Review Hearing when DYRS becomes aware that a committed youth has been arrested, for the commission, attempted commission, or conspiracy to commit any of the following:
 - (a) Homicide or assault with intent to commit homicide;

- (b) Sexual abuse in the 1st or 2nd degree, child sexual abuse, or assault with intent to commit one of these offenses;
- (c) Robbery, robbery while armed, assault with intent to commit robbery while armed;
- (d) Carjacking; Armed Carjacking
- (e) Escape;
- (f) Burglary;
- (g) Kidnapping;
- (h) Arson;
- (i) Malicious disfigurement; or
- (j) Mayhem.

1202.3 DYRS shall initiate a review of the youth's community status within three (3) business days of learning of any of the below violations and may convene a Community Status Review Hearing if:

- (a) DYRS becomes aware that a youth has violated two or more terms of his/her CPA;
- (b) DYRS becomes aware that a youth has violated a single term of his/her CPA at least twice;
- (c) DYRS becomes aware that a youth has unjustifiably absconded from the placement specified in the CPA;
- (d) The DYRS Case Worker determines, based upon a complete evaluation of the youth's performance under the CPA, that he or she should initiate the Community Status Review process; or
- (e) A youth is unsuccessfully discharged from a Community Placement.

1203 COMMUNITY STATUS REVIEW

1203.1 The DYRS Case Worker responsible for the youth who is arrested for any offense cited in Subsection 1202.2, shall process the documentation for a Community Status Review Hearing within five (5) business days of notification of the youth being arrested or the latest CPA violation.

- 1203.2 During the five (5) business days mentioned in Subsection 1203.1, the DYRS Case Worker shall complete all documentation, including a recommendation for the Community Status Review Hearing, and meet with the appropriate supervisor.
- 1203.3 If a police report is provided, it shall also be included in the transmitted documentation. If the case worker does not have a copy of a police report, the documentation shall indicate the source of the information upon which the Case Worker is relying.
- 1203.4 The DYRS Case Worker Supervisor or designee shall review services provided to the youth and the basis for the Case Worker's recommendation.
- 1203.5 The DYRS Case Worker Supervisor or designee, after his or her review, may recommend that:
- (a) The DYRS Case Worker implement additional services;
 - (b) A Team Decision Making (TDM) Meeting be held; or
 - (c) The youth's status be reviewed at a Community Status Review Hearing.
- 1203.6 The DYRS Case Worker Supervisor or designee shall transmit all of the documentation to the Case Management Division Program Manager or designee. This documentation shall detail the circumstances of the arrest, charges, or violations of the Community Release Agreement including:
- (a) The date and time of the offense(s) or violation(s);
 - (b) The report of the arresting officer, if applicable;
 - (c) The nature and seriousness of the charge(s), arrest, or CPA violation(s);
 - (d) The progress of the youth in community placement before the offense or CPA violation took place;
 - (e) A copy of the CPA with required signatures; and
 - (f) The Case Worker's effort to identify and secure additional or alternative services that might be provided to the youth in the community, if applicable.
- 1203.7 The DYRS Case Worker Supervisor or designee shall send the documentation to the Case Management Division Program Manager or designee explaining the decision to convene a Community Status Review Hearing within one (1) business day of the DYRS Case Worker meeting with the appropriate supervisor. The DYRS Case Worker shall place the documentation in the youth's case file. No

more than six (6) business days should pass between the time DYRS is informed of the charge or violation and when the case manager transmits the documentation to the Case Management Division Program Manager or designee.

1204 EMERGENCY REMOVALS

1204.1 The following procedures shall apply to Emergency Removals Without the Youth's Consent:

- (a) The DYRS Case Worker shall remove the youth from his or her placement, and place the youth in a secure DYRS facility, emergency shelter, in-patient drug treatment or appropriate medical or mental health facility when a youth in a community placement presents a clear and present danger to himself, herself, or others, or when there are valid safety concerns and requires immediate removal from a community placement.
- (b) The DYRS Case Worker shall request a custody order from the court for the youth so that the Metropolitan Police Department ("MPD") has the authority to take the youth into custody if the youth is unwilling to be removed by the DYRS Case Worker.
- (c) The Case Worker shall provide the Head of the Case Management Division or designee with a summary of the basis for the youth's removal.
- (d) The Head of the Case Management Division or designee shall make a probable cause determination based on the DYRS Case Worker's documentation within one (1) business day of the youth being removed.
- (e) A court order mandating that a youth be securely detained in a new case establishes probable cause that the youth should remain securely detained throughout the pendency of the new case. DYRS shall consider such order when determining whether there is probable cause to securely hold the youth in the underlying commitment matter.
- (f) If there is no court order mandating that a youth be securely detained in a new case, a Community Status Review Hearing shall convene within five (5) business days of a youth's emergency removal if the Head of the Case Management Division or designee determines that there is probable cause to believe that the youth violated the terms of his or her CPA and that he or she is a clear and present danger and requires immediate removal from a community placement.
- (g) DYRS shall provide notice of the Community Status Review Hearing to the youth and counsel of record, or if counsel of record is unavailable, then alternate counsel, in any manner reasonably calculated to put the receiving party on notice, including, but not limited to, actual notice;

notice by hand-delivery; electronic mail; facsimile; registered or certified mail, overnight express delivery; or return receipt requested.

- (h) DYRS shall return the youth to his or her community placement if the Head of the Case Management Division or designee determines that there is no probable cause to securely confine the youth.
- (i) The Case Worker may request a Community Status Review Hearing in accordance with Subsection 1202.3, in cases where the Head of Case Management or designee has found that there is not a need for the youth to be immediately removed from a community placement pending a community status review hearing.
- (j) Where DYRS has placed a youth with a parent(s), guardian(s), or responsible adult(s), DYRS shall make all reasonable efforts to provide notice of the Community Status Review Hearing to the youth's parent(s), guardian(s), or responsible adult(s).
- (k) DYRS shall make a note in the youth's case file indicating who provided notice to the youth and counsel, and in what manner such notice was provided.
- (l) DYRS shall notify the Office of the Attorney General, Juvenile Section of the emergency removal and the date and time of the hearing.
- (m) DYRS may continue the hearing for up to an additional five (5) business days if either the counsel of record or alternate counsel are unavailable at the date and time for which the hearing is scheduled.
- (n) DYRS may continue the hearing for up to an additional (2) business days if the requisite DYRS representative is unavailable at the date and time for which the hearing is scheduled.

1204.2

The following procedures shall apply to Emergency Removals with the Youth's Consent:

- (a) With the consent of a youth who requires in-patient drug treatment, medical or mental health treatment, or who presents a clear and present danger to himself, herself, or others, the DYRS Case Worker shall remove the youth from his or her placement, and place the youth in a secure DYRS facility, emergency shelter, in-patient drug treatment or appropriate medical or mental health facility. Youth must be given an opportunity to consult with counsel of record, or alternate counsel, if counsel of record is unavailable prior to signing a written waiver indicating consent.

- (b) If a youth is removed from his or her community placement pursuant to Subsection 1204.2(a), and is admitted to an in-patient drug, medical, mental health facility or similar in-patient facility for treatment, the DYRS Case Worker, the youth, and parent, guardian, or responsible adult, or counsel of record, or alternate counsel, if the youth's counsel of record is unavailable, shall sign a written waiver of a Community Status Review Hearing.
- (c) Waivers should be obtained by the DYRS Case Worker in accordance with those procedures outlined in Subsection 1213.
- (d) The Case Worker shall place the signed waiver form, in the youth's case file.
- (e) Upon the youth's successful discharge from the above-described placement, a youth's community placement status is not revoked. The youth shall:
 - (1) Return to the placement he or she enjoyed immediately prior to the treatment; or
 - (2) Return to a placement with the same or lower level of restrictiveness.
- (f) If the youth is not successfully discharged from the above-described placement, the youth is subject to a review of his/her community placement status and may face rescission of such status.

1205 RECOMMENDATION OF CASE MANAGEMENT DIVISION PROGRAM MANAGER

- 1205.1 A Case Management Division Program Manager or designee shall review the request for Community Status Review Hearing and accompanying documents, and make an independent decision regarding the need for a hearing.
- 1205.2 If the Case Management Division Program Manager or designee concurs with the basis for convening a Community Status Review Hearing, he or she may recommend to the Head of the Case Management Division that there is a sufficient basis to schedule a Community Status Review Hearing.
- 1205.3 If the Case Management Division Program Manager or designee disagrees with the basis for initiating the Community Status Review Hearing, he or she may use discretion to request that the Case Worker convene a Team Decision Making meeting or make referrals for the youth for alternative community services.

1205.4 The Case Management Division Program Manager or designee shall document the basis for the conclusion that he or she reaches under §§ 1205.1 or 1205.2 and shall include that documentation in the youth's case file.

1206 RECOMMENDATION OF DYRS CASE MANAGEMENT DIVISION

1206.1 The final decision to schedule a Community Status Review Hearing shall be made by the Head of the Case Management Division or designee. After receiving the recommendation from the Case Management Division Program Manager or designee, the Head of the Case Management Division or designee shall make a determination. A notation should be made in the youth's record indicating the final decision of the Head of the Case Management Division.

1206.2 If the Head of the Case Management Division or designee concurs, he or she shall contact the Community Status Review Specialist or designee the same business day and follow the procedures set forth in §§ 1207, 1208, 1210 and 1211.

1206.3 If the Head of the Case Management Division or designee disagrees with the recommendation to schedule a Community Status Review Hearing, he or she shall notify the Office of the Attorney General; and in instances of serious charges and emergency removal, the youth and the youth's counsel. After consultation, the Head of the Case Management Division or designee may use his or her discretion to require the Case Worker to convene a Team Decision Making Meeting or implement alternative community services.

1207 NOTICE OF COMMUNITY STATUS REVIEW HEARING

1207.1 After receiving the recommendation of the Head of the Case Management Division or designee, an official notice of the time, place and location of the Community Status Review Hearing shall be provided to the youth, the youth's parent(s), guardian(s), or responsible adult(s), and counsel of record, or alternate counsel, if counsel is unavailable, by the Community Status Review Specialist.

1207.2 The Community Status Review Specialist or designee shall also send a copy of the police report, if applicable, the CPA, the DYRS Case Worker's recommendation, the decision to proceed with the hearing, and any relevant reports included in the request for a hearing packet to the youth's counsel or representative.

1207.3 Upon request of the youth, the counsel of record or alternate counsel may review the youth's case file in accordance with Section 106 of the Department of Youth Rehabilitation Services Establishment Act of 2005, effective April 12, 2005 (D.C. Law 15-335; D.C. Official Code § 2-1515.06), and D.C. Official Code Sections 16-2331, 16-2332 and 16-2333.

- 1207.4 The notice to those specified in Subsection 1207.1 may be made in any manner reasonably calculated to put the receiving party on notice of the hearing, and may include, but is not limited to actual notice; notice by hand-delivery; electronic mail; facsimile; registered or certified mail, overnight express delivery, or return receipt requested.
- 1207.5 DYRS shall make a note in the youth's case file indicating who provided notice to the youth and counsel, and in what manner such notice was provided.
- 1207.6 Notice of any Community Status Review Hearing shall be sent to the Juvenile Section Chief for the Office of the Attorney General when:
- (a) The youth is already committed to DYRS for any felony offense as defined in D.C. Official Code § 23-1331(3) or D.C. Official Code § 23-1331(4); or
 - (b) The youth has been charged with any felony offense as a juvenile or as an adult as defined in D.C. Official Code § 23-1331(3) and D.C. Official Code § 23-1331(4).
- 1207.7 A youth may be represented at the hearing by parents, legal counsel, or any other adult who is not employed by DYRS.
- 1207.8 If a youth requests that counsel be present, the hearing officer shall review the request and, in his discretion, decide whether the hearing shall or shall not proceed. The hearing officer shall state his or her reasons for the decision in writing and provide a copy to the youth and his or her parent, guardian, or responsible adult.
- 1207.9 The hearing officer will only consider evidence which is relevant to the charges or violations that have made the hearing necessary and appropriate level of restrictiveness.
- 1207.10 The preponderance of the evidence shall be the standard of proof the hearing officer shall use in weighing testimony about the charges or violations.
- 1207.11 After all testimony has been heard, the hearing officer shall weigh the evidence and arguments, if any, and reach a decision.
- 1207.12 If the hearing officer finds that a youth violated his or her CPA, the officer shall consider all relevant information to assist in making a determination as to the appropriate sanction and/or level of restrictiveness.

1208 FAILURE TO APPEAR AT A HEARING AND ABSCONDENCE

- 1208.1 After receiving notice in accordance with § 1207, if the youth fails to appear for a Community Status Review Hearing at the stated time and place specified, the DYRS Case Worker responsible for the youth shall do the following:
- (a) Request a custody order for the apprehension and return of the youth to the appropriate facility for failing to comply with official notice to appear at a given time and location;
 - (b) Note in the youth's next progress report that the youth violated the CPA by failing to appear at the hearing; and
 - (c) Begin intensive efforts to locate the youth and return him or her to the appropriate facility. The DYRS Case Manager may ask for police assistance in apprehending the youth.
- 1208.2 After having received notice, in accordance with § 1207, if a youth fails to appear at the stated time and place for a Community Status Review Hearing, the hearing officer shall proceed even in the youth's absence.
- 1208.3 If the hearing officer proceeds with a hearing and rescinds the youth's community status, and if a youth properly requests a second hearing, the hearing officer shall proceed in accordance with § 1209.
- 1208.4 The time limitations imposed by subsections 1202.2 and 1202.3 shall be tolled by the youth's failure to appear for the scheduled hearing.
- 1208.5 If a youth absconds from a DYRS community placement, the DYRS Case Worker shall inform the Head of the Case Management Division or designee and request a custody order.
- 1208.6 Upon the youth's return to DYRS custody from abscondence, the DYRS Case Worker shall determine whether or not the youth's community status should be reviewed at a hearing. If the youth is returned to DYRS after an arrest on a new charge, the Case Worker may take into account the decision of the Court concerning release status with respect to any new charges.
- 1208.7 Even if the DYRS Case Worker determines that the youth should return to his or her community placement, the Case Worker shall determine whether to request a Community Status Review Hearing.
- 1208.8 If the DYRS Case Worker determines that the youth who had absconded should be held in secure custody, the DYRS Case Worker shall provide the Head of the Case Management Division or designee with documentation in support of his or her recommendation that the youth be securely held.

- 1208.9 DYRS shall make a probable cause determination about whether a youth should be securely held.
- (a) A court order mandating that a youth be securely detained in a new case establishes probable cause that the youth should be securely held and DYRS shall abide by such determination.
 - (b) If the youth is adjudicated or convicted in the new case, this shall establish that the youth has failed to comply with all federal, state and local laws, rules and regulations such that no additional determination need be made by DYRS that the youth violated the terms of his or her Community Placement Agreement.
 - (c) In the absence of a secure detention order, the Head of the Case Management Division or designee shall make a probable cause determination within one (1) business day, based on the DYRS Case Worker's documentation.
- 1208.10 If the Head of the Case Management Division or designee determines that there is probable cause to believe that the youth violated the terms of his or her Community Placement Agreement and that he or she is a clear and present danger and requires immediate removal from a non-secure placement, DYRS shall conduct the Community Status Review Hearing within five (5) business days of the youth's return from abscondence.
- 1208.11 If the Head of the Case Management Division determines that there is no probable cause to securely confine the youth, DYRS shall return the youth to his or her community placement.
- 1208.12 In cases where there is a no probable cause determination, the Case Worker may request a Community Status Review Hearing in accordance with Subsection 1202.3.
- 1208.13 The Community Status Review Specialist shall provide notice of the time, place and location of the Community Status Review Hearing to the youth, parent(s), guardian(s), or responsible adult(s), and counsel of record or alternate counsel, consistent with § 1207.

1209 HEARING UPON YOUTH'S RETURN FROM ABSCONDENCE

- 1209.1 In cases where the youth fails to appear for a Community Status Review Hearing and the hearing proceeded in his or her absence, the youth may request a second hearing within seventy-two (72) hours of his or her return.
- 1209.2 The post-custody hearing shall occur within five (5) business days of the youth's request for a second hearing upon his or her return if the youth is securely

detained pursuant to §§ 1204 or 1208. If the youth is not securely detained, a post-custody hearing shall occur within a reasonable amount of time.

1209.3 Proper notification pursuant to § 1207 shall be sent to the youth's parent(s), guardian(s), or responsible adult(s), and counsel of record indicating the date, time and place of this hearing.

1209.4 All conditions of §§ 1208, 1210 and 1211 shall apply to this hearing.

1210 COMMUNITY STATUS REVIEW HEARINGS

1210.1 All hearings shall be held at the time, place and location shown on the notice to appear before the Community Status Review Hearing form, unless otherwise notified.

1210.2 All Community Status Review Hearings under these Regulations shall be recorded and stored in an electronic or other medium. Upon request, DYRS shall provide an opportunity to obtain a copy of the recordings to the youth, his attorney of record, or stand-in counsel.

1210.3 The Community Status Review hearing officer shall be an attorney, licensed within the District of Columbia, employed by DYRS and trained in the Community Status review regulations, policies, and procedures.

1210.4 No one shall serve as hearing officer who is in any way involved with the case being heard or has worked with the youth whose community status is being reviewed.

1210.5 The youth may be represented at the hearing by parents, legal counsel, or any other adult whom the youth may designate.

1210.6 DYRS employees, contractors, or agents are prohibited from representing a youth.

1210.7 At the hearing, the hearing officer shall inform the youth of his or her right to have counsel of record present, alternate counsel, parent, guardian, responsible adult, or other representative with him or her.

1210.8 Either party to the hearing may request one (1) brief continuance. All subsequent requests for continuances shall only be provided upon a showing of good cause or extreme hardship. The hearing officer may grant continuances, without the request of either party, at his sole discretion for the administration and pursuit of justice and/or fairness to the parties or the hearing process. If the youth is securely detained, all hearings must occur within five (5) business days regardless of the grant of any continuances.

- 1210.9 The hearing officer, youth, attorney of record, alternate counsel, or representative may seek to resolve the case by stipulation, agreed settlement, or consent order.
- 1210.10 Except as set forth in Subsection 1210.11, the hearing officer shall not be responsible in any way for providing witnesses on behalf of the youth whose case is being heard.
- 1210.11 Upon adequate notification by the youth that a witness' presence is necessary, DYRS shall bring a witness within DYRS' control, including youth committed to its care, to the review hearing.
- 1210.12 The youth may bring any other witnesses to the hearing who may assist in putting forth his or her position.
- 1210.13 The youth may question any witnesses or challenge any documents introduced as evidence at the hearing.
- 1210.14 Only evidence that is material to the charges or violations that have made the hearing necessary shall be admitted at the hearing.
- 1210.15 The hearing officer shall not interview or question the youth about substantive matters concerning any pending criminal or delinquency matters.
- 1210.16 Any information unrelated to the charges or violations shall be disregarded by the hearing officer in reaching his decision about whether the youth violated the CPA.
- 1210.17 The hearing officer may consider information unrelated to the charges or violations in its decision on the level of restrictiveness.
- 1210.18 After all testimony has been heard and evidence presented, the hearing officer shall retire to weigh the evidence and statements, and reach a decision. The hearing officer may deliberate to consult with clinicians, experts, and others prior to making a determination as to the appropriate sanction and/or level of restrictiveness.
- 1210.19 The preponderance of the evidence shall be the standard of proof the hearing officer shall use in weighing testimony and other evidence about the charges or violations.
- 1210.20 The hearing officer shall issue written findings within seven (7) business days.
- 1210.21 The hearing officer shall notify the counsel of record of all hearings where counsel is not present or counsel's presence is waived.

1211 HEARING DECISION, DISPOSITION AND APPEAL

- 1211.1 All hearing decisions shall be read to the youth in the hearing room. The Community Status Review Specialist or designee shall also provide the written findings to the youth, his or her parent(s) or guardian(s), or responsible adult, the attorney of record or alternate counsel, and the Chief of the Juvenile Section of the Office of Attorney General within five (5) business days of its issuance.
- 1211.2 If the hearing officer's decision is to continue the youth in community status, the youth shall be returned to the same level of restrictiveness he or she enjoyed before the hearing was held under either the conditions of the existing CPA or conditions of a new agreement, consistent with Subsection 1202.3.
- 1211.3 If the hearing officer finds that the youth violated the CPA, he/she may decide to permit the youth to remain in the community, but under different conditions spelled out in a new CPA, consistent with Subsection 1202.3.
- 1211.4 If the hearing officer finds that the youth violated the CPA, and decides to terminate the youth's community status, he or she shall determine the youth's level of restrictiveness.
- 1211.5 The Case Worker shall make efforts to identify an appropriate placement, consistent with the youth's level of restrictiveness, and make appropriate referrals within a reasonable time after the Community Status Review Hearing.
- 1211.6 The Agency may appeal the decision of the hearing officer within five (5) business days of the hearing officer's final decision.
- 1211.7 The youth may appeal the results of the Community Status Review Hearing, to the DYRS Director within seven (7) business days from receipt of the written findings.
- 1211.8 The DYRS Director shall review any request for appeal and make a final written determination within ten (10) business days. If only the Agency or the youth appeals the results of the Community Status Review Hearing, the Director may only affirm or lower the hearing officer's determination on level of restrictiveness. If both the Agency and the youth appeal the decision, the Director may impose the full range of placement level determinations.
- 1211.9 When an appeal is made, the appropriate papers, including, but not limited to, the basis for appeal, community status review packet, and written finding shall be forwarded to the Director, who may affirm or modify the findings and/or restrictiveness determination.

1212 ALTERNATIVE COMMUNITY STATUS REVIEW

- 1212.1 The following procedures apply in any instance in which DYRS is seeking to review a youth's community placement status because the youth is awaiting

placement; or due to safety concerns. A youth held under Section 1212 requires the approval of the Head of the Case Management Division or designee.

- 1212.2 DYRS shall initiate a review of the youth's community placement status within three (3) business days of the youth being securely detained and shall convene a Emergency Community Status Review Hearing.
- 1212.3 If the youth remains in the community during the pendency of the review, DYRS shall follow procedures outlined in Section 1203. The hearing officer may determine that the emergency nature of the request will require the Emergency Community Status Review Hearing to occur on a Saturday or Sunday.
- 1212.4 If the youth is temporarily placed in secure placement pending review of the youth's community placement status, DYRS shall follow those procedures outlined in Section 1204.

1213 WAIVERS

- 1213.1 Youth may waive their right to a community status review hearing after having an opportunity to consult with counsel of record or alternate counsel.
- 1213.2 The DYRS case worker shall discuss with the youth any violations of the Community Placement Agreement and/or reasons for removal from community placement status; the possibility of waiving a community status review hearing; what the youth's level of restrictiveness will be if he or she waives the hearing; and what the potential placement of the youth will be, if known.
- 1213.3 If the youth decides to waive his or her rights, the DYRS case worker shall fully fill out the waiver form listing the youth's violations of the Community Placement Agreement, current level of restrictiveness and new level of restrictiveness before giving the waiver to the youth and/or youth's attorney of record or alternate counsel to review.
- 1213.4 The youth shall have the opportunity to consult with counsel of record or alternate counsel in advance of signing the waiver. Should the youth refuse the right to consult with an attorney, the youth should write such refusal on the waiver form and sign and date the form.
- 1213.5 After the youth has had the opportunity to review the waiver with his or her attorney of record or alternate counsel, the DYRS case worker, youth and attorney, if applicable, should sign the waiver.
- 1213.6 If the youth is waiving his or her right to a Community Status Review Hearing pursuant to Subsection 1204.2, the DYRS case worker shall document that the removal of the community is for those purposes outlined in Subsection 1204.2 and then follow the procedures outlined in that subsection.

1213.7 The DYRS case worker shall place a copy of the fully signed waiver in the youth's case file.

1299 DEFINITIONS

1299.1 As used in this chapter, the following terms and phrases shall have the meanings ascribed:

“Abscondence”: when a youth, without approval, willfully leaves a required DYRS placement or does not return to a DYRS placement.

“Awaiting Placement”: an agency status classification that occurs when a youth is waiting to be placed in a specific rehabilitative placement.

“Business day”: a day of the week consisting of Monday through Friday, and excludes Saturday, Sunday, any legal holiday, or inclement weather that results in a day in which the Court is closed. In addition, a business day is calculated beginning on the day after the triggering event occurs.

“Case Management Division Program Manager”: a DYRS employee who supervises all of the managers who supervise DYRS Case Workers.

“Chief of the Juvenile Section of the Office of Attorney General”: supervisory Attorney responsible for oversight of the Attorney General's Office's Juvenile section.

“Clear and Present Danger”: the absence of basic necessities such as food, shelter, or clothing; suicidal actions, tendencies or threats of suicide; serious decompensating emotional character and mental health; seriously destructive behavior creating an imminent danger to one's life or health; or engaging in abusive or threatening or other dangerous conduct thereby creating an imminent danger to self or others.

“Commitment”: when a youth adjudicated delinquent or as a person in need of supervision is ordered into the custody of DYRS.

“Community Placement Agreement” (CPA): an agreement between the youth and DYRS, that the youth and his or her parent, guardian, or responsible adult will agree to certain rules in exchange for being released to the community. This agreement was formerly called an aftercare agreement.

“Community Placement or Community Status”: a status conferred upon a youth who has been committed to the legal custody of DYRS and housed in the community in a non-secure placement.

“Community Status Review Hearing”: an administrative process to evaluate recommendations for modifying a youth’s community placement.

“Community Status Review Hearing Officer”: an impartial DYRS employee responsible for conducting Community Status Review Hearings.

“Community Status Review Specialist”: a DYRS employee responsible for overseeing the Community Status Review process, including scheduling hearings and ensuring written decisions are delivered in a timely manner in accordance with these regulations.

“Delinquent”: a youth who has committed a delinquent act *and* is in need of care or rehabilitation.

“DYRS Case Worker”: a DYRS employee who provides case management services to a case load of youth committed to DYRS by the courts.

“DYRS Case Worker Supervisor”: a DYRS employee who supervises a unit of DYRS Case Workers.

“Emergency Removal”: immediate removal from the community and subsequent placement in a more restrictive setting after a determination has been made that the youth presents a clear and present danger to himself or others.

“Guardian”: a natural or adoptive parent whose parental rights have not been judicially terminated, a person appointed by the court, or legal custodian.

“Head of the Case Management Division”: a DYRS employee who oversees the DYRS Case Management Division.

“Non-Secure Placement”: a community placement which is not locked and which allows for unsupervised movement in and out of the placement and allows youth to participate in various community activities, such as school, employment or other activities consistent with the youth’s Community Placement Agreement.

“Person in need of supervision (PINS)”: a child in need of supervision who is in need of care or rehabilitation and either: is subject to compulsory school attendance and habitually truant from school without justification; has committed an offense committable only by children; or is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable.

“Probable Cause”: a reasonable belief that an event or action occurred or existed, or is likely to occur or exist.

“Responsible adult”: an adult in the community with whom a youth is placed and who is responsible for supervising youth to ensure compliance with the terms of the youth’s Community Placement Agreement.

“Safety Risk”: a determination by the agency made when there is credible evidence or a good faith belief that a youth either poses as a threat to the community or his or her life or well-being is threatened when in the community.

“Secure detention order”: a court order mandating that a youth be securely detained.

“Secure Facility”: a locked residential placement which provides treatment and/or educational programs within the facility and does not allow for unsupervised movement within or outside of the facility.

“Secure placement”: a placement which is locked, movements in and out of the placement are supervised, and allows youth to participate in various activities within the placement.

“Team Decision Making Meeting”: a meeting of a group of relevant individuals, as identified by the DYRS Team Decision Making Coordinator, involved in the case planning for the purposes of developing comprehensive, rehabilitative treatment and educational plans for the youth and family.

“Violation”: an act that is non-compliant with the terms of the Community Placement Agreement.

All persons desiring to comment on these proposed regulations should submit written comments to Lindsey Appiah, Acting General Counsel, Department of Youth Rehabilitation Services, 450 H Street, N.W., 9th Floor, Washington, D.C. 20001, or by e-mail to lindsey.appiah@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 or on the DYRS website at <http://dyrs.dc.gov>.

DEPARTMENT OF MOTOR VEHICLES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Motor Vehicles (“Director”), pursuant to the authority set forth in Sections 1825 and 1826 of the Department of Motor Vehicles Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code §§ 50-904 and 50-905 (2014 Repl.)) and Sections 6, 7 and 8a of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121, 1125; D.C. Official Code §§ 50-2201.03, 50-1401.01 and 50-1401.03 (2014 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 1 (Issuance of Driver Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (“DCMR”).

This emergency rulemaking gives the Director the authority to approve identification and date of birth documents submitted by persons seventy (70) years of age and older who are seeking to establish residency. There is an immediate need to protect the safety and welfare of District residents by ensuring elderly District residents, specifically those aged seventy (70) and older, have the ability to establish their identity and residency so as to be able to obtain government-issued identification.

This emergency rulemaking was adopted on April 25, 2016, and became effective immediately. This emergency rulemaking will remain in effect for up to one hundred twenty (120) days, unless earlier superseded by a Notice of Final Rulemaking.

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

Chapter 1, ISSUANCE OF DRIVER LICENSES, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**Section 103, APPLICATION FOR A DRIVER LICENSE, LEARNER PERMIT, OR PROVISIONAL PERMIT, is amended as follows:****Subsection 103.4(d) is amended by adding a new paragraph (12) to read as follows:**

- (12) Any other documents deemed acceptable by the Director through written approval.

Subsection 103.5 is amended by adding a new paragraph (c) to read as follows:

- (c) If the applicant is seventy (70) years or older, he or she may submit documents subject to the approval of the Director certifying identity, date of birth, or social security number.

All persons desiring to comment on the subject matter of this rulemaking should file comments, in writing, to David Glasser, General Counsel, D.C. Department of Motor Vehicles, 95 M Street, S.W., Suite 300, Washington, D.C. 20024, email at dmvpubliccomments@dc.gov, or online at www.dcregs.dc.gov. Comments must be received not later than thirty (30) days after the publication of this notice in the *D.C. Register*. Copies of this proposal may be obtained, at cost, by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-070
April 27, 2016

SUBJECT: Reappointment and Appointment — Green Building Advisory Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with section 10 of the Green Building Act of 2006 effective March 8, 2007, D.C. Law 16-234, D.C. Official Code § 6-1451.09 (2012 Repl. & 2015 Supp.), it is hereby **ORDERED** that:


1. The following persons are reappointed as members of the Green Building Advisory Council ("**Council**") for a term to end December 3, 2017:
 - a. **JESSICA B. ZIMBABWE** as a representative of the Non-profit Sector;
 - b. **SANDY WIGGINS** as a representative of the Non-profit Sector; and
 - c. **ANICA LANDRENEAU** as a representative of the Private Sector.

2. The following persons are appointed Council for a term to end December 3, 2017:
 - a. **VICTORIA LEONARD** as a representative of the Non-profit Sector, replacing Patricia A. Rose; and
 - b. **CHRISTOPHER THOMAS** as a representative of the Private Sector, replacing Sean Cahill.

3. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-071
April 27, 2016

SUBJECT: Amendment — Health Information Exchange Policy Board


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L.93-198, 87 Stat.790, D.C. Official Code § 1-204.22(11) (2014 Repl.), it is hereby **ORDERED** that:

1. Section VII. F. of Mayor's Order 2016-035, dated March 10, 2016, is hereby rescinded.
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 ISSUANCES SYSTEM**

Mayor's Order 2016-072
April 27, 2016

SUBJECT: Appointments — Age-Friendly DC Task Force


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and pursuant to Mayor's Order 2013-172, dated September 20, 2013 and Mayor's Order 2015-142, dated May 27, 2015, it is hereby **ORDERED** that:

1. **APPOINTMENTS.**

- A. **ARCHANA VEMULAPALLI**, Chief Technology Officer, Office of the Chief Technology Officer, or her designee, is appointed to the Age Friendly DC Task Force ("**Task Force**"), and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.
- B. **LAURA NEWLAND**, Executive Director, Office of Aging, or her designee, is appointed as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.

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 2016-073
April 27, 2016

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

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and in accordance with section 218 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1202.18 (2012 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed as members of the Board of Audiology and Speech-Language Pathology, to serve for a term to end February 25, 2020.
 - a. **KRISTIN SPIVEY** as a practicing speech-language pathologist, replacing Raul Echevarria.
 - b. **KARI COMER** as a practicing speech-language pathologist, filling a vacant seat.
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 2016-074
April 27, 2016

SUBJECT: Appointments — Mayor's Interfaith Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2014 Repl.), and in accordance with Mayor's Order 2011-110, dated June 20, 2011, it is hereby **ORDERED** that:

1. The following individuals are appointed to the Mayor's Interfaith Council ("**Council**") for terms to end July 29, 2019:
 - a. **JAS SAJJAN**
 - b. **RABBI BATYA STEINLAUF**
2. The following individuals are reappointed to the Council for terms to end July 29, 2017.
 - a. **FATHER RAYMOND KEMP**
 - b. **REVEREND CHRISTINE Y. WILEY**
3. **REVEREND D. WALLACE C. SMITH** is reappointed to the Council for a term to end July 29, 2018.

4. **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 2016-075
April 27, 2016

SUBJECT: Appointment — Juvenile Justice Advisory Group

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.), and in accordance with the Juvenile Justice and Delinquency Prevention Act of 1974, approved September 7, 1974, 88 Stat. 1109, Pub. L. 93-415, 42 U.S.C. § 5633(a)(3) and Mayor's Order 2009-13, dated February 9, 2009, it is hereby **ORDERED** that:

1. **KENNETH SMITH** is appointed as a youth member, to the Juvenile Justice Advisory Group, for a term to end March 24, 2017.
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 2016-076
April 27, 2016

SUBJECT: Appointment - Commission on African 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.), and pursuant to section 5 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006, D.C. Law 16-0111; D.C. Official Code § 2-1394 (2012 Repl.), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01(f) (2014 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. **NANA AMA AFARI-DWAMENA** who was nominated by the Mayor on June 29, 2015, and following a forty-five (45) day period of review by the Council of the District of Columbia of Proposed Resolution 21-0266, was deemed approved on November 7, 2015, is appointed as a public voting member of the Commission on African Affairs, replacing Mamadou Samba, for a term to end October 27, 2016.
2. **CHIBU ANYANWU** who was re-nominated by the Mayor on December 7, 2015, and following a forty-five (45) day period of review by the Council of the District of Columbia of Proposed Resolution 21-0461, was deemed approved on February 8, 2016, is re-appointed as a public voting member of the Commission on African Affairs, for a term to end October 27, 2018.
3. **KOTHEID NICOUE** who was nominated by the Mayor on June 29, 2015, and following a forty-five (45) day period of review by the Council of the District of Columbia of Proposed Resolution 21-0268, was deemed approved on November 7, 2015, is appointed as a public voting member of the Commission on African Affairs, for a term to end October 27, 2016.
4. **WILLAIR ST. VIL** who was nominated by the Mayor on June 29, 2015, and following a forty-five (45) day period of review by the Council of the District of Columbia of Proposed Resolution 21-0269, was deemed approved on November 7, 2015, is appointed as a public voting member of the Commission on African Affairs, replacing George Banks, for a term to end October 27, 2017.

- 5. **IKENNA UDEJIOFOR** who was re-nominated by the Mayor on December 7, 2015, and following a forty-five (45) day period of review by the Council of the District of Columbia of Proposed Resolution 21-0462, was deemed approved on February 8, 2016, is re-appointed as a public voting member of the Commission on African Affairs, for a term to end October 27, 2018.

- 6. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the effective date of confirmation.


MURIEL BOWSER
MAYOR

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

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

**NOTICE OF PUBLIC HEARINGS
CALENDAR**

**WEDNESDAY, MAY 11, 2016
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009**

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

Protest Hearing (Status) Case # 16-PRO-00017; Ima Pizza Store 14, LLC, t/a & Pizza, 1375 Kenyon Street NW, License #101679, Retailer CR, ANC 1A Application for a New License	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00870; Cairo, Inc., t/a Medeterra; 2614 Connecticut Ave NW License #26206, Retailer CR , ANC 3C No ABC Manager on Duty, Failed to Post License Conspicuously in the Establishment	9:30 AM
Show Cause Hearing (Status) Case # 15-CC-00136; F&A, Inc., t/a Anacostia Market, 1303 Good Hope Road SE, License #86470, Retailer B, ANC 8A Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, No ABC Manager on Duty	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00800; Desales Restaurant Group, LLC, t/a Parley, 1827 M Street NW, License #97074, Retailer CT, ANC 2B Operating After Board Approved Hours	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00606; HSR, Inc., t/a New Dodge Market, 3620 14th Street NW License #99565, Retailer B, ANC 1A No ABC Manager on Duty	9:30 AM
Show Cause Hearing (Status) Case # 15-CMP-00901; Specialty Foods, Inc., t/a Ollie's Trolley, 425 12th Street NW, License #85659, Retailer DR, ANC 2C No ABC Manager on Duty	9:30 AM

Board's Calendar

May 11, 2016

Show Cause Hearing (Status)

9:30 AM

Case # 15-CMP-00900; Specialty Foods, Inc., t/a Ollie's Trolley, 425 12th Street NW, License #85659, Retailer DR, ANC 2C

No ABC Manager on Duty

Fact Finding Hearing

9:30 AM

512 Rhode Island Avenue, LLC t/a Grapes n' Hopes Market, 512 Rhode Island Ave NW, License No. 77268, Retailer B, ANC 6E

Show Cause Hearing

10:00 AM

Case # 15-CMP-00779; The New Brookland Café, LLC, t/a B Café et Brookland Café, 3740 12th Street NE, License #86793, Retailer Caterer, ANC 5B

**Failed to use Caterer's License in the Authorized Manner (Two Counts),
Purchased Alcohol from a Wholesaler**

Show Cause Hearing

10:00 AM

Case # 15-CMP-00272; Lucky 7, LLC, t/a Lucky 7 Liquor, 2314 Rhode Island Ave NE, License #90270, Retailer A, ANC 5C

No ABC Manager on Duty, Failed to Post Window Lettering

Show Cause Hearing

11:00 AM

Case # 15-CMP-00589; Café Dallul, LLC, t/a Rendezvous Lounge, 2226 18th Street NW, License #14272, Retailer CT, ANC 1C

No ABC Manager on Duty

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

Show Cause Hearing

1:30 PM

Case # 15-CMP-00801; Queen Bee, LLC, t/a Quality Convenience Store 2922 Martin Luther King, JR Ave SE, License #83074, Retailer B, ANC 8C

Sold Go-Cups

Show Cause Hearing*

2:30 PM

Case # 15-CMP-00827; Joel Mireless Castillo, t/a Dulcinea Bar and Grill, 2618 Georgia Ave NW, License #88870, Retailer CR, ANC 1B

Operating After Board Approved Hours

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

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

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, MAY 11, 2016
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On May 11, 2016 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#16-CC-00015 1101 Convenience Mart, 1101 H ST NE, Retailer B Retail - Grocery ,
License#: ABRA-086305

2. Case#16-CC-00038 New Hampshire Market, 1900 16TH ST NW, Retailer B Retail -
Grocery, License#:ABRA-060454

3. Case#16-CC-00017 Charles Corner, 2600 WADE RD SE, Retailer B Retail - Grocery ,
License#: ABRA-094783

4. Case#16-CC-00034 A-1 Wine & Liquors, 1420 K ST NW, Retailer A Retail - Liquor Store ,
License#: ABRA-060704

5. Case#16-CC-00033 Batch 13, 1724 14TH ST NW, Retailer A Retail - Liquor Store ,
License#: ABRA-087970

6. Case#16-CMP-00278 DRAFTING TABLE, 1529 14TH ST NW, Retailer C Restaurant ,
License#: ABRA-089190

7. Case#16-CMP-00322 Smith Point, 1338 WISCONSIN AVE NW, Retailer C Tavern ,
License#: ABRA-060131

8. Case#16-CC-00037 Safeway, 1855 WISCONSIN AVE NW, Retailer B Retail - Grocery ,
License#: ABRA-075687

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, MAY 11, 2016 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer DR to Retailer CR. ANC 6D. SMD 6D07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **100 Montaditos**, 300 Tingey Street SE, Retailer DR, License No. 094846.

2. Review Request for Change of Hours. **Approved Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 10am to 10pm, Friday-Saturday 10am to 11pm. **Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption:** Sunday-Saturday 11am to 9pm. ANC 2B. SMD 2B05. Outstanding fines/citations/enforcement matters: 16-CMP-00282, No ABC Manager on Duty, Citation #3819, \$750 fine. 16-CMP-00281, No ABC Manager on Duty, Citation #3818, \$750 fine. No Settlement Agreement. **Noodles & Company**, 1667 K Street NW, Retailer CR, License No. 091046.

3. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday-Thursday 10am to 12:30am, Friday-Saturday 10am to 2:30am. **Approved Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 10am to 12am, Friday 10am to 2am, Saturday 12pm to 2am. **Proposed Hours of Operation:** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. **Proposed Hours of Alcoholic Beverage Sales and Consumption:** Sunday-Thursday 10am to 2am, Friday-Saturday 12pm to 3am. ANC 2F. SMD 2F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **TG Cigars**, 1118 9th Street NW, Retailer CT, License No. 097774.

4. Review Application for Summer Garden with seating for 36 patrons. **Proposed Hours of Operation of Summer Garden:** Sunday-Thursday 10am to 12:30am, Friday 10am to 2:30am, Saturday 8am to 2:30am. **Proposed Hours of Alcoholic Beverage Sales and Consumption in Summer Garden:** Sunday-Thursday 10am to 12am, Friday 10am to 2am, Saturday 12pm to 2am. ANC 2F. SMD 2F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. **TG Cigars**, 1118 9th Street NW, Retailer CT, License No. 097774.

5. Review Application for Sidewalk Café with seating for 38 patrons. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:*** Sunday-Saturday 9am to 12am. ANC 5E. SMD 5E06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***ANXO Cidery & Pintxos Bar***, 300 Florida Avenue NW, Retailer CT, License No. 098528.

6. Review Application for Sidewalk Café with seating for 16 patrons. ***Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:*** Sunday-Saturday 11am to 12am. ANC 4C. SMD 4C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. ***Taqueria Habanero***, 3710 14th Street NW, Retailer CR, License No. 098996.

7. Review Request to Expand premises to include 111 rooms, in conjunction with the Certificate of Occupancy. ANC 2F. SMD 2F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. ***Morrison-Clark Inn***, 1015 L Street NW, Retailer CH, License No. 020149.

8. Review Application for Manager's License. ***Denny An***-ABRA 102709.

9. Review Application for Manager's License. ***Julio C. Sanchez***-ABRA 100197.

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

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, May 26, 2016 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. | Committee Reports | Respective Committees |
| 9. | Panel Recommendations | |
| 10. | Unfinished Business | All Commissioners Present |
| 11. | New Business and Announcements | All Commissioners Present |
| 12. | Adjournment | Chairperson |

DEPARTMENT OF BEHAVIORAL HEALTH**NOTICE OF FUNDING AVAILABILITY****RFA # RM0BHC052016****FY 2016 – FY 2017 Community Mental Health Services Block Grant****Purpose/Description of Project**

The District of Columbia Department of Behavioral Health (“DBH”) and the DBH Behavioral Health Council are seeking projects for funding consideration under the FY 2016 - FY 2017 Community Mental Health Services Block Grant (CFDA No. 93.958). The projects should reflect the Substance Abuse and Mental Health Services Administration (SAMHSA) focus on behavioral health (mental health and substance use disorders) and the SAMHSA six (6) strategic initiatives. These initiatives include: 1) Prevention of Substance Abuse and Mental Illness; 2) Health Care and Health Systems Integration, 3) Trauma and Justice; 4) Recovery Support; 5) Health Information Technology; and 6) Workforce Development. The DBH Behavioral Health Council recommends reviewing these initiatives on the SAMHSA website (<http://www.samhsa.gov/about-us/strategic-initiatives>).

Eligibility

Applicant must:

1. District of Columbia-based, public or nonprofit private entities which are: a) in good standing with the District government, the Internal Revenue Service and have not been debarred from procurements by the federal government, the Government of the District of Columbia or any governmental entity have not been excluded from participation in federally funded health care programs; and c) provide documentation for these requirements.
2. Meet the requirements of a qualified non-profit with 501(c)3 status in the District of Columbia; and be currently licensed through the Department of Consumer and Regulatory Affairs.

Length of Award

Grant awards will be made for a period of one (1) year from date of the award, and may be continued for one (1) additional year based on documented project success and availability of funding.

Available Funding

Applicants can apply for awards from \$5,000 up to, not to exceed \$30,000. The grant will be awarded by DBH utilizing funds provided through the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the

Community Mental Health Block Grant. No entity awarded funding can use funds for mini-grants or sub-grants.

Anticipated Number of Awards

DBH will fund a minimum of ten (10) projects. Additional projects will be funded based on funding availability.

Request for Application (RFA) Release

The RFA will be released May 20, 2016. The RFA will be posted on the DBH website, www.dbh.gov under Opportunities, and on the website of the Office of Partnerships and Grants, www.opgs.dc.gov under the District Grants Clearinghouse. A copy of the RFA may be obtained at DBH located at 64 New York Avenue, NE, Washington, DC 20002, 2nd Floor, Suite 254, from Dr. Juanita Reaves, Planning and Performance Management Program Manager during the hours of 8:15 a.m. – 4:45 p.m. beginning May 20, 2016.

Pre-Application Conference

A pre-application conference will be held at the DBH, 64 New York Avenue, NE, 2nd Floor, Room 285E B, on June 1, 2016 1:00 p.m. – 2:30 p.m. For more information, please contact Dr. Juanita Reaves at juanita.reaves@dc.gov or Jocelyn Route at Jocelyn.Route@dc.gov.

Deadline for Application

The deadline for submission is June 20, 2016 at 4:45 p.m. EST

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****IPTV System**

On behalf of the Community Capital Corporation and Carlos Rosario PCS, is requesting proposals for procurement and installation of a turn-key solution to install Centralized IPTV System that will provide high quality picture and distributed video the Main Campus at 1100 Harvard St NW.as well as a centralized wireless clock system that includes a master clock and secondary digital clock. The IPTV system must seamlessly integrate with the existing IPTV system at the schools other site (514 V St NE). RFP responses will be received until **5:00 pm Thursday, May 12, 2016**. Submit one (1) original copy of your proposal electronically to Gus Viteri at gviteri@carlosrosario.org

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES
ADMINISTRATIVE BULLETIN CC2016-02**

Issuer:	Melinda Bolling, Director
Issuance Date:	May 6, 2016
Effective Date:	Date of Publication in D.C. Register
Purpose:	This Bulletin establishes additional submittal requirements for permit applications for new construction or substantial improvement in Special Flood Hazard Areas proposing new construction or substantial improvement of Residential Group R buildings, or mixed-use buildings with any Residential Group R occupancies, that propose an enclosed area below the base flood elevation that will be used solely for parking, building access or storage.
Related Code Sections:	2013 District of Columbia Building Code 2012 International Building Code as amended by the 2013 District of Columbia Building Code Supplement, 12-A District of Columbia Municipal Regulations) §§ 104.10, 105.3, 123, 310 and 1612.4; 20 DCMR, Chapter 31.
Subject(s):	Special Flood Hazard Areas; Garages below the base flood elevation in buildings or structures with residential occupancies: Permits; and Code Modification Applications

This Administrative Bulletin (Bulletin) establishes new submittal requirements for permit applications in a Special Flood Hazard Area (SFHA)¹ that propose (1) new construction or substantial improvement of a Residential Group R building or a mixed use building with Residential Group R occupancies² and (2) an enclosed area below the Design Flood Elevation (DFE) or Base Flood Elevation (BFE) that will be used solely for parking, building access, or storage (such use hereafter collectively referred to as an “Underground Garage”).³ No permit

¹ *Flood hazard areas* are defined in Chapter 2 of the Building Code as “The greater of the following two areas: 1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year. 2. The area designated as a flood hazard area on a community’s flood hazard map, or otherwise legally designated.” A *special flood hazard area* is “the land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30.”

² Section 310 of the Building Code provides that “Residential Group R includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as an Institutional Group I or when not regulated by the *International Residential Code*.” This Bulletin is intended to cover any building or structure that is used or intended to be used wholly or partially for Group R occupancies, including mixed-use projects, in flood hazard areas that propose a garage located below the DFE/BFE.

³ *Base Flood Elevation* is defined in Chapter 31 of Title 20 DCMR as the elevation of the base flood or commonly known as the 100-year flood elevation specified in the Flood Insurance Study (FIS) and on the Flood Insurance Rate Map (FIRM). *Design Flood Elevation* is defined in ASCE 24-05 as elevation of the design flood, including wave

application proposing an Underground Garage in new construction or substantial improvement of a Residential Group R building or mixed use building containing Group R occupancies in a SFHA will be granted without written evidence that the Department of Consumer and Regulatory Affairs (DCRA) and Department of Energy and Environment (DOEE) have approved a code modification application, that provides the information required by Section 104.10.1 of the 2013 District of Columbia Building Code (Title 12-A of the District of Columbia Municipal Regulations (DCMR) §104.10.1).⁴

Background

In planning property development or improvements in a flood hazard area, registered design professionals must ascertain whether District of Columbia Floodplain Regulations affect the proposed development or improvement, including whether the use of flood-resistant construction methods and materials are required. The District of Columbia Floodplain Regulations are comprised of the District of Columbia Floodplain Management Regulations (20 DCMR, Chapter 31) and Chapter 16 of the District of Columbia Building Code (including referenced standard ASCE 24). Section 1612.4 of the 2013 District of Columbia Building Code requires any building or structure that falls within the scope of the Building Code that is proposed in a flood hazard area to be designed in accordance with ASCE 24.⁵ ASCE 24-05⁶ sets forth more specific requirements for flood-resistant design and construction standards. The District of Columbia Floodplain Regulations are aligned with the requirements of the National Flood Insurance program (NFIP) administered by FEMA.

The District of Columbia Floodplain Regulations currently require the lowest floor of any construction or substantial improvement of a residential structure in a SFHA to be at least 1.5 feet above the base flood elevation. See Section 3105.2, 20 DCMR. Underground garages are permitted for non-residential structures that meet the technical requirements of Section 3105.4, 20 DCMR. An interpretational issue has arisen for mixed use buildings that are used or intended to be used for residential and non-residential occupancies, and for Group R buildings, in a SFHA that propose an Underground Garage. Group R buildings would not be allowed to have Underground Garages if Section 3105.2 of 20 DCMR applies, and mixed-use buildings are not expressly addressed by the Floodplain Regulations which only refer to residential and non-residential. Definitive guidance has not been provided by the Federal Emergency Management Agency (FEMA), as to whether Underground Garages are permissible for these types of projects, and, if so, the applicable Flood Resistant Design and Construction Standards. DOEE, the designated District of Columbia Floodplain Administrator, has recommended to DCRA that,

height, relative to the datum specified on the community's flood hazard map. In the District, the DFE is the same as the BFE.

⁴ This Bulletin shall also apply to any permit applications submitted on or after the effective date of this Bulletin that are authorized, pursuant to Section 123 of the Building Code, to utilize an earlier version of the Building Code.

⁵ Section 1612.4 provides that "the design and construction of buildings and structures located in *flood hazard areas*, including *flood hazard areas* subject to high-velocity wave action, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24."

⁶ American Society of Civil Engineers (ASCE) 24-5, Flood Resistant Design and Construction, is a referenced standard in the 2012 International Building Code that has been adopted by the District of Columbia.

where an Underground Garage is proposed in a Group R building or a mixed-use building containing Group R occupancies, more in-depth review of the proposed design is needed to determine whether the design is flood-resistant, and meets minimum requirements of the National Flood Insurance Program (NFIP) administered by FEMA.

Procedure

In order to facilitate in-depth review by DOEE and DCRA of permit applications for new construction or substantial improvement of a building in a SFHA that is used or will be used wholly or partially for Residential Group R occupancies, and that proposes an Underground Garage, effective upon publication of this Administrative Bulletin in the DC Register, no such applications will be granted without a code modification approved in writing by the Code Official and by DOEE.⁷ The procedures for obtaining a modification of the Construction Codes are set forth in Section 104.10 of the 2013 District of Columbia Building Code. Section 104.10.1 provides additional information requirements and standards for granting of code modification applications where the project is located in a flood hazard area.⁸

The applicant must use a code modification application form approved by the Code Official. An approved form is available online on the DCRA website at: <http://dcra.dc.gov/publication/construction-code-modification-forms>. DCRA reserves the right to modify the form, in which case the revised form will be posted on the DCRA website.⁹

A copy of this Administrative Bulletin is available at: <http://dcra.dc.gov/page/administrative-bulletins>

⁷ Pursuant to Section 105.3 (Item 13) of the 2013 District of Columbia Building Code, permit applicants must submit “such other data and information” as the Code Official may require.

⁸ Section 104.10.1 provides: **104.10.1 Flood hazard areas.** The *code official* shall not grant modifications to any provision required in *flood hazard areas* as established by [Section 1612.3](#) unless a determination has been made that: 1.A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of [Section 1612](#) inappropriate.2.A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.4.A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.5. Submission to the applicant of written notice specifying the difference between the *design flood elevation* and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the *design flood elevation* increases risks to life and property.

⁹ The filing fee for code modification applications is \$192.50. This fee is subject to adjustment by DCRA.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, May 6, 2016
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – June 3, 2016 at 9:00 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**May 20, 2016
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, December 11, 2015
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – June 24, 2016 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**May 5, 2016
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, April 22, 2016
7. Executive Session (Closed to the Public)
 - a. Applications
 - b. Complaints
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – June 2, 2016 at 1:00 p.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

May 2016

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	6	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	11	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	20	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	2	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	19	7:00 pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	5	9:30am-2:00 pm
Lori Fowler	Board of Professional Engineering	26	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	10	8:00 pm-4:00 pm
Pamela Hall	Board of Industrial Trades Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers	No Meeting	1:00 pm-4:00 pm

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING ADMINISTRATION

D.C. BOXING AND WRESTLING COMMISSION
NOTICE OF PUBLIC MEETING
1100 4th Street, SW, Suite 200E
Washington, DC 20024

AGENDA
May 19, 2016
7:00 P.M.

1. Executive Session (Closed to Public) – 6:30 p.m. – 7:00 p.m.
 - A. ABC Conference
2. Call to Order – 7:00 p.m.
3. Attendance (Start of Public Session)
4. Comments from the Public
 - A. Applications
 - B. Correspondence
5. Minutes – April 21, 2016
6. Old Business
 - A. Past Events
 - i. Josef Pearson Pro-Am Muay Thai Event on Saturday **April 30, 2016** at the Thurgood Marshall Center
 - ii. Mayweather Promotions – Showtime Boxing Event **April 30, 2016** at the DC Armory
 - iii. Roc Nation Sports – BET Televised Event **May 13, 2016** at the DC Armory
 - B. 6th Annual Dr. McKnight Event
 - C. Officials Training/Continuing Education
 - D. ABC Conference (July 30th – August 4th)
7. New Business
 - A. Upcoming Events
 - B. Upcoming Amateur Events
8. Adjournment
NEXT REGULAR SCHEDULED MEETING IS JUNE 16, 2016

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**May 26, 2016 ~ Room 300
9:00 A.M. (Application Review by Board Members)**

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – June 16, 2016
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Appraisers
1100 4th Street SW, Room 300 B
Washington, DC 20024**

AGENDA

**May 11, 2016
10:00 A.M.**

1. Call to Order – 10:00 a.m.
2. Attendance (Start of Public Session) – 10:30 a.m.
3. Executive Session (Closed to the Public) – 10:00 – 10:30 a.m.
 - a) Application Review
 - b) Complaint and Legal Review
 - c) Legal Recommendations/Report
4. Comments from the Public
5. Minutes – Draft, April 20, 2016
6. Recommendations
 - a) Applications for Licensure
 - b) Complaint(s)
 - c) Education Report
 - d) Budget Report
 - e) 2016 Calendar
7. Correspondence
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Regular Meeting, Wednesday, June 15, 2016 1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**May 10, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, April 12, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Commission Meeting – June 14, 2016 at 10:00 a.m.

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

The District of Columbia Board of Elections hereby gives notice that there are vacancies in five (5) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 2B01, 2E04, 2F02, 4C03 and 5E08

Petition Circulation Period: **Monday, May 9, 2016 thru Tuesday, May 31, 2016**

Petition Challenge Period: **Friday, June 3, 2016 thru Thursday, June 9, 2016**





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










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

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

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**









FICTITIOUS BALLOT PRIMARY ELECTION DC STATEHOOD GREEN DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016	BOLETA MUESTRA ELECCIÓN PRIMARIA VERDE ESTRADISTA DE DC DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016
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INSTRUCTIONS TO VOTER	INSTRUCCIONES PARA EL VOTANTE
<ol style="list-style-type: none"> TO VOTE YOU MUST DARKEN THE OVAL  TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval  darkened to the left of any choice indicates a vote for that choice. Use only a blue or black ink pen. If you make a mistake, ask for a new ballot. For a Write-in candidate, darken the oval and write the name of the person on the line. 	<ol style="list-style-type: none"> PARA VOTAR DEBE RELLENAR EL OVALÓ  A LA IZQUIERDA DE SU PREFERENCIA COMPLETAMENTE. Un ovaló  totalmente rellena a la izquierda del nombre de un candidato indica un voto por ese candidato. Use solamente un bolígrafo azul or negro. Si comete un error, pedir una nueva boleta. Para votar por un candidate por escrito, rellene el ovaló y escriba el nombre de la persona en la línea.


















FEDERAL FEDERAL	WARD FOUR MEMBER OF THE COUNCIL DISTRITO CUATRO MIEMBRO DEL CONSEJO	END OF BALLOT FIN DE LA BOLETA
DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES DELEGADO A LA CÁMARA DE REPRESENTANTES DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)  _____ Write-in Candidato por escrito	
 Candidate A  _____ Write-in Candidato por escrito	WARD SEVEN MEMBER OF THE COUNCIL DISTRITO SIETE MIEMBRO DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA AT LARGE MEMBER OF THE COUNCIL MIEMBRO POR ACUMULACIÓN DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	 _____ Write-in Candidato por escrito	
 Candidate A  _____ Write-in Candidato por escrito	WARD EIGHT MEMBER OF THE COUNCIL DISTRITO OCHO MIEMBRO DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
WARD TWO MEMBER OF THE COUNCIL DISTRITO DOS MIEMBRO DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	 _____ Write- in Candidato por escrito	
 _____ Write- in Candidato por escrito	UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
	 _____ Write- in Candidato por escrito	



**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**




FICTITIOUS BALLOT PRIMARY ELECTION DEMOCRATIC BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016		BOLETA MUESTRA ELECCIÓN PRIMARIA BOLETA DEMOCRATA DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016	
INSTRUCTIONS TO VOTER		INSTRUCCIONES PARA EL VOTANTE	
<p>1. TO VOTE YOU MUST DARKEN THE OVAL TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval () darkened to the left of any choice indicates a vote for that choice.</p> <p>2. Use only a blue or black ink pen.</p> <p>3. If you make a mistake, ask for a new ballot.</p> <p>4. For a Write-in candidate, darken the oval and write the name of the person on the line.</p>		<p>1. PARA VOTAR DEBE RELLENAR EL OVALÓ () A LA IZQUIERDA DE SU PREFERENCIA COMPLETAMENTE. Un ovaló () totalmente rellena a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>2. Use solamente un bolígrafo azul or negro.</p> <p>3. Si comete un error, pedir una nueva boleta.</p> <p>4. Para votar por un candidate por escrito, rellene el ovaló y escriba el nombre de la persona en la línea.</p>	
FEDERAL FEDERAL	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	WARD FOUR MEMBER OF THE COUNCIL DISTRITO QUATRO MIEMBRO DEL CONSEJO	
DEMOCRATIC PRESIDENTIAL PREFERENCE/PREFERENCIA PRESEDENCIAL DEMOCRATA VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	AT LARGE MEMBER OF THE COUNCIL MIEMBRO POR ACUMULACIÓN DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
<input type="radio"/> Candidate A <input type="radio"/> Candidate B <input type="radio"/> Candidate C <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> Candidate B <input type="radio"/> Candidate C <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> Candidate B <input type="radio"/> Candidate C <input type="radio"/> Candidate D <input type="radio"/> _____ Write-in Candidato por escrito	
DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES DELEGADO A LA CÁMARA DE REPRESENTANTES DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	WARD SEVEN MEMBER OF THE COUNCIL DISTRITO SIETE MIEMBRO DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> Candidate B <input type="radio"/> Candidate C <input type="radio"/> Candidate D <input type="radio"/> _____ Write-in Candidato por escrito	
	WARD TWO MEMBER OF THE COUNCIL DISTRITO DOS MIEMBRO DEL CONSEJO VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)		
	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	CONTINUED ON NEXT PAGE Continúa en la siguiente página	

<p align="center">FICTITIOUS BALLOT PRIMARY ELECTION DEMOCRATIC BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016</p>	<p align="center">BOLETA MUESTRA ELECCIÓN PRIMARIA BOLETA DEMOCRATA DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016</p>	
<p align="center">INSTRUCTIONS TO VOTER</p> <ol style="list-style-type: none"> TO VOTE YOU MUST DARKEN THE OVAL  TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice. Use only a blue or black ink pen. If you make a mistake, ask for a new ballot. For a Write-in candidate, darken the oval and write the name of the person on the line. 	<p align="center">INSTRUCCIONES PARA EL VOTANTE</p> <ol style="list-style-type: none"> PARA VOTAR DEBE RELLENAR EL OVALÓ () A LA IZQUIERDA DE SU PREFERENCIA COMPLETAMENTE. Un ovaló (●) totalmente rellena a la izquierda del nombre de un candidato indica un voto por ese candidato. Use solamente un bolígrafo azul or negro. Si comete un error, pedir una nueva boleta. Para votar por un candidate por escrito, rellene el ovaló y escriba el nombre de la persona en la línea. 	
<p align="center">DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p> <p align="center">WARD EIGHT MEMBER OF THE COUNCIL DISTRITO OCHO MIEMBRO DEL CONSEJO</p> <p align="center">VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)</p> <p> Candidate A</p> <p> Candidate B</p> <p> Candidate C</p> <p> Candidate D</p> <p> Candidate E</p> <p> Candidate F</p> <p>_____</p> <p>Write-in Candidato por escrito</p> <p align="center">END OF BALLOT FIN DE LA BOLETA</p>		

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

FICTITIOUS BALLOT PRIMARY ELECTION REPUBLICAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016		BOLETA MUESTRA ELECCIÓN PRIMARIA BOLETA REPUBLICANO DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016	
INSTRUCTIONS TO VOTER		INSTRUCCIONES PARA EL VOTANTE	
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FEDERAL FEDERAL	WARD FOUR MEMBER OF THE COUNCIL DISTRITO CUATRO MIEMBRO DEL CONSEJO	LOCAL PARTY OFFICES OFICINAS DEL PARTIDO LOCAL	
DELEGATE TO THE U.S. HOUSE OF REPRESENTATIVES DELEGADO A LA CÁMARA DE REPRESENTANTES DE LOS ESTADOS UNIDOS	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	NATIONAL COMMITTEEMAN MIEMBRO DEL COMITÉ NACIONAL	
VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	 _____ Write-in Candidato por escrito	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
 Candidate A  _____ Write-in Candidato por escrito	WARD SEVEN MEMBER OF THE COUNCIL DISTRITO SIETE MIEMBRO DEL CONSEJO	NATIONAL COMMITTEEWOMAN MIEMBRA DEL COMITÉ NACIONAL	
VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
 Candidate A  _____ Write-in Candidato por escrito	 _____ Write-in Candidato por escrito	 Candidate A	
DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	WARD EIGHT MEMBER OF THE COUNCIL DISTRITO OCHO MIEMBRO DEL CONSEJO	NATIONAL COMMITTEEWOMAN MIEMBRA DEL COMITÉ NACIONAL	
AT LARGE MEMBER OF THE COUNCIL (1, 3, 5 & 6) MIEMBRO POR ACUMULACIÓN DEL CONSEJO (1, 3, 5 & 6)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	 _____ Write- in Candidato por escrito	 Candidate A	
 Candidate A  _____ Write-in Candidato por escrito	UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS	CONTINUED ON NEXT PAGE CONTINÚA EN LA SIGUNTE PÁGINA	
VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)		
 _____ Write- in Candidato por escrito	 _____ Write- in Candidato por escrito		

FICTITIOUS BALLOT PRIMARY ELECTION REPUBLICAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016		BOLETA MUESTRA ELECCIÓN PRIMARIA BOLETA REPUBLICANO DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016	
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LOCAL PARTY OFFICES OFICINAS DEL PARTIDO LOCAL	WARD THREE CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO TRES PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	WARD SIX CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO SEIS PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
WARD ONE CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO UNO PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	WARD FOUR CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO QUATRO PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	WARD SEVEN CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO SIETE PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	
<input type="radio"/> Candidate A	<input type="radio"/> Candidate A		
WARD TWO CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO DOS PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	WARD FIVE CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO CINCO PRESIDENTE DEL COMITÉ REPUBLICANO DE DC VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)	<input type="radio"/> Candidate A	
<input type="radio"/> Candidate A	Write-in <input type="radio"/> Candidato por escrito	CONTINUED ON NEXT PAGE CONTINÚA EN LA SIGUNTE PÁGINA	
	<input type="radio"/> Candidate A		

<p align="center">FICTITIOUS BALLOT PRIMARY ELECTION REPUBLICAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 14, 2016</p>	<p align="center">BOLETA MUESTRA ELECCIÓN PRIMARIA BOLETA REPUBLICANO DISTRITO DE COLUMBIA MARTES, 14 DE JUNIO 2016</p>	
<p align="center">INSTRUCTIONS TO VOTER</p> <p>5. TO VOTE YOU MUST DARKEN THE OVAL  TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.</p> <p>6. Use only a blue or black ink pen.</p> <p>7. If you make a mistake, ask for a new ballot.</p> <p>8. For a Write-in candidate, darken the oval and write the name of the person on the line.</p>	<p align="center">INSTRUCCIONES PARA EL VOTANTE</p> <p>5. PARA VOTAR DEBE RELLENAR EL OVALÓ  A LA IZQUIERDA DE SU PREFERENCIA COMPLETAMENTE. Un ovaló (●) totalmente rellena a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>6. Use solamente un bolígrafo azul or negro.</p> <p>7. Si comete un error, pedir una nueva boleta.</p> <p>8. Para votar por un candidate por escrito, rellene el ovaló y escriba el nombre de la persona en la línea.</p>	
<p align="center">LOCAL PARTY OFFICES OFICINAS DEL PARTIDO LOCAL</p>		
<p align="center">WARD EIGHT CHAIRPERSON OF THE DC REPUBLICAN COMMITTEE DISTRITO OCHO PRESIDENTE DEL COMITÉ REPUBLICANO DE DC</p> <p>VOTE FOR NOT MORE THAN ONE (1) VOTE POR NO MAS DE UNO (1)</p> <p> _____ Write-in Candidato por escrito</p>		
<p align="center">END OF BALLOT FIN DE LA BOLETA</p>		

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF SOLICITATION OF PUBLIC COMMENT**District of Columbia Amended Draft 2016 Integrated Report
Under the Clean Water Act**

Notice is hereby given that the Department of Energy and Environment (the Department) is soliciting comments from the public on the District of Columbia Amended Draft 2016 Integrated Report (required biennially by Sections 305(b) and 303(d) of the federal Clean Water Act). The Integrated Report reports on the status of all waterbodies in the District. Waterbodies listed as impaired may require the development of total maximum daily loads. The amendments include the 303(d) New Vision Stakeholders Engagement and Prioritization Strategies.

The District of Columbia Amended Draft 2016 Integrated Report is available for public review. A person may obtain a copy of the Report by any of the following means:

Download from the Department's website, at www.doe.dc.gov, under the "Laws & Regulations" and "Public Notices & Hearings" tab;

Email a request to 2016draftir.doe@dc.gov with "Request copy of District of Columbia Amended Draft 2016 Integrated Report" in the subject line;

Pick up a copy in person from the Department reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. Call Lucretia Brown at (202) 535-1807 to make an appointment and mention this Plan by name;

Visit the Martin Luther King, Jr. Library, 901 G St., NW, Washington, DC 20001, during normal business hours; or

Write the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: District of Columbia Amended Draft 2016 Integrated Report" on the outside of the envelope.

The draft document can be viewed online at www.doe.dc.gov, under the "Laws & Regulations" and "Public Notices & Hearings" tab and is available for review at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, DC 20001, during normal business hours.

The Department is committed to considering the public's comments while finalizing this Integrated Report. Interested persons may submit written comments on the draft Report, which must include the person's name; telephone number; affiliation, if any; mailing address; a statement outlining their concerns; and any facts underscoring those concerns. **All comments must be submitted by Monday, June 6, 2016.**

Comments should be clearly marked "District of Columbia Amended Draft 2016 Integrated Report" and either:

- 1) Mailed or hand-delivered to the Department of Energy and Environment, Water Quality Division, 1200 First Street, NE, 5th Floor, Washington, DC 20002, Attention: District of Columbia Amended Draft 2016 Integrated Report, or
- 2) E-mailed to 2016draftir.doe@dc.gov.

The Department will consider all timely received comments before finalizing the Report. All comments will be treated as public documents and will be made available for public viewing on the Department's website. When the Department identifies a comment containing copyrighted material, the Department will provide a reference to that material on the website. If a comment is sent by e-mail, the email address will be automatically captured and included as part of the comment that is placed in the public record and made available on the Department's website. If the Department cannot read a comment due to technical difficulties, and the email address contains an error, the Department may not be able to contact the commenter for clarification and may not be able to consider the comment.

FRIENDSHIP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Student Transportation and Event Support Services**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Consultant to Coordinate School Improvement Program
- Student Transportation
- Event Support Services
- Curricula for PRK3 – 12
- Curricula resources PRK3 – 12
- Textbook management system
- Professional development and curriculum support consultants
- Academic Technology materials/resources
- Teacher leaders with professional development

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, May 23rd 2016. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org

FRIENDSHIP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Positive Action, Inc.**

Friendship PCS intends to enter into a sole source contract with Positive Action, Inc. to provide a comprehensive school improvement program at Friendship Blow Pierce Elementary School. Services will include training, professional development, manuals, and curriculum kits for teachers, counselors, and parents. Positive Action, Inc. will work with Blow Pierce Elementary to increase the number of students demonstrating mastery in English Language Arts coursework across all grade levels using a research based program that engages students, parents, and community members in improving the school culture and climate. As a SIG grant recipient, the U.S. Department of Education mandates that Friendship use Positive Action to implement the evidence-based, whole-school reform model associated with the grant. Contract amount Year 1: \$34,890; Year 2: \$27,455; Year 3: \$42,455. The contract term is 3 years and shall be automatically renewed for the same period unless either party, 60 days before expiration, gives notice to the other of its desire to end the agreement.

DEPARTMENT OF HEALTH
HEALTH REGULATION LICENSING ADMINISTRATION
NOTICE OF MEETING

Board of Chiropractic
May 10, 2016

On May 10, 2016 at 1:30 pm, the Board of Chiropractic will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed at 2:30 pm to plan, discuss, or hear reports concerning licensing issues ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public at 1:30 to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations at 2:30 pm.

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

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

Interim Executive Director for the Board – Robin Jenkins, (202) 442-8336.

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, May 11, 2016 at 5:30 pm**. The call in number is 1-877-668-4493, Access code 731 273 972. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PUBLIC MEETING

Department of Health Care Finance Pharmacy and Therapeutics Committee

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will occur **Thursday, June 2, 2016, at 2:30pm at 441 4th NW, Washington, D.C. 20001** on the **10th Fl.** in the **Main Street 1028 Conference Room**. Please note that a government issued ID is needed to access the building. Use the **North** Lobby elevators to access the 10th floor. The Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting.

The clinical drug class review for this meeting will include:

Acne Agents, Topical	Ophthalmic Antibiotic-Steroid Combinations
Analgesics, Narcotics Long Acting & Tramadol Like agents	Ophthalmics for Allergic Conjunctivitis
Antibiotics, Inhaled	Ophthalmics, Anti-Inflammatories
Antihistamines, Minimally Sedating	Ophthalmics, Glaucoma Agents
Antimigraine Agents	Opiate Dependence Treatments
Bronchodilators, Beta Agonists	Otic Antibiotics
COPD Agents	PAH Agents, Oral And Inhaled
Epinephrine, Self-Injected	Skeletal Muscle Relaxants
Glucocorticoids, Inhaled	Smoking Cessation (<i>tentatively</i>)
Intranasal Rhinitis Agents	Steroids, Topical High
Leukotriene Modifiers	Steroids, Topical Low
NSAIDs	Steroids, Topical Medium
Ophthalmic Antibiotics	Steroids, Topical Very High

Any persons or organizations who wish to make an oral presentation to the Committee should furnish the name of the person or organization represented, address, and telephone number to Charlene Fairfax via telephone at (202) 442-9076 or via email at charlene.fairfax@dc.gov **no later than 4:45pm on Thursday, May 26, 2016**. Any oral presentation to the Committee cannot exceed three (3) minutes.

The Committee must receive twenty (20) ready-to-disseminate copies of any handouts **no later than 4:45 on May 26, 2016**. Handouts are limited to no more than two (2) standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back). Handouts may be mailed to Department of Health Care Finance, Attn: Charlene Fairfax, RPh, CDE, 441 4th NW, Ste. 900 S, Washington, D.C. 20001.

DEPARTMENT OF HEALTH CARE FINANCE**PUBLIC NOTICE OF PROPOSED AMENDMENTS IN THE RENEWAL APPLICATION****Home and Community-Based Waiver for the Elderly and Persons with Physical Disabilities**

The Director of the Department of Health Care Finance (DHCF), pursuant to authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02) (2012 Repl. & 2015 Supp.), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to submit a renewal application for the District of Columbia Medicaid program's Home and Community-Based Services (HCBS) Waiver for the Elderly and Persons with Physical Disabilities (EPD) to the federal Centers for Medicare and Medicaid Services (CMS) for approval. The renewal application contains proposed changes to add a new service, makes substantive changes to the service descriptions of existing waiver services, adds procedures for streamlining the recertification process for enrollment in the EPD Waiver, changes provider qualification and verification criteria and proposes a new method and standards for setting payment rates for a service.

A summary of the proposed substantive changes to the renewal application and copies of the proposed amendments may be obtained on the DHCF website at <http://dhcf.dc.gov/newsroom> or upon request from Ieisha Gray, Director, Long Term Care Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, 10th Floor South, Washington, DC 20001. There are two opportunities to provide comments on the proposed HCBS waiver amendments:

Written comments on the proposed waiver amendments shall be submitted to Ieisha Gray, Director, Long Term Care Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, 10th Floor South, Washington, DC 20001, or via e-mail at dhcfpubliccomments@dc.gov, during the thirty (30) day public comment period, starting from the date this notice is published.

DHCF will hold a public forum during which written and oral comments on the proposed amendments will be accepted. The public forum will be held at the D.C. Department of Health Care Finance, 441 Fourth Street NW, Washington, DC 20001, Main Street Conference Room, 10th Floor on Wednesday, June 1, 2016, from 10:30 am to 12:00 pm.

The proposed waiver amendment will be published on the DHCF website at <http://dhcf.dc.gov/newsroom>. For further information, please contact Trina Dutta, Special Projects Officer, D.C. Department of Health Care Finance, (202) 719-6632 or trina.dutta@dc.gov.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1325 G STREET, N.W., SUITE 800
WASHINGTON, D.C. 20005

NOTICE OF INQUIRY

RM36-2016-01-E, THE COMMISSION'S INVESTIGATION INTO ELECTRICITY
QUALITY OF SERVICE STANDARDS AND RELIABILITY PERFORMANCE

1. By this Notice of Inquiry (“NOI”), the Public Service Commission of the District of Columbia (“Commission”) directs the Potomac Electric Power Company (“Pepco” or “Company”) and the Office of the People’s Counsel for the District of Columbia (“OPC”), respectively, to provide responses to the questions set forth in this NOI. These questions concern potential improvements to the Commission’s least performing feeder program¹ and related changes to Pepco reporting on least performing feeders in its future Annual Consolidated Reports. In addition, the Commission invites interested members of the public to provide comments addressing these questions and the responses thereto, to be provided by Pepco and OPC.

2. This NOI is a companion to the Commission’s order in Formal Case No. 1076, in which the Commission addressed certain conclusions reached and the recommendation made by Siemens Industry, Inc. (“Siemens”) in its “*Final Report: Siemens Management Audit of Pepco System Reliability*” concerning Pepco’s worst performing feeders.² Specifically, Siemens concluded that Pepco’s past corrective action plans (2009-2013) were effective at relieving reliability problems on the Company’s 2% least performing feeders.³ However, Siemens expressed repeated concern that the selection criteria for designating Pepco’s least performing feeders, though adequate, could be improved.⁴ Thus, Siemens recommended that Pepco’s current feeder selection criteria should be expanded.⁵

3. In Order No. 18167⁶ the Commission rejected Siemens’ conclusions regarding the effectiveness of Pepco’s corrective action plans for priority feeders and found, instead, that

¹ See 15 DCMR §§ 3603.1 – 3603.6 (2012).

² *Formal Case No. 1076, In the Matter of the Application of the Potomac Electric Power Company for Authority to Increase Existing Retail Rates and Charges for Electric Distribution Service, Order No. 18167* (“Order No. 18167”) (rel. April XX, 2016).

³ Order No. 18167 at ¶ 4.

⁴ See, e.g., Siemens Audit Report at p. 3-32.

⁵ Siemens Audit Report at 1.5, Recommendation 3.1.

⁶ Order No. 18167 at ¶ 68.

Pepco's 2% Least Performing Feeder Program has been unable to improve feeder reliability performance on identified problematic feeders to a meaningful degree in a significant number of instances over a multi-year period. The Commission concluded, therefore, that fundamental changes in the program are necessary in order to achieve desired reliability performance improvements.

4. In that order, we stated our intention to amend our rules in order to put into place a prioritized Feeder Reliability Improvement Program to replace the present 2% Least Performing (High Priority) Feeder Program. Further, the Commission stated it would soon issue a Notice of Inquiry in which it would seek responses from Pepco and OPC to questions addressing a number of elements that could, potentially, appear in this new program, including selection criteria, performance targets, corrective action plans and reporting.

5. Accordingly, the Commission directs Pepco and OPC to respond to the following questions within 45 days from the date of this NOI. Replies to these responses may be filed by Pepco and OPC no later than 75 days from the date of this NOI. Interested members of the public may file responses to, or comments addressing the subjects of these questions, within 45 days from the date of this NOI. Similarly, interested members of the public may file, no later than 75 days from the date of this NOI, replies to the responses filed, respectively, by Pepco and OPC.

A. Least Performing Feeder Performance Improvement Standard(s):

1. Assuming that Least Performing Feeders should be improved to a specified performance standard:
 - a. Should that standard use feeder SAIDI as the metric by which to measure reliability performance improvement? If not, what other metric should be used for this purpose (explain your choice)?
 - b. Comment upon the potential use of Pepco's District-wide SAIDI, averaged over three calendar years, as the feeder improvement standard? Under such a standard, should the required improvement be capped at the EQSS SAIDI value appearing in the Commission's rules? Given your responses to the foregoing, what different feeder improvement performance standard, if any, do you recommend and what feeder improvement results and corrective action plan costs do you anticipate occurring should that alternate standard be adopted by the Commission?
 2. Comment upon the suitability of requiring that improved LPF feeder reliability performance be maintained at no less than the reliability standard for a period of five years, following completion of a feeder corrective action plan. Do you recommend a longer or shorter time period and if so, reconcile your recommended improvement period
-

with the need to provide customers with value commensurate with the costs of feeder improvements.

3. Should a Least Performing Feeder improvement performance standard be uniform for all feeders? If not, should the performance standard vary by construction type (*e.g.*, overhead versus underground, networked versus non-networked) and vary by geographic location within the District? What other criteria, if any, might support differing feeder improvement performance standards among the feeders selected?

B. Feeder Corrective Action Plans:

4. Respond to the following:
 - a. Should corrective action plans be subject, either individually or in the aggregate, to an annual or other cost cap?
 - b. Should individual feeder corrective action plans be allowed to extend over multiple years and if so, what criteria should be applied to determine the length of an individual feeder's corrective action plan?
 - c. When a least performing feeder selected for prioritized reliability enhancement work has also been identified in a triennial Underground Infrastructure Improvement Projects Plan⁷ as a candidate for undergrounding, with construction to begin within three years of the priority feeder selection date, should that identification also absolve the utility from the obligation to design and implement a corrective action plan for the feeder, pending its undergrounding? (Explain your response.)

C. Least Performing Feeder Selection Method:

5. Comment upon the following potential changes in selecting underperforming feeders for prioritized reliability enhancements:
 - a. Expanding the percentage of District feeders selected from 2% to 3%;
 - b. Adopting as selection criteria the primary selection criteria applicable to Pepco's undergrounding choices made pursuant to section 308(a)(2) of the Electric Company Infrastructure Improvement Financing Act of 2014 - the most recent three calendar years' average of the following, weighted equally: number of feeder outages; the duration of those outages; and feeder CMI; and
 - c. Inserting a predictive element into the feeder selection criteria, for example, weighting the selection score upwards or downwards to reflect the trend in a feeder's recent SAIDI performance. If

⁷ See D.C. Code sections 34-1313.07 through 34-1313.10 (2014).

trending is to be considered in weighting feeder selection scores, how many consecutive years of consistent upward or downward movement in SAIDI is sufficient to establish a trend?

D. Other Indicia of Compromised Feeder Reliability:

6. Assuming a feeder is identified by its CEMI₃ index value as requiring prioritized reliability enhancement work,⁸ should the feeder be included as a priority feeder under the Local Feeder Reliability Improvement Program or should the work be performed under its own or some other Pepco reliability or capital infrastructure improvement plan? Is there a need to rank feeders identified under the CEMI₃ threshold and if so, what ranking criteria should be employed?
7. What relationship, if any, exists between multiple operations of interruption, segmentation or load shifting devices on a particular feeder and the need for preventive or remedial maintenance, or other reliability enhancement work on the feeder? Should multiple operations of such devices require Pepco to conduct a survey of the feeder and if so, what should the survey be designed to reveal, what consequences should attend the completion of the survey, and at what level of device operations should the survey requirement be triggered?

E. Blending Most Susceptible Neighborhood Feeders into Local Feeder Improvement Program:

8. Comment upon the potential inclusion of the least performing feeder in each Ward (most susceptible neighborhood feeder) on the list of feeders to receive reliability enhancement work under a prioritized Feeder Reliability Improvement Program?

6. Pepco and OPC are to file with the Commission, no later than forty-five (45) days from the date of this NOI, responses to the questions posed above; replies to these responses may be filed no later than 75 days from the date of this NOI; and

7. Interested members of the public may file with the Commission, no later than 45 days from the date of this NOI, comments in response to the questions above; interested members of the public may file replies to the responses of Pepco and OPC described in paragraph 6. above no later than 75 days from the date of this NOI.

⁸ CEMI₃ refers to the number of customers on each feeder that have experienced multiple (in this example, at least three) interruptions over a defined period of time (typically, annually).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**PUBLIC NOTICE****RM27-2016-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT**

1. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file comments and reply comments in response to a Notice of Proposed Rulemaking ("NOPR") published in this proceeding on April 15, 2016 in *D.C. Register*.¹ The NOPR seeks to amend Chapter 27 of Title 15 DCMR, the retail quality of service rules applicable to telecommunications service providers.

2. Through this Public Notice, the Commission extends the comment period from May 16, 2016 to June 27, 2016 and the reply comment period from May 31, 2016 to July 11, 2016.

3. All persons interested in filing comments and reply comments on the subject matter of the NOPR shall file these comments and reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, Suite 200 West Tower, Washington DC 20005. Copies of the NOPR may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the above address.

¹ 63 *D.C. Reg.* 5771 (April 15, 2016).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**PUBLIC NOTICE****RM27-2016-02, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT**

1. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file comments and reply comments in response to a Notice of Proposed Rulemaking ("NOPR") published in this proceeding on April 15, 2016 in *D.C. Register*.¹ The NOPR seeks to amend Chapter 27 of Title 15 DCMR, the retail quality of service rules applicable to telecommunications service providers.

2. Through this Public Notice, the Commission extends the comment period from May 16, 2016 to June 27, 2016 and the reply comment period from May 31, 2016 to July 11, 2016.

3. All persons interested in filing comments and reply comments on the subject matter of the NOPR shall file these comments and reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, Suite 200 West Tower, Washington DC 20005. Copies of the NOPR may be obtained by visiting the Commission's website at www.dcpsc.org or at cost, by contacting the Commission Secretary at the above address.

¹ 63 *D.C. Reg.* 5773 (April 15, 2016).

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DC TAXICAB COMMISSION**

NOTICE OF GENERAL COMMISSION MEETING

The District of Columbia Taxicab Commission will hold its regularly scheduled General Commission Meeting on Wednesday, May 11, 2016 at 10:00 am. The meeting will be held at our new office location: 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032. Visitors to the building must show identification and pass through the metal detector. Allow ample time to find street parking or to use the pay-to-park lot adjacent to the building.

The final agenda will be posted no later than seven (7) days before the General Commission Meeting on the DCTC website at www.dctaxi.dc.gov.

Members of the public are invited to participate in the Public Comment Period. You may present a statement to the Commission on any issue of concern; the Commission generally does not answer questions. Statements are limited to five (5) minutes for registered speakers. Time and agenda permitting, nonregistered speakers may be allowed 2 minutes to address the Commission. To register, please call 202-645-6002 no later than 3:30 p.m. on May 10, 2016. Registered speakers will be called first, in the order of registration. **Registered speakers must provide ten (10) printed copies of their typewritten statements to the Secretary to the Commission no later than the time they are called to the podium.**

DRAFT AGENDA

- I. Call to Order
- II. Commission Communication
- III. Commission Action Items
- IV. Government Communications and Presentations
- V. General Counsel's Report
- VI. Staff Reports
- VII. Public Comment Period
- VIII. Adjournment

THE GOODWILL EXCEL CENTER PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Unarmed Security Guard**

The Goodwill Excel Center, Public Charter School (GEC) is seeking bids for an unarmed security guard for its adult public charter high school in Washington D.C. Essential functions and requirements are outlined in the Scope of Work section of the Request for Proposal. The deadline for responding to the RFP is May 13, 2016 at 5pm. Contact – Josh Wallish, General Counsel, 2200 South Dakota Ave NE, Washington, DC 20018, (202) 719-1235, josh.wallish@dcgoodwill.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, May 11, 2016 at 11:00 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|-------------------|-----------------------|
| 1. | Call to Order | Committee Chairperson |
| 2. | Other Business | |
| 3. | Executive Session | Committee Chairperson |
| 4. | Adjournment | Committee Chairperson |

DEPARTMENT OF YOUTH REHABILITATION SERVICES**NOTICE OF FUNDING AVAILABILITY****A Brighter Outlook for Court-involved youth: A mini-grant competition for program and service providers to join the FY2017 DYRS Service Coalition**

The District of Columbia, Department of Youth Rehabilitation Services is soliciting applications from qualified applicants to join the Department of Youth Rehabilitation Services (DYRS) Community Programming Initiative. The purpose of the Community Programming Initiative is to establish a community-based continuum of services that is local, accessible and focuses on positive youth development. DYRS invites local organizations to submit proposals for high quality programs and services that will provide the experiences, skill-building opportunities, supports, resources and enrichment activities that assist youth in reaching their personal goals and developmental milestones.

Eligibility: Any public or private, community-based non-profit agency, organization or institution located in the District of Columbia is eligible to apply. For profit organizations are eligible but may not include profit in their grant application. For-profit organizations may also participate as subcontractors to eligible agencies

The purpose of the Request for Applications (RFA) is to announce funding availability for qualified applicants to partner with DYRS in the implementation and delivery of a comprehensive and coordinated system of programs and services for D.C. court-involved youth and families. DYRS is seeking up to (16) providers to participate in the Service Coalition for Fiscal Year 2017 (“FY17” extends from October 1, 2016 – September 30, 2017). The Service Coalition delivers community-based and Achievement Center-based services to court-involved youth. While DYRS operates and manages care coordination and case management services for all youth committed to the agency, the Service Coalition delivers direct services and provides structured programs and activities for court-involved youth and their families. Service Coalition members will be selected in pre-determined service areas outlined in the RFA. In addition, Service Coalition providers will receive technical and capacity building support, as well as financial monitoring and payment for services through the Capacity Building and Administrative Partner that works with DYRS to administer the Community Programming Initiative.

The overall goal of the Community Programming Initiative is to help court-involved youth and their families achieve personal goals and milestones through the provision of a wide range of programs that emphasize individual strengths, personal accountability, public safety, skill development, family involvement and community support.

The Community Programming Initiative will serve as a bridge between youth, families, and the community through outreach, engagement, and other supportive services by implementing the service delivery models with the following three objectives in mind:

1. To advance the rehabilitation of DYRS youth by connecting them to services, supports, and resources that help them reach their goals and developmental milestones;

2. To enhance public safety by engaging youth in positive, developmentally appropriate, and structured activities that complement and enhance DYRS's methodologies for the care and supervision of young people; and
3. To create safer and stronger communities that support youth and families by investing directly in local organizational and human resources that are accessible and dedicated to strengthening young people and their families.

Length of Awards: DYRS will select up to 16 providers to participate in the Service Coalition, who will receive a grant agreement for the duration of FY17. DYRS reserves the right to extend any grant agreement for two (2), single-year extensions, pending funding availability and the satisfactory delivery of the proposed programming and services.

Availability of Funding for Awards: The award allocation for all program and service providers delivering community and Achievement Center-based services is up to \$6,813,077.

Anticipated Number of Awards: It is anticipated that DYRS will select up to 16 grantee to serve as Service Coalition members. Award numbers and amounts are subject to change.

The Request for Applications (RFA) will be released on Monday, May 9, 2016. The application submission deadline will be Friday, June 10, 2016 at 4:00 pm (EST). The RFA will be available on DYRS' website, <http://dyrs.dc.gov/page/doing-business-dyrs>.

The Department of Youth Rehabilitation Services will facilitate Mandatory Pre-Application Technical Assistance Workshops for grant applicants. Applicants are required to attend one of the two time slots offered for the Workshops to be held from 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. on Wednesday, May 18, 2016 at the Achievement Center located at 450 H St. NW Washington, D.C. 20001. No one will be admitted once the workshop has begun and attendance will be taken at the end of the workshop. Failure to attend the Pre-Application Technical Assistance Workshops will disqualify an application. Pre-registration for the Pre-Application Technical Assistance Workshop is required. Please RSVP to Melissa Milchman at melissa.milchman@dc.gov to reserve a space at either session.

For more information regarding this competition, please contact Melissa Milchman at melissa.milchman@dc.gov or 202-299-3996.

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

Application No. 14493-A¹ of Star of Bethlehem Church of God, pursuant to 11 DCMR § 3104.1, for a special exception from the child development center requirements under § 205, to allow² a child development center for 150 children and 17 staff in the SSH-2/R-1-B District at premises 5331 Colorado Avenue, N.W. (Square 2718, Lot 804).

HEARING DATE: April 12, 2016

DECISION DATE: April 12, 2016

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 5.)

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") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC submitted a report, dated March 14, 2016, indicating that at a duly noticed and scheduled public meeting on March 9, 2016, at which a quorum was in attendance, the ANC voted 10-0-0 in support of the application. (Exhibit 24.)

The Office of Planning ("OP") submitted a timely report on April 4, 2016, recommending approval of the application with conditions, (Exhibit 25) and OP testified in support of the application at the hearing. The Board adopted the conditions proposed by OP but for including a condition requiring compliance with the licensing requirements of the Office of the State Superintendent of Schools since such compliance is legally required to operate at the site.

The D.C. Department of Transportation submitted a timely report dated April 5, 2016 expressing no objection to the application. (Exhibit 27.)

¹ The use was initially established by BZA Order No. 14493 which became final on December 4, 1986, for a three-year period of time. That approval was subject to six conditions, including the three-year term limit. According to the Office of Planning report, "The applicant requests to renew approval of a child development center that lapsed 26 years ago, subject to the same conditions as the original approval." (See, OP Report, Exhibit 25, p. 2.) However, the Applicant did not seek a term limit, nor did the Board impose one in the instant case.

² Regarding the use request, the Board revised the caption to replace "continue" with "allow" to denote the long period of time that has elapsed since the Board's approval of the use expired.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 205. The only parties to the application were the Applicant and the ANC which expressed support for the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 205, that the requested relief can be granted, being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.5, 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 the application is hereby **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Student enrollment shall not exceed 150 children, ranging in age from two through five years of age.
2. The number of staff shall not exceed 17.
3. The hours of operation shall not exceed from 6:30 AM to 6:30 PM, Monday through Friday.

VOTE: 5-0-0 (Marnique Y. Heath, Anita Butani D'Souza, Frederick L. Hill, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE).

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: April 27, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

BZA APPLICATION NO. 14493-A
PAGE NO. 2

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Order No. 18514-A of Andrew Daly and Patty Jordan, Request for Minor Modification of Plans Approved in Order No. 18514, pursuant to § 3129 of the Zoning Regulations.

The original application was pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception under § 223, not meeting the lot occupancy requirements (§ 403), a variance from the parking space dimensions requirement under § 2115.1, and a variance from the garage setback requirement under § 2300.2(b), to allow a detached garage addition serving a one-family dwelling in the R-4 District at premises 1120 Park Street, N.E. (Square 987, Lot 8).

HEARING DATE (Application No. 18514):	March 12, May 21, July 23, September 24, and October 8, 2013
DECISION DATE (Application No. 18514):	October 8, 2013
FINAL ORDER ISSUANCE DATE (No. 18514):	October 15, 2013
MINOR MODIFICATION DECISION DATE:	February 2 and April 12, 2016

SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION

BACKGROUND

On October 8, 2013, in Application No. 18514, the Board of Zoning Adjustment (“Board” or “BZA”) approved Andrew Daly and Patty Jordan’s (the “Applicants”) request for a special exception under § 223, not meeting the lot occupancy requirements (§ 403), a variance from the parking space dimensions requirement under § 2115.1, and a variance from the garage setback requirement under § 2300.2(b), to allow a detached garage addition serving a one-family dwelling in the R-4 District. The Board’s decision was effectuated thorough the issuance Order No. 18514, which has a final date is October 15, 2013. (Exhibit 35 of the record for Case No. 18514.)

MOTION FOR MINOR MODIFICATION

On January 22, 2016, the Applicants submitted a request for a minor modification to the plans approved by the Board in Order No. 18514 and also, pursuant to 11 DCMR § 3100.5, requested waiver of the two-year time limitation for the filing of a minor modification under § 3129.3. (Exhibits 1 and 2.)

Preliminary Matter: Waiver of Time Limitation

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 years after the date of the final order

approving the application. The Applicant requested a waiver of the time requirement, indicating that the untimely request for minor modification is a result of the Historic Preservation Office's ("HPO") review and advice of structural engineers. (Exhibit 1.)

The Applicants indicated that the modified plans, submitted to the record with the request for minor modification, attempt to address the issues underlying Ms. Schaub's opposition and, as the process of negotiating and litigating the issues was ongoing, the Applicants were unable to submit the request for minor modification within the two-year period after the issuance of Order No. 18514. The Board granted the Applicants' request based upon these considerations and waived the two-year filing requirement.

Motion for Minor Modification of Plans

The modifications to the approved plans in Order No. 18514 ("Modified Plans") were proposed as a result of a dispute between the Applicants and adjacent property owner, Patricia Schaub. In efforts to settle the dispute, the Applicants proposed to revise the plans in order to: change the garage's exterior to a brick facing; modify the roof deck materials to a post-railing design; increase the height of the garage to 13 feet, 10 ^{5/8} inches; increase the length of the garage to 15 feet, 5 1/2 inches; increase the width of the garage to 9 1/2 inch; replace the "captain's ladder" to the roof deck with a spiral staircase; and add a small sink to the garage's exterior. (Exhibit 2.) The Modified Plans were filed to the record as Exhibit 6. The Applicants indicate that the Modified Plans would not affect any aspect of variance relief granted by the Board, including the width of the parking space approved in Order No. 18514.

In the initial filing, the Applicants also noted that the Modified Plans had been concurrently submitted to the Historic Preservation Review Board ("HPRB"), but had not yet received approval from HPRB. Accordingly, the Applicants requested that the Board grant the minor modification, but allow flexibility for further minor modifications to be made based on comments from HPRB.

Patricia Schaub, adjacent property owner, filed a letter to the record in opposition to the minor modification and requested party status to the proceeding. The Board notes that in a minor modification proceeding, the only parties are those involved in the original proceeding. In this case, the only parties to the original proceeding were the Applicants and Advisory Neighborhood Commission ("ANC") 6A, the affected ANC. In a separate but related action, Ms. Schaub filed Appeal No. 19092 with the Board, challenging the Garage Permit No. G1500009 that was issued by the Zoning Administrator based on the relief granted in Order No. 18514.

The request for minor modification was scheduled to be considered at the public meeting of February 2, 2016, but because of the objections raised by Ms. Schaub to this request and through the related appeal, the parties requested additional time to continue discussions. When the Board revisited the matter at the end of the public hearing session of February 2, 2016, counsel for the Applicants requested to defer the Board's decision on the minor

modification until after the Modified Plans have received approval from HPRB. The Applicant indicated that, if HPRB requests any further revisions, the Applicants would amend the request for minor modification and submit an updated version of the plans to reflect those changes (“Final Modified Plans”) for the record. As part of the February 2, 2016 discussions, Ms. Schaub agreed to withdraw her opposition to the minor modification.¹ The Board agreed to postpone its decision on both the minor modification and the related appeal to April 12, 2016.

In advance of the April 12, 2016 hearing, the Applicant filed a motion to waive the timely filing requirements in order to submit Final Modified Plans. (Exhibits 12 and 13.) The revisions reflected in the Final Modified Plans were based on HPRB’s March 24, 2016 approval of the plans, subject to minor suggested changes. (Exhibit 14.) Pursuant to HPRB’s recommendations, the Applicants revised their plans to “step” the roof deck back, so that the north edge of the deck is 3 feet, 2 ½ inches from the north edge of the structure. The Applicants also noted in the supplemental filing that they are continuing to work with HPO staff to finalize colors and materials for the garage door and roof deck posts and railings. Those changes would not impact the size, shape, or massing of the structure, but the Applicants nonetheless requested that the Board allow for flexibility in the Final Modified Plans so that those cosmetic decisions could be incorporated.

Pursuant to § 3129.4, all requests for minor modifications 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 Applicants provided proper and timely notice of the request for minor modification to ANC 6A, the only other party to the original application, and also notified the Single Member District ANC 6A03 as well as OP and DDOT.

An ANC report was submitted to the record, stating that at a regularly scheduled and properly noticed meeting on March 10, 2016, at which a quorum was present, ANC 6A voted 7-0 in support of the applicant’s request.² (Exhibit 9.)

OP submitted a timely report recommending approval of the proposed minor modifications to the Applicant’s plans. (Exhibit 10.) OP also testified in support of the minor modification at the hearing on April 12, 2016. DDOT submitted a timely report stating that it had no objection to the granting of the modification. (Exhibit 11.)

¹ In addition, the Applicants agreed to surrender the building permit at issue in Appeal No. 19092, which would render the appeal moot. Pursuant to the parties’ agreement, Ms. Schaub would request that the Board dismiss the appeal with prejudice at that time. In fact, such a request was made and granted by the Board during the same meeting in which this request was granted. An order granting the motion to dismiss is being separately issued.

² The ANC’s report characterizes the application as “a special exception under § 223, not meeting the lot occupancy requirements (§ 403), a variance from the parking space dimensions requirement under § 2115.1, and a variance from the garage setback requirement under § 2300.2(b), to allow a detached garage addition serving a one-family dwelling” rather than a request for minor modification of the original request for relief.

As noted, the only parties to the case were the ANC and the Applicants. Since the ANC indicated no opposition to the grant of the motion., a decision by the Board to grant request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, 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 not otherwise prohibited by law.

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 approved plans. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a minor modification to the plans approved in Case No. 18514, 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.

It is therefore **ORDERED** that this request for modification of the Board's approval in Application No. 18514 is hereby **GRANTED, AND PURSUANT TO § 3125.8, SUBJECT TO THE APPROVED FINAL MODIFIED PLANS UNDER EXHIBIT 13.**³

In all other respects, Order No. 18514 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON OCTOBER 8, 2013: 3-0-2

(Lloyd J. Jordan, S. Kathryn Allen, and Anthony J. Hood, to Approve; Jeffrey L. Hinkle, not present or voting; and one Board seat vacant.)

VOTE ON MINOR MODIFICATION ON APRIL 12, 2016: 5-0-0

(Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle, and Michael G. Turnbull to APPROVE.)

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: April 26, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

³ The Board granted the Applicant flexibility to make minor changes to the approved plans, specifically with regard to color and materials.

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

Appeal No. 19092 of Patricia Schaub, pursuant to 11 DCMR §§ 3100 and 3101, from a May 20, 2015¹ decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. G1500009, to allow the construction of a new garage with roof deck in the R-4 District at premises 1120 Park Street N.E. (Square 987, Lot 8).

HEARING DATES: November 10, 2015; December 15, 2015; February 2, 2016; and April 12, 2016²
DECISION DATE: April 12, 2016

DISMISSAL ORDER

This appeal was submitted to the Board of Zoning Adjustment (“Board” or “BZA”) on July 20, 2015 by Patricia Schaub (the “Appellant”). The Appellant challenged the decision by the Zoning Administrator to issue Garage Permit No. G1500009, arguing that the plans approved as part of the permit application differ from the plans approved by the Board in Application No. 18514 of Andrew Daly and Patty Jordan (the “Property Owners”), in which the Property Owners were granted variance and special exception relief to construct the detached garage addition. The hearing was postponed several times, as the parties engaged in efforts to settle the dispute related to the garage construction.

On February 11, 2016, the Appellant submitted a letter by which it requested that the Board dismiss Appeal No. 19092 with prejudice. (Exhibit 47.) The letter indicated that, in accordance with the terms of the February 2, 2016 Settlement Agreement between the parties, the Property Owners have surrendered and voided Garage Permit No. G1500009 to DCRA and that DCRA has formally acknowledged surrender and voiding of the Garage Permit.

Based on the surrender of the permit, the Appellant acknowledged that the appeal is moot and requested that the Board dismiss the appeal with prejudice. At its public hearing on April 12, 2016, the Board voted to grant the Appellant’s motion.³

Accordingly, it is **ORDERED** that the appeal is **DISMISSED** with **PREJUDICE**.

¹ The caption for this appeal incorrectly noted October 8, 2013 as the date of the Zoning Administrator’s decision instead of May 20, 2015, when the building permit was issued. The caption has been revised accordingly.

² The hearing for this appeal was postponed from November 20, 2015 and December 15, 2015. At the public hearing of February 2, 2016, the hearing was continued to April 12, 2016 at the request of all parties.

³ In a separate but related action, the Board also granted the Property Owners’ motion for minor modification of the plans approved by the Board in Application No. 18514. An order granting that motion is being separately issued.

VOTE: 5-0-0 (Marnique Y. Heath, Frederick L. Hill, Anita Butani D'Souza, Jeffrey L. Hinkle and Michael G. Turnbull, to DISMISS.)

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: April 26, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001

PUBLIC NOTICE CLOSED MEETINGS AND FOR TRAINING: MAY 2016

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on April 26, 2016, the Board of Zoning Adjustment voted 5-0-0 to hold *closed meetings telephonically on Mondays, May 2nd, May 9th, May 16th, and May 23rd*, beginning at 4:00 p.m. for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the cases scheduled to be publicly heard or decided by the Board on the day after each such closed meeting, as those cases are identified on the Board's meeting and hearing agendas for May 3rd, May 10th, May 17th, and May 24, 2016.

Finally, the *morning of Tuesday, May 3, 2016*, from 9:00 am to 12:30 pm, will be a closed meeting for the purpose of conducting internal training, as permitted by Section 405(b)(12) of the Act.

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

**Marnique Y. Heath, Chairperson, Anita Butani D'Souza, Vice-Chairperson,
Frederick L. Hill, Jeffrey L. Hinkle, and a Member of the Zoning Commission.
Clifford W. Moy, Secretary of the Board of Zoning Adjustment
Sara A. Bardin, Director, Office of Zoning**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11L
Z.C. Case No. 06-11L**

**Hillel at The George Washington University and The George Washington University
(Variance and Special Exception Approval and an Amendment to and Further Processing
of the 2007 Foggy Bottom Campus Plan)
November 23, 2015**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing to consider: (1) an application from Hillel at The George Washington University (“Hillel”) for variance relief from the density (floor area ratio [“FAR”]), lot occupancy, rear yard, and parking requirements as well as special exception approval for roof structures that do not meet the setback requirements, to permit the construction of a new building for Hillel; and (2) an application from The George Washington University (“University”) for special exception approval of an amendment to the 2007 Foggy Bottom Campus Plan and further processing of the Campus Plan, to permit university use of leased space within the project, for property located in the R-5-D Zone District and within the boundaries of the Campus Plan at 2300 H Street, N.W. (Square 42, Lots 820 and 840).

HEARING DATE: June 23, 2014

DECISION DATE: November 23, 2015

FINDINGS OF FACT

Application, Parties, and Hearing

1. By Z.C. Order No. 06-11/06-12, dated March 12, 2007 (“Campus Plan/PUD Order”), the Commission approved the 2007 Campus Plan and a related first-stage PUD for the University’s Foggy Bottom campus (“Campus Plan”).
2. The property that is the subject of this application is located at 2300 H Street, N.W. (Square 42, Lots 820 and 840 (“Property”). The Property is located within the boundaries of the University’s Campus Plan.
3. On March 27, 2014, Hillel filed an application with the D.C. Board of Zoning Adjustment (“BZA”) for variance and special exception relief required to permit the construction of a new building on the Property for use by Hillel as a house of worship and related accessory uses (“Project”). The case was assigned BZA Case No. 18764 and scheduled for a public hearing before the BZA on June 3, 2014.
4. On April 22, 2014, the University filed an application for amendment and further processing of the Campus Plan in order to permit university use of leased space on two floors of the Project. (Exhibit [“Ex.”] 1-10.) Also on April 22, 2014, the University filed an application for approval of a minor modification of the Campus Plan/PUD Order to clarify that the proposed university use of leased space does not require second-stage PUD approval. That matter was docketed as Z.C. Case No. 06-11M/06-12M.

5. A public hearing on the University's application was scheduled for Monday, June 23, 2014. Notice of the public hearing was published in the *D.C. Register* on May 2, 2014 and was mailed to Advisory Neighborhood Commission ("ANC") 2A and to owners of all property within 200 feet of the Property. (Ex. 3, 4.)
6. At its May 12, 2014 public meeting, the Commission voted to consolidate BZA Case No. 18764 with Z.C. Case No. 06-11L. Pursuant to the Commission's action, on May 14, 2014, the University and Hillel (together, "Applicant") filed an amendment to the University's original application to: (a) add Hillel as a co-applicant; and (b) request variance relief from the density, rear yard, lot occupancy, and parking requirements as well as special exception approval for roof structures that do not meet the setback requirements, to permit the construction of the Project. (Ex. 5-5D.)
7. A revised public hearing notice on the amended and consolidated application was published in the *D.C. Register* on May 23, 2014 and was mailed to ANC 2A and owners of all property within 200 feet of the Property. (Ex. 6, 8.)
8. On June 9, 2014, the Applicant filed a pre-hearing statement updating and supplementing the original application.
9. On June 19, 2014, St. Mary's Episcopal Church ("Church") filed a motion for continuance of the public hearing in order to give the Church and Hillel additional time to negotiate a resolution to the Church's concerns regarding the construction impacts of the Project. On June 20, 2014, the Applicant filed a motion in opposition to the continuance, stating that the zoning issues regarding the application were ready for the public hearing, and that the issues regarding the construction agreement could be negotiated and addressed between the hearing and the Commission's decision on the matter. At the public hearing, the Commission voted to deny the Church's request because the issues raised by the Church focused on construction rather than zoning issues. (Transcript ["Tr.,"] June 23, 2014 at pp. 16-17.)
10. The public hearing was conducted on June 23, 2014. The hearing was conducted in accordance with the provisions of 11 DCMR §§ 3022 and 3117.
11. At the hearing, the Applicant presented evidence from Rabbi Yoni Kaiser-Blueth of Hillel, Susi Cora of the University, Elba Morales of Hickok-Cole Architects, and Mic Burns of Prospera. Ms. Morales was qualified as an expert witness in the field of architecture, based on her level of education and years of practice in the field. Mr. Burns was qualified as an expert in the field of architecture, with a focus on development and construction, based on his years of practice and experience with construction involving historic structures in the District of Columbia. Counsel for the Church objected to Ms. Morales' qualification because she was not registered as an architect, but the Commission concluded that Ms. Morales' extensive experience as a lead project designer on multiple projects qualified her as an expert witness. (Tr. June 23, 2014 at pp. 19-33.)

12. The Office of Planning (“OP”) submitted a report and provided testimony in conditional support of the application. (Ex. 31.) OP found that the application satisfied all the criteria for the requested relief for the Project, including that the properties are affected by an exceptional condition resulting in a practical difficulty and that there would be no adverse impact, subject to the conditions outlined in the OP report. OP further found that the application satisfied all of the criteria for the requested campus plan amendment and further processing approval pursuant to § 210 of the Zoning Regulations, again subject to the conditions outlined in the OP report. Finally, OP concluded that the proposed Project and collaboration between Hillel and GW was not inconsistent with the District of Columbia Comprehensive Plan, including the designation of the Property in the Institutional Land Use category on the Future Land Use Map.
13. The District Department of Transportation (“DDOT”) also submitted a report and provided testimony in support of the application. (Ex. 24.) DDOT found that the vast majority of users of the Project are Foggy Bottom students that are expected to live within close proximity to the site and are highly likely to utilize non-automobile modes. DDOT further found that ample parking in nearby parking garages is available to accommodate those who choose to drive to the site. Finally, DDOT expressed no objection to the requested zoning relief and concluded that the Project’s loading needs would be addressed through a curbside management plan to be determined as a part of the District’s public space permitting process. (Tr. June 23, 2014 at pp. 168-70, 176.) In addition to the Applicant, ANC 2A was automatically a party to the application and submitted a report and testimony in conditional support of the application. (Ex. 36, 39.) The Commission waived the requirements of § 3012.5 to permit ANC 2A to submit a late report. (Tr. June 23, 2014 at p. 34.) ANC 2A voted 6-0-0 to conditionally support the Project, provided that the Applicant and Church enter into a construction management agreement, the Applicant address specific concern about appreciably negative impacts on the Church’s light and air, the Applicant work to improve the curbside management for the Project, and be sensitive to potential construction impacts regarding the Project. The ANC also raised no objection to the campus plan amendment, provided that the University agree to limit the use of the Project by faculty and staff and forego the development of Site 77D. The chair of the ANC also testified regarding the application at the public hearing.
14. In response to the conditions outlined in the OP report, the DDOT report, and the ANC report, the Applicant agreed that:
 - a. Hillel would abide by a construction management plan that included specific provisions to address the Church’s concerns about appropriate monitoring to protect the Church from damage; (Ex. 73, Tab B.)
 - b. GW would use the GW-leased space within the Project for student life and academic uses only, and refrain from using the GW-leased space within the Project for GW faculty and staff offices except for staff offices directly related to the uses within the Project, as set forth in the conditions of approval; (Ex. 12.)

- c. GW would forgo the development of approved development Site 77D as a square footage offset to the proposed expansion of university use in the Project, as set forth in the conditions of approval; (Ex. 12.)
 - d. Hillel would revise the location and design of the roof structure to reduce its visibility, and revise the design of the Project to respond to Church concerns about light and air; and (Ex. 73A.)
 - e. Hillel would agree to use trash bins rather than carts, and work with DDOT regarding curbside management through the public space process. (Ex. 73.)
15. On May 19, 2014, the West End Citizens Association (“WECA”) filed an application for party status in opposition to the application, which was granted by the Commission. (Ex. 7.) WECA submitted testimony in opposition to the application. (Ex. 48.) WECA raised five major areas of concern: the reallocation of density from Site 77D to the Property; the lack of amenities to offset the impact of the Project; the impact of the lot occupancy and rear yard variances, the impact of the Project on pedestrian safety and parking as well as the loading impact of the Project, and the requirement for historic preservation review.
16. On June 6, 2014, the Church filed an application for party status in opposition to the application, which was also granted by the Commission. (Ex. 10.) The Church submitted evidence and provided testimony in opposition to the application. (Ex. 45-47, 49-50.)
- a. The Church raised five major areas of concerns: the requested lot occupancy variance, the location of the building entrance, the impact of the Project on the Church’s alleged right of access through the “north gate” from the Rectory, the proposed building projections, and potential construction impacts;
 - b. The Church testified extensively about previous damage to the Church allegedly related to the construction of the GWU Health and Wellness Center. The Church acknowledged that the Church had not suffered damage from the construction of the original Hillel building in the 1980s, nor had it suffered damage from a recent earthquake. (Tr. June 23, 2014 at p. 265, pp. 267-268.) The Church also did not present evidence that the construction of other nearby large buildings in the square (for example, Amsterdam Hall or St. Mary’s Court) had caused damage to the Church; and
 - c. The Church’s structural engineer, John Matteo, was qualified as an expert in the field of structural engineering. Mr. Matteo attributed the previous alleged construction damage to the flexibility of the retention system given the depth of excavation and the level of monitoring of that system. (Tr. June 23, 2014 at pp. 257, 262.) Mr. Matteo stated, however, that when done properly, underpinning and other excavation could be done successfully, noted that monitoring systems

were more advanced, and acknowledged that he had never experienced issues in his own construction projects. (*Id.* at p. 267, pp. 285-86.) Mr. Matteo stressed the most important measures for managing and protecting against construction impacts were in advance of review of the process and system for excavation, and appropriate levels of monitoring during construction for any building movement. (*Id.* at pp. 274, 277.)

17. The Commission received letters and testimony from numerous persons in support of the application. (Ex. 13-18, 20-23, 25-26, 28-30, 32-33, 35.) The Commission also received testimony from a person in opposition to the application. (Ex. 27, 38.)
18. At the close of the public hearing on June 23, 2014, the Commission closed the record except for certain items requested by the Commission and set the matter for decision at its July 28, 2014 public meeting. Following the public hearing, Hillel and the Church continued to negotiate to attempt to reach a mutually acceptable resolution of construction management concerns. During these negotiations, Hillel also redesigned the Project to address the Church's concerns about the impact of the Project: (Ex. 73.)
 - a. On July 8, 2014, the Applicant requested a postponement of the final decision to the September 8, 2014 public meeting. (Ex. 53-54.) The Commission granted the request;
 - b. On August 13, 2014, the Applicant and the Church requested a joint postponement of decision to the October 20, 2014 public meeting. (Ex. 55.) The Commission granted the request;
 - c. On September 29, 2014, the Applicant and the Church requested a second joint postponement of the decision to the January 26, 2015 public meeting. (Ex. 57.) The Commission granted the request;
 - d. On January 12, 2015, the Applicant and the Church requested a third joint postponement of the decision to the April 27, 2015 public meeting. (Ex. 58.) The Commission granted the request;
 - e. On March 25, 2015, WECA filed a request to dismiss the application based on the length of time since the public hearing. WECA alleged that Hillel lacked sufficient funds to continue its legal representation in the matter and that little progress had been made in discussions with the Church. On March 26, 2015, Hillel filed a response to WECA's request, documenting that significant progress had been made with the Church leading to a redesigned Project that had been approved in concept by both the Church and Hillel, but required further development of the design and review by the parties to reach full support;
 - f. On April 10, 2015, the Applicant and the Church requested a fourth joint postponement of the decision to the September 21, 2015 public meeting. (Ex. 61.) WECA opposed the request. (Ex. 62.) ANC 2A requested that the

Commission permit the ANC to file its report by September 18, 2015, given the ANC's meeting schedule in September;

- g. At its public meeting on April 15, 2014, the Commission voted to deny WECA's motion to dismiss, finding that additional time was warranted given the complexity of the site and the continued efforts by Hillel and the Church to work cooperatively, and granted the fourth postponement request as well as the ANC's request for additional time; (Tr. April 15, 2015 at p. 39.)
 - h. On September 8, 2015, the Applicant and the Church requested a fifth joint postponement of the decision to the October 19, 2015 public meeting. (Ex. 64.) WECA supported the request. (Ex. 65.) ANC 2A requested that the Commission delay its decision to permit the ANC to file the report after its October 21, 2015 meeting; (Ex. 66.)
 - i. At its public meeting on September 21, 2015, the Commission granted the fifth postponement request and set the decision date for November 9, 2015 in order to accommodate the ANC's meeting schedule; and
 - j. On October 2, 2015, the Applicant and the Church outlined the specific progress made to date and requested a final joint postponement of the Applicant's posthearing submission and the findings of fact and conclusions of law for all parties to October 19, 2015. (Ex. 67.) WECA opposed the request. (Ex. 68.) ANC 2A and FBA supported the request. (Ex. 70, 71.) The Commission granted the request.
19. On October 19, 2015, the Applicant filed its post-hearing submission responding to the issues raised by the Commission and the parties at the public hearing. (Ex. 73.) The post-hearing submission included revised plans reflecting revisions to the Project that were made in response to the requests of the Commission as well as concerns of the Church. (Ex. 73A.) The post-hearing submission also included a construction management plan proffered by Hillel. (Ex. 73B.) Finally, in response to a letter from the Church dated August 19, 2014, in which the Church alleged that the University had not recorded an easement required pursuant to the approval of a residence hall adjacent to the Property and the Church in BZA Application No. 16036, the Applicant included a copy of an easement, which was executed by the University and the Church and recorded in the land records on December 23, 2014, providing the easement requested by the Church and required by the BZA order. (Ex. 73C.) The Applicant also filed its proposed findings of fact and conclusions of law. (Ex. 79.)
20. ANC 2A submitted a letter dated October 28, 2015. (Ex. 74.) The letter stated that because the Applicant and the Church were unable to reach a construction management agreement, the ANC was unable to pass a resolution in support of the application, and voted to re-submit its previous report stating its conditional support for the application.

21. The Church submitted a letter dated October 30, 2015. (Ex. 75.) The letter stated that despite the revisions to the Project design, the Church believed the revised design still would have an adverse impact on the light and air in the backyard of the Church's rectory, and result in the loss of use of the Church's North Gate and access to H Street via Hillel's parking lot. The letter stated the Church's reasons for concluding that the construction management plan offered by the Applicant was inadequate. The letter also stated that the Church believed that the pedestrian easement granted to the Church was not an adequate substitute for the loss of the Church's use of the North Gate or access to H Street through Hillel's parking lot, and that the Hillel project should be subject to a curbside management plan to address the loading needs of the Project.
22. WECA submitted a letter dated October 30, 2015. (Ex. 76.) The letter stated that WECA continued to object because the Applicant's revisions to its design were not sufficient to address WECA's objections and the Applicant's proposed construction management plan was not sufficient to protect the Church. The letter also listed what WECA believed were errors in the Applicant's proposed findings of fact and conclusions of law.
23. DDOT submitted a second report dated October 26, 2015. (Ex. 77.) The report stated that the bollards and sidewalk café shown in the revised plans are not likely to be approved in the public space permitting process.
24. On November 4, 2015, the Church submitted a motion requesting that the Commission re-open the record to permit St. Mary's to respond to the Applicant's proposed findings of fact and conclusions of law. (Ex. 78).
25. At its public meeting on November 9, 2015, the Commission granted the Church's motion and re-opened the record to receive the Church's response to the Applicant's proposed findings of fact and conclusions of law. (Ex. 80.) The Commission also announced that it would consider final action at its November 23, 2015 public meeting.
26. At its November 23, 2015 public meeting, the Commission took final action to approve the application.

The Property and Surrounding Context

27. The Property is located at the northeast corner of Square 42, at the intersection of 23rd and H Streets, N.W. The Property is currently improved with Hillel's existing structure and a driveway. (Ex. 12.)
28. The Property is a rectangular corner lot with 75 feet of frontage along H Street and 61 feet of frontage along 23rd Street, and a total area of 4,575 square feet. (Ex. 12.)
29. The Property is located in the R-5-D Zone District. The R-5-D Zone District is a medium-high density zone that permits residential and church uses as a matter of right. Other institutional uses, such as college and university use, are permitted with a special

exception. The R-5-D Zone District generally permits construction to a height of 90 feet, density of 3.5 FAR, and lot occupancy of 75%.

30. The Property is located within the boundaries of the Foggy Bottom Campus Plan as set forth in the Campus Plan/PUD Order.
31. The Property is not designated as a historic landmark, nor is it located within the boundaries of a historic district.
32. To the south of the Property, along 23rd Street, is property owned by the Church. Most proximate to the Property is a rowhouse structure, located at 728 23rd Street, N.W. on Lot 822, that has been used by the Church as a rectory but has been rented out for the past four years. (Tr. June 23, 2014 at p. 283.) Other structures include the Parish Hall and the main sanctuary, which are located at 730 23rd Street, N.W. on Lot 821. The Church property and structures at 730 23rd Street are designated as a historic landmark under the D.C. Historic Landmark and Historic District Protection Act of 1978 (“HP Act”); the rowhouse is not listed as a historic landmark. (Ex. 73.)
33. To the west of the Property, along H Street, is an eight-story residence hall owned by the University. The residence hall was constructed pursuant to zoning approval in BZA Application No. 16036. To the north of the Property, across H Street, is a seven-story academic building owned by the University. To the east of the building, across 23rd Street, is a parking lot that is slated for redevelopment under the Campus Plan. (Ex. 12.)
34. The Church, the adjacent residence hall, and all other properties in Square 42 are located in the R-5-D Zone District and within the boundaries of the Foggy Bottom Campus Plan.
35. The Foggy Bottom-GWU Metrorail station is located approximately one block north of the Property.

The Project

36. The Applicant proposes to demolish the existing structure and construct a new four-story building. The Project will also contain one below-grade story. (Ex. 12.)
37. The majority of the Project will be used by Hillel as a place of worship and related accessory uses. The first floor will contain the primary chapel space as well as a lobby for informal student gathering. The second floor will contain offices and meeting spaces for student counseling. The lower level will contain a kosher food service facility (including separate kitchens for meat and dairy) as well as dining and student life space. (Ex. 12.)
38. The proposed building will provide more space for Hillel’s activities: some proposed spaces will be larger than the spaces in the existing building, and others will be arranged so that they can be reconfigured into larger spaces depending on the event or activity. (Tr. June 23, 2014 at p. 151.)

39. Hillel will lease out the top two floors to the University for academic and student life uses. The lease will help fund the construction of the Project. (Ex. 12.)
40. The Property will not include any vehicular parking spaces. The Property will also not include an area for off-street loading or building service; off-street loading is not required for a house of worship with less than 30,000 square feet under § 2201 of the Zoning Regulations.
41. The Project will have a height of 56'1", which is within the matter-of-right height of 90'. The Project will have a density of 3.69 FAR, which slightly exceeds the matter-of-right FAR of 3.5. The use as a place of worship by Hillel is permitted as a matter of right in the R-5-D Zone District, as are Hillel's accessory uses related to the place of worship use. The use by the University in the R-5-D Zone District requires a special exception pursuant to § 210 of the Zoning Regulations. The Applicant requested relief from the lot occupancy, rear yard, parking, and roof structure regulations as set forth below. (Ex. 12, 73.)

Zoning Relief

Variance Relief

42. Variance relief from the lot occupancy, rear yard, and parking requirements of the Zoning Regulations is required for the Project, for the reasons stated in the findings of fact that follow.
43. The R-5-D Zone District establishes a maximum density of 3.5 FAR. (11 DCMR § 402.4.) As originally proposed, the Project would have had a density of 3.75 FAR. As revised in the post-hearing submission, the Project will have a density of 3.69 FAR
44. The R-5-D Zone District establishes a maximum lot occupancy of 75%. (11 DCMR § 403.2.) As originally proposed, the Project would have occupied 100% of the entire lot. As revised in the post-hearing submission, the Project will occupy 93% of the underlying lot.
45. The R-5-D Zone District establishes a minimum rear yard requirement based on the height of the building. As originally proposed, the Project would have had no rear yard. As revised in the post-hearing submission, the Project will have a rear yard of four feet, which is less than the minimum required rear yard of approximately 20' required under § 404.1 of the Zoning Regulations. Finally, it is well established that the Zoning Regulations do not require that a rear yard be located on the opposite side of the front entrance. (See, e.g. BZA Application No. 15644 at pp. 18-19, citing BZA Appeal No. 6186.)
46. The R-5-D Zone District establishes a minimum parking requirement based on the size and mix of uses within the building. (11 DCMR § 2101.1.) The Project will not provide any parking, which is less than the 22 parking spaces required for a house of worship

with 220 seats. (Ex. 73.) No additional parking is required for the accessory uses within the Hillel portion of the Project. Furthermore, no additional parking is required for the university use within the Project, because the property is located within the boundaries of the University's campus plan. (Ex. 12.)

Exceptional Condition

47. The Property is confronted with the confluence of the following exceptional situations or conditions:
- a. The Property has a size of 4,575 square feet, which is considerably smaller than the lots for other nearby religious institutions as well as the lots for synagogues in the District of Columbia;
 - b. The Property is located on a corner lot. Although not exceptional in and of itself, the configuration as a corner lot is exceptional in this case because the corner lot configuration creates street frontage on two fronts, the lot lacks rear alley access, and the lot is located in the high height and medium-high density R-5-D Zone District category; and
 - c. The Property is relatively narrow (61').
- (Ex. 12.)
48. The Property is owned by Hillel, which is an organization with unique institutional and religious needs that are not related to general conditions in the neighborhood as follows:
- a. Hillel must also be able to accommodate religious services and practices unique to the Jewish faith. Hillel is a Jewish campus community that serves the needs of and provides a wide array of opportunities for Jewish students at the University to shape their religious, educational, and cultural college experience. Hillel runs weekly classes and weekly Shabbat services and dinner as well as facilitates work in cultural events, spiritual practices, and educational opportunities. Hillel is consistently ranked among the top five Hillel programs at private universities; (Ex. 12; Tr. June 23, 2014 at p. 43.)
 - b. Hillel's use is uniquely tied to the University. In order to accomplish its mission of serving GW students, Hillel must be located on or close to the Foggy Bottom campus. The Applicant provided evidence that there were no commercial properties for sale within Zip Code 20037, nor were there residential properties of the required lot size for sale in the same zip code; and (Ex. 12.)
 - c. The existing facility provides Hillel with approximately 11,437 gross square feet, including one floor that is below grade. (Ex. 73.) The existing facility, including the chapel, student meeting spaces, kosher kitchens, and other accessory uses, are permitted as a church pursuant to the existing certificate of occupancy. (Ex. 5C.)

Given the size of the University's Jewish population, the existing Hillel facility is small in both size and in size per student compared to Hillels at other educational institutions. (Ex. 73.) The existing Hillel facility is unable to accommodate existing demand for certain events, much less future planned growth:

- i. The University has a population of approximately 4,500 Jewish students, including 3,000 undergraduate students and 1,500 graduate students. (Ex. 12.) Hillel is open to and available to all Jewish students at the University as well as students of all faiths and other community members; (Tr. June 23 at pp. 136-43.)
- ii. Over the past four years, the number of students involved in Hillel activities has significantly increased. (Tr. June 23 at pp. 142-43.) Hillel testified that the organization has had to turn away people because of a lack of space, not only for holidays but also for regular Friday Shabbat services and dinner; and (*Id.* at p. 151.)
- iii. Hillel has expanded its mission in recent years to include such initiatives as UJew, which reaches out to students seeking a non-conventional Jewish organization, and a partnership with Gather the Jews, a young adult network that has emerged as the pre-eminent resource for young adults seeking connections and information on Jewish religious, social, and educational opportunities in the D.C. area. (Ex. 12; Tr. June 23, 2014 at p. 140.)

Practical Difficulty—Lot Occupancy, and Rear Yard

49. The strict application of the lot occupancy and rear yard requirements of the Zoning Regulations cited above result in practical difficulty in complying with the regulations, because they impair the ability of the Applicant to accommodate its existing and planned future needs on the Property:
 - a. The Project must include the following features to accommodate Hillel's religious and programmatic needs:
 - i. A sanctuary large enough to accommodate worship services as well as vestibule to provide transition from the street to the sanctuary;
 - ii. A dining space large enough to accommodate regular Shabbat services as well as Seder during Passover and other holiday meals;
 - iii. Two kitchens to accommodate Kosher food preparation and provide Kosher food services to Jewish students at the University who keep Kosher;

- iv. A rooftop that is large enough to accommodate the construction of a sukkah for outdoor religious services during the Sukkot holiday, as well as adequate elevator and stairway access to the roof;
 - v. Space for student counseling, ministry, and education; and
 - vi. Space for informal gathering and socializing to draw students into the facility; and
- b. Hillel's institutional needs translate into a physical need to include rooms that are large enough on each floor to provide adequate seating for growing student demand in each of the worship and dining spaces, as well as future expansion space for further projected growth both within Hillel's core mission and in affiliated efforts such as Gather the Jews.

(Ex. 12.)

50. The size, narrowness, and corner lot configuration of the Property combine with Hillel's specific institutional needs to create a practical difficulty in complying with the lot occupancy and rear yard requirements as follows:
- a. Hillel's use is considered an assembly use under the building code, which drives requirements for multiple stairways, corridors, and plumbing uses that are larger than other types of construction. The use and occupant load also drives a practical requirement for multiple elevators. This impacts not only the layout of each floor, but also the roof layout; and
 - b. Multiple kitchen facilities required for Kosher food preparation require exhaust shafts that must be accommodated within the building core.

As a result, the Project has an exceptionally large building core. This core has a fixed size driven by the use and program, and it is proportionately very large compared to the small lot size. Furthermore, the corner lot configuration pushes the core to the west and south edges of the building, creating an inefficient single-loaded corridor layout. The narrowness of the lot further reduces the efficiency of the layout. (Ex. 12.)

51. Compliance with the rear yard and lot occupancy requirements would eliminate the ability to accommodate Hillel's program needs for the Property. Because the core size is fixed, a reduced floorplate eliminates program space and reduces the seating area in the worship and dining areas below Hillel's minimum requirements. Increasing the height of the building does not adequately recover the lost space or seating area because it results in significantly inefficient floor layouts on each floor, which imposes substantial cost, and it fractures the seating for the worship space, which impairs the fundamental worship practices of Hillel and its congregants. (Ex. 12.)

Public Good and Conformance with the Zone Plan—Lot Occupancy and Rear Yard

52. The Project serves the public good because it will permit Hillel to remain in place on the University campus and continue to provide the University's Jewish population with religious, educational, and social support including in particular larger worship spaces for religious services, and larger dining spaces and facilities to support Shabbat dinners as well as those students who keep Kosher.
53. Hillel's location on the Property, which is within the boundaries of the Campus Plan, is also in the public good and consistent with the intent and integrity of the zone plan. If Hillel were unable to remain in place, it would need to seek out property into the surrounding residential neighborhoods.
54. The lot occupancy and rear yard variances will not substantially impair the intent, purpose, and integrity of the zone plan. The Project as revised will not restrict light or air to the Church property compared to what could be constructed as a matter of right. A matter-of-right building could be structured to a height of 90' – 50% taller than the Project – and it could be constructed along the lot line with the Church property, which would provide for less light and air than the proposed Project. (Indeed, the existing Hillel building is constructed up to the lot line with the Church property.) (Ex. 12.)
55. The Applicant provided shadow studies that demonstrated that the Project, which is north of the Church property, will not impose additional shadow on the Church property to the south. (Ex. 12A.)
56. The Applicant provided evidence that a rear yard was not required to provide access to and from the rear yard of the Church rectory building. An easement had been provided from the University to the Church to permit access to the rear yard of the Church rectory building across University property to the public alley. (Ex. 73C.)
57. The Applicant relocated the entrance to the Project from 23rd Street (near the Church property) to H Street (away from the Church property), which will reduce the impact of the proximity of the Project to the Church property. (Ex. 73.)
58. Finally, the Applicant provided evidence that a rear yard was not required to accommodate the service and delivery needs of the Project:
 - a. First, off-street loading is not required under § 2201.1 of the Zoning Regulations;
 - b. Second, the Applicant and DDOT both testified that curbside loading could accommodate the Project's needs, and any required mitigation would be addressed through the public space review process. The Applicant provided evidence that the loading demand for the Project would be relatively minimal given the size and uses within the Project. (Ex. 12B.) The Applicant and DDOT provided evidence that the existing bus stop in front of the Property, which only serves one bus line, could be eliminated because there are other stops located one

block to the west and one block to the south that are equally as proximate to the residential neighborhood, St. Mary's Court, and the main entrance to the Church. (Ex. 73; Tr. June 23, 2014 at pp. 168-76.) DDOT also testified that the elimination of the bus stop was consistent with WMATA policy for closely-sited bus stops, and that the elimination of the bus stop tends to improve service quality and operations. (Tr. June 23, 2014 at pp.169-70.) The elimination of the bus stop would free up space for curbside loading for the Project during the day and for additional parking in the evening; and (Ex. 73.)

- c. Third, if loading were provided on the Property in a rear yard, the lack of alley access means that trucks would need to back-in or back-out over the sidewalk, increasing the likelihood of pedestrian-vehicular conflicts. (Ex. 12.) The Commission notes that WECA specifically supported a curbside loading zone for a nearby University building in Z.C. Case No. 06-11C/06-12C, and argued against a back-in loading berth for another recent University building in Case No. 06-11F/06-12F. (See Z.C. Order No. 06-11C/06-12C at pp. 9-10; Z.C. Order No. 06-11F/06-12F at pp. 9, 13.)

Practical Difficulty—FAR

59. The same lot configuration, core requirements, and layout needs create a practical difficulty in complying with the FAR requirement. A reduced floor plate at the top floor that would comply with the FAR constraints would also result in a floor plate that is largely building core and lacks actual useable space. Furthermore, the same partial floor results in a much smaller roof that is unable to accommodate Sukkot and other outdoor religious services. (Ex. 12.)
60. Therefore, compliance with the FAR requirements would require Hillel to eliminate an entire floor from the Project, which deprives Hillel of both the long-term expansion space it needs to accommodate future growth and the short-term revenue it requires to construct the facility. Alternatively, compliance with the FAR requirements could be achieved by eliminating a fixed amount of space from each floor, but this would again reduce the amount of seating and program area and increase the inefficiency of each floor. (Ex. 12.)

Public Good and Conformance with the Zone Plan—FAR

61. The requested FAR variance is minor and represents a five percent increase over what is permitted as a matter of right, so it will not impair the integrity of the zone plan. Furthermore, the presence or absence of the FAR variance does not impact light and air to the Church property, because the excess FAR could be taken from portions of the Project that do not abut or face the Church property.

Practical Difficulty—Parking

62. The size, shape, and narrowness of the lot cannot efficiently accommodate parking spaces, ramps, and drive aisles without digging deeply for many parking levels at great

expense. Furthermore, such underground parking would be highly inefficient, because the bulk of each floor would be devoted to ramps and drive aisles. Finally, parking would have adverse impacts on the programmed floors of the Project – the entrance and ramps would reduce the amount of area available for the worship and dining components, and additional intake and exhaust for the garage levels would exacerbate the already inefficient building core. (Ex. 12.)

63. Providing surface parking would also create practical difficulty because of the amount of area that would be lost at ground level for such spaces. (Ex. 12.)

Public Good and Conformance with the Zone Plan—Parking

64. The Property’s lack of on-site parking will not impair the intent or integrity of the zone plan. The location on the Foggy Bottom Campus means that the vast majority of users – students at the University, will reside on or near campus and therefore be able to walk or bike to the Project. Furthermore, the Project is located a block from the Foggy Bottom-GWU Metrorail station and is also well-served by multiple bus lines, which means that students and staff who do not live on or near campus will still be able to use non-automobile modes of transportation to reach the Project. Finally, the campus includes multiple parking garages that will provide ample parking for those visitors and staff who choose to drive. (Ex. 12.)
65. The lack of below-grade parking also reduces the depth of excavation required to construct the Project, which reduces the risk of construction damage to the Church. (Tr. June 23 at p. 262.)

Special Exception Relief

66. The Zoning Regulations generally require that each building enclose all roof structures and mechanical equipment within in a single penthouse enclosure of uniform height that is set back one-to-one from all exterior walls. (11 DCMR §§ 400.7(b), 411.) As originally proposed, the Project located its penthouse parallel to and along the south side of the building, and requested setback relief from the east exterior wall. As revised in the post-hearing submission, the Project locates the penthouse against the west side of the building, adjacent to the taller Amsterdam Hall. The penthouse now runs perpendicular to the north and south walls, but is not set back from either wall, which requires special exception relief pursuant to § 411.11 of the Zoning Regulations.
67. The size and location of the penthouse is driven by the Commission’s direction to relocate the penthouse to the west side of the Project and the need to provide multiple stairways, elevators, and accessory spaces to support religious ceremonies that will take place on the roof of the Project. (Ex. 12, 73.)
68. Providing a compliant setback for the penthouse would result in an impractical building design. Within the building, it would force the building’s core elements to be located in the center of the Project, eliminating the ability to achieve the single contiguous area

required for worship and dining areas. On the roof, the compliant penthouse would eliminate the ability to create an area large enough for Sukkot and other outdoor services. (Ex. 73.)

Section 210 Approval

69. The Zoning Regulations require that college or university use within the R-5-D Zone District secure special exception approval pursuant to § 210 of the Zoning Regulations. (11 DCMR § 210.1.) Furthermore, each use must be consistent with a “campus plan” that has been approved for the college or university campus. (11 DCMR § 210.4.) The Commission ordinarily approves changes to the campus plan as amendments to the campus plan, often in conjunction with further processing approval for the specific building or use requiring the amendment. (See, e.g. Z.C. Order No. 07-12, Z.C. Order No. 07-23.)
70. The campus plan for the Foggy Bottom campus was approved by the Commission in Z.C. Case No. 06-11/06-12. Pursuant to the approved Campus Plan, 16 development sites were approved. One such development site is located immediately across 23rd Street from the Property. (Z.C. Order No. 06-11/06-12.)
71. In order to permit the use of the top two floors of the Project by the University, the University requested an amendment to the Campus Plan to permit university use on the Property. The University also requested further processing approval for the proposed university use.
72. Pursuant to 11 DCMR § 210.2, the university use within the Project is not likely to become objectionable to neighboring property due to noise, traffic, number of students, or other objectionable conditions for the following reasons:
 - a. The proposed space will be used for decompression space to accommodate existing or new programs and initiatives, and the University has not requested a change in the student or faculty and staff population caps;
 - b. At the request of ANC 2A, the University agreed to use the GW-leased space within the Project only for student life and academic uses, and refrain from using the space within the Project for faculty and staff offices, with an exception for staff offices directly related to the uses within the project. Therefore, the university use of the Property will directly serve students who are already located on the campus;
 - c. Also at the request of ANC 2A, the University agreed to forgo the development of approved development site 77D. Site 77D was approved for 9,504 square feet of gross floor area, and the university use within the Project will consist of approximately 8,382 square feet of gross floor area. Therefore, as a result of the swap, the university use of the Property will not increase the FAR for the campus above the amount approved by the Commission in Z.C. Case No. 06-11. The

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Commission notes that it has approved similar FAR reallocation in connection with other campus plan amendments; (See, Z.C. Order No. 07-12 at p. 3; Z.C. Order No. 07-23 as examples.)

- d. The proposed use is minor, and is still located well within the boundaries of the campus, so it is unlikely to generate any noise or other objectionable impacts on the surrounding residential neighborhood. The Commission previously determined in Z.C. Case No. 06-11/06-12 that a major development site across the street from the Property would not impose objectionable impacts due to noise, traffic, number of students, or other objectionable conditions on the surrounding residential neighborhoods. Accordingly, the Commission finds that the small amount of additional student life or academic space proposed by the University is not likely to create objectionable impacts, either;
- e. The building entrance will be located on H Street, which is a major east-west link for the campus populated by other large University buildings, and away from the Church on 23rd Street. This will reduce noise and other objectionable impacts on the Church; and
- f. The university use will not generate any objectionable traffic or parking impacts, because the users of the space will already be located on the campus.

(Ex 12.)

- 73. In accordance with 11 DCMR §§ 210.3 and 210.8, the Applicant demonstrated that the proposed building will be within the FAR limit approved for the campus plan as a whole. The university use will increase the total FAR of the campus by 0.007 FAR, and the total FAR for the residentially-zoned portions of the campus will remain at 3.16 FAR, which is well within the 3.69 FAR approved in the Campus Plan. Finally, the University has agreed to reallocate FAR from Site 77D to accommodate the proposed campus plan amendment, which means that the total FAR for the campus will remain within the 3.69 FAR approved by the Commission. (Ex. 12.)
- 74. As required by 11 DCMR § 210.4, the Applicant demonstrated that the proposed mixed-use campus life and academic/administrative designation is consistent with the use designation for adjacent and nearby properties, which include a mix of residential, campus life and academic uses. (Ex. 12.)
- 75. Pursuant to 11 DCMR § 210.7, the proposed use is consistent with the Comprehensive Plan. The university and church uses are consistent with the Property's institutional designation on the Future Land Use Map. Moreover, the partnership between the University and Hillel is the type of partnership encouraged by Policy EDU-3.2 and EDU 3.3.2 of the Comprehensive Plan.
- 76. For all of the reasons set forth above, the proposed university use is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to

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affect adversely the use of neighboring property in accordance with the Zoning Regulations and Maps. The Project's combination of student-focused religious, academic and student life uses is appropriate for the medium high-density location within the Foggy Bottom Campus Plan boundaries.

CONCLUSIONS OF LAW AND OPINION

Authority of the Commission

The Commission is authorized to hear and decide applications for special exception relief pursuant to §§ 210 and 3104 of the Zoning Regulations, pursuant to § 3035 of the Zoning Regulations. The Commission is also authorized to approve variance relief and special exception relief related to campus plan applications, provided that the applicant meets the burden of proof under the applicable standards of the Zoning Regulations.

Variance Relief

The Applicant seeks variances, pursuant to § 3103.2, from the FAR, lot occupancy, rear yard, and parking requirements to allow the construction of the Project. The Commission is authorized under § 8 of the Zoning Act (D.C. Official Code § 6-641.07(g)(3)) to grant variances, as provided in the Zoning Regulations, “[w]here, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographic conditions or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation adopted under D.C. Official Code §§ 641.01 to 6-651.02 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship; provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.” (11 DCMR § 3103.2.)

The Board concludes that the Applicant has met the burden of proof under § 3103.2.

Exceptional Condition

For the reasons stated in Findings of Fact Nos. 47-48, the Commission finds that the Property is affected by an exceptional condition arising from a confluence of factors on the property. An exceptional condition affecting a property can arise from many factors – including history, shape, and location – and a confluence of factors may combine to give rise to the exceptional condition. (*Gilmartin v. D.C. Bd. of Zoning Adj.*, 579 A.2d 1164, 1168 (D.C. 1990).) In addition, it is not necessary that the property be unreservedly unique to satisfy the “exceptional condition” standard. Rather, the applicant must provide that a property is affected by a condition that is unique to the property and not related to general conditions in the neighborhood. *Id.* Finally, the exceptional condition is not limited to the land or the improvements, but also applies

to the needs of an organization devoted to public service which seeks to upgrade and expand its existing inadequate facilities. (*Monaco v. D.C. Bd. of Zoning Adj.*, 407 A.2d 1091, 1099 (D.C. 1979).) Factors creating an exceptional condition for an institutional use include the existence and purpose of the use and the proximity of the use to the people that it serves. (*Draude v. D.C. Bd. of Zoning Adj.*, 582 A.2d 949, 955-56 (D.C. 1990).)

In this case, the confluence of the identified features of the Property, combined with Hillel's needs, satisfy this legal standard for an exceptional condition affecting it, because they lead to a practical difficulty for the Applicant in complying with the Zoning Regulations. Hillel has sufficiently demonstrated that it is an organization devoted to serving the public that must expand its existing facilities, and has further demonstrated that it must remain located within the campus in order to be proximate to and serve its constituents. The lot's small size compared to other comparable lots for religious institutions as well as its narrowness and corner lot configuration all combine with Hillel's need to create significant, insurmountable challenges in complying with the Zoning Regulations. As the Court found in *Draude* when it concluded that an exceptional condition existed, "In order to build a useful structure, efficient use of space [is] an absolute necessity. The narrowness and odd shape of the lot are exceptional conditions in that. . . the function of the Addition would have been seriously impaired if a variance were not granted." *Draude*, 582 A.2d at 962.

Practical Difficulty

For the reasons stated in Findings of Fact Nos. 49-51, 59-60, and 62-63, the Commission finds that the strict application of the FAR, lot occupancy, rear yard, and parking requirements would result in a practical difficulty to the Applicant due to the exceptional conditions affecting the Property. The Applicant demonstrated with sufficient evidence and testimony that the strict application of the Zoning Regulations would result in an inefficient and uneconomical building design. Economic or efficiency burdens are among those that the Commission may evaluate as legitimate practical difficulties imposed by the Zoning Regulations on the owner of a property. (*Palmer v. D.C. Bd. of Zoning Adj.*, 287 A.2d 535,542 (D.C. 1972).) So, too, are factors related to institutional necessity. In such cases, the applicant must demonstrate that "the specific design it wants to build constitutes an institutional necessity, not merely the most desired of various options" and show "precisely how the needed design features require the specific variance sought." (*Draude v. D.C. Bd. of Zoning Adj.*, 527 A.2d 1242, 1256 (D.C. 1987) (summarizing the *Monaco* test).)

Therefore, the demonstrated inefficient use of the Property and inefficient design of the building that would result from compliance with the FAR, lot occupancy, rear yard, and parking requirements would impose a practical difficulty upon the Applicant. Moreover, strict application of the Zoning Regulations would also impair Hillel's ability to provide adequate seating for its worship and dining services, which are integral and fundamental to its religious practices. As a matter of law, these demonstrated inefficiencies and impairment constitute a practical difficulty that justifies variance relief.

For the reasons stated in the findings of fact cited above, the Commission finds that the Applicant would face a significant design and functionality burden if the Project were to comply with the minimum lot occupancy, rear yard, and FAR requirements. The code requirements and practical needs for the assembly use mandate that a large portion of the building area be devoted to circulation and core elements. A building that complies with the lot occupancy, rear yard, and FAR requirements would not yield enough useable space for the worship, dining, and program space required by Hillel. Adding floors would not resolve the problem, because each of the worship and dining spaces would need to be fractured to achieve Hillel's demand. The Commission also finds that compliance with the parking requirements would impose a significant burden, because the layout of the garage would be highly inefficient, and the ramps associated with the parking would impose the same adverse impacts on Hillel's space needs within the Project.

Practical Difficulty—Institutional Need

The Commission was not persuaded by the opposition's arguments that Hillel lacks a need for more space, or that Hillel's needs could be accommodated within a smaller, compliant structure. Hillel has satisfactorily proved that the specific design is driven by the institutional need for a single contiguous worship space and dining space of a certain size, and that such spaces could not be constructed in a facility that complies with the requirements of the Zoning Regulations. As in *Draude*, the loss of substantial space that renders the facility unacceptable for its stated purpose and goals constitutes a practical difficulty. (*Draude*, 582 A.2d at 962 (quoting the BZA's finding that "the further narrowing of the [building] would have resulted in a building not acceptable for ambulatory care services").)

Likewise, the Commission was not persuaded by the Church's argument that because two floors will be leased to the University, Hillel does not have an institutional need for the new facility. Hillel has shown that the need for the requested relief flows for a building with floor plates that are large enough to accommodate the institutional needs described above while still meeting code requirements.

Public Good and Integrity of the Zone Plan

The Commission finds that the variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan.

With respect to the lot occupancy and rear yard variances, the Commission notes that the Zoning Regulations would allow for the rear yard to be located on either the south or west lot line. Furthermore, the Zoning Regulations allow a significantly taller structure as a matter of right. Put another way, no setback from the Church structure is required and it is incongruent to find that providing a four-foot rear yard setback, with a significantly shorter building than permitted as a matter of right, would impair the public good or impair the zone plan. The reduction of light and air suffered by the Church as a result of the construction of this project is actually less than could occur if a building that complied with matter of right zoning limits was built on the site.

With respect to the FAR variance, the Commission concludes that the relief is minor, and notes that both the Commission and the BZA have repeatedly found that FAR variances required to meet an organization's institutional needs and mission do not violate the zone plan. (See, e.g. Z.C. Order No. 04-19 (granting FAR variance to D.C. Water), BZA Application Nos. 18007, 16654, and 16312 (granting multiple FAR variances for Sibley Memorial Hospital), BZA Application No 14261 (granting FAR and court width variances to the University for an addition to expand its ambulatory care facilities).)

With respect to the parking variance, the Commission concludes that the facility is located on the campus of the population it is intended to serve, so most users will walk to the facility. To the extent that visitors or staff travel from greater distances, the Property is well served by Metrorail and bus service, and there are many nearby parking garages for those who choose to drive. Moreover, the intent of the Zoning Regulations is to provide adequate parking where needed. Here, parking on-site is not necessary given the location within the campus setting. Indeed, allowing Hillel's population (which is largely the University population) to rely on University parking facilities is actually consistent with the Zoning Regulations, which aggregate parking resources within a campus plan. (See 11 DCMR § 2106.1; Z.C. Order No 06-11/06-12.)

Public Good—qa2“North Gate” Right of Access

The Commission was also not persuaded by the opposition's arguments that Hillel was obligated to provide a rear yard or other open space on its lot to provide access to the rear of the Rectory building on the Church property. The Zoning Regulations do not require that Hillel provide the Church with a right of access across the Property, nor do they grant the Commission with the right to review and enforce any alleged easement rights. (Tr. June 23, 2014 at pp. 279-80.) Notwithstanding the foregoing, the Commission concludes that the University addressed the Church's concern about access to the rear yard of the Rectory building through the provision of an easement memorializing the right of access across the University's Amsterdam Hall property as required by BZA Application No. 16036. The Commission further concludes that nothing in BZA Application No. 16036 granted the Church a right of access across the Property.

Public Good—Location of the Building Entrance

The Commission was not persuaded by the opposition's arguments that the entrance should be relocated from 23rd Street to H Street. The Zoning Regulations do not require or restrict the location of building entrances on the Property. Notwithstanding the foregoing, the Commission concludes that the Applicant addressed the Church's concern because it moved the building entrance from 23rd Street to H Street.

Public Good—Parking and Transportation Impacts

The Commission was not persuaded by the opposition's allegations that the parking variance would harm the public good because of the proximity of the facility to the population that it serves as well as the presence of adequate transit alternatives and nearby parking facilities.

The Commission was also not persuaded by the opposition's arguments that space on the Property should be devoted to loading facilities, or that curbside loading would harm the public good. The opponents asserted that loading facilities should be provided for the Project and expressed concern about the use of curbside space to accommodate the Project's loading demand. The Commission concludes that the building contains less than 30,000 square feet of floor area, and therefore does not trigger a requirement for off-street loading under § 2201.1 of the Zoning Regulations.

To the extent that the Applicant uses curbside space to accommodate service and delivery to the Project, the use of such space is governed by public space regulations and policies promulgated by DDOT. The Commission notes that DDOT's representative expressed confidence that DDOT would be able to address the issue through the public space process. To the extent that DDOT and WMATA decide to eliminate the existing bus stop in front of the Project to accommodate service and delivery to the Project, such decision is governed by DDOT and WMATA's decision making processes. The Commission notes that both the Applicant and DDOT provided testimony and evidence that the elimination of the bus stop would not adversely impact service given the proximity of other bus stops and further would actually likely improve bus service and operations.

Public Good—Construction-Related Impacts

The Commission concludes that the opposition's arguments that granting the rear yard or lot occupancy variance will harm the public good due to the potential of adverse impact to the Church due to construction damage misconstrues the variance standard. The focus of the third prong of the variance test is whether harm will result from the structure as built with the variance, not the construction of the structure itself. Even if the issue were relevant, the opposition has not shown that the minor zoning relief granted under this Order would cause greater impacts to the Church than proceeding under a matter of right design. In fact, the Church's testimony from its structural engineer did not state that the Project as designed would actually cause construction damage and its expert acknowledged that the construction adjacent to historic structures can be done successfully, and the implementation of certain measures can decrease the likelihood of damage. Further, the Commission notes that the District's Construction Code and environmental regulations are intended to control and mitigate the safety and environmental impacts of construction activity, and they specifically govern the Church's concerns. The Construction Code requires the protection of adjacent property, 12 DCMR § 3307.1, and establishes a process for adjacent property owners to raise concerns about the potential impact of adjacent construction, and empower the Department of Consumer and Regulatory Affairs ("DCRA") with the responsibility for resolving any differences. (12A DCMR § 3307.2.) Finally, the protections afforded by current District law will be enhanced by the construction management plan that the Applicant submitted into the record, compliance with which is being made a condition into this Order.

Here, the Applicant has proffered a Construction Management Plan that will address concerns about construction impacts and will sufficiently satisfy the concerns raised by the Church and its

structural engineer. Among other measures, the Construction Management Plan provides for monitoring of building movement, gives the Church's structural engineer a right to review the construction plans and make recommendations, and extends construction-related insurance coverage to the Church.

With respect to the opposition's claims that construction would impose adverse impacts on parking, or pedestrian or vehicular traffic, the Commission again notes that the Construction Code and the public space regulations govern such impacts. The Commission also notes that DDOT testified that such impacts are routinely addressed through the preparation and review of a traffic control plan in conjunction with construction permits. (Tr. June 23, 2014 at pp. 178-82.)

Special Exception Relief - Penthouse

Subsection 400.7 requires that, in Residential zones, housing for mechanical equipment and stairway or elevator penthouses on the roof of a building or structure must comply with § 411 and must be set back from all exterior walls a distance at least equal to its height above the roof on which it is located.

The Project will have a single penthouse of equal height, as required by § 411, but special exception relief is required from the setback requirements for both the north and south portions of the penthouse. The penthouse is not set back from either wall.

Subsection 411.11 permits the Commission to grant special exception relief from penthouse requirements when compliance would be "restrictive, prohibitively costly, or unreasonable" because of "operating difficulties, size of building lot, or other conditions relating to the building or surrounding area" provided, that the intent and purpose of Chapter 4 is not "materially impaired by the structure, and the light and air of adjacent building [is not] affected adversely."

The Commission concludes that this standard has been met. The Commission finds that the Applicant sufficiently demonstrated how setting back the penthouse would create an unreasonably located roof structure that would impact the location of the building core and adversely impact Hillel's program and space needs both within the building and on the roof. Furthermore, the Commission notes that the penthouse as revised imposes less impact on the light and air of the Church than the penthouse as originally proposed along the south wall, which would have been permitted as a matter of right because the south wall was not an "exterior wall." As designed, the penthouse is pushed up against the taller Amsterdam Hall, which mitigates the visual impact of the penthouse. The integration of a four-foot parapet wall further reduces the apparent height of the penthouse.

Pursuant to §§ 411.11 and 3104.1, the Commission finds that the proposed special exception under § 411.11 will not materially impair the intent of Chapter 4 and will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map. The intent of the penthouse requirements is to minimize the visual appearance of penthouses. The Applicant has demonstrated that the proposed penthouse will minimize appearance more than a conforming penthouse.

Pursuant to § 3104.1, the Commission finds that the proposed special exception under § 411.11 will not tend to affect adversely the use of neighboring property and, as required by § 411.11, specifically finds that the light and air of adjacent buildings will not be affected adversely.

Special Exception - Campus Plan Amendment and Further Processing

The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104.1 of the Zoning Regulations, for an amendment to and further processing of its approved campus plan for the Foggy Bottom campus to allow university use on two floors of the Project. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map, subject to certain conditions specified in § 210.

Based on Findings of Fact Nos. 72-75, the Commission approves the requested special exception for the university use within the Project. The proposed use is consistent with the University's use of its surrounding property for university uses, is consistent with the Zoning Regulations and Map, and will not tend to adversely affect the use of neighboring property. The proposed university use is consistent with the Comprehensive Plan.

The Commission concludes that the location of the university use on the Property, in conjunction with the conditions proffered by the University limiting the use of the property and forgoing an equivalent amount of density elsewhere on the campus, will ensure that the Project is not likely to become objectionable due to noise, traffic, number of students, or other objectionable conditions.

The Commission was not persuaded by testimony from the opposition that alleged that the reallocation of density from Site 77D to the Property would impose objectionable impacts on the surrounding residential neighborhoods. The Property is still located squarely within the boundaries of the campus plan and is one block from the campus plan boundary. Although the location is closer to the Foggy Bottom neighborhood than Site 77D, the opposition failed to produce any evidence that the proposed university use would generate objectionable conditions. Indeed, given the relatively small size of the use and the presence of other larger university uses in the immediate area, it is likely that the *de minimis* increase in university density will be imperceptible.

Amenities and Relationship to the Campus Plan First-Stage PUD

As a part of the Campus Plan, the Commission also approved a first-stage PUD for the campus. The University has filed a separate application for a minor modification to the Campus Plan/PUD Order in Z.C. Case No. 06-12M, the Order approving that application is being published concurrently with this Order.

Historic Preservation Review

The District of Columbia Historic Landmark and Historic District Protection Act of 1978 only governs the review of demolitions, alterations, subdivisions, and new construction of property that is improved with a historic landmark or property that is located within the boundary of a historic district. The Property that is the subject of this application is neither designated as a historic landmark nor is it located within the boundaries of a historic district. Therefore, the Act does not apply, and the Historic Preservation Review Board has no jurisdiction over the Project.

Building Projections

The agencies and parties raised concerns regarding the proposed building projections. Projections are governed by Chapter 32 of the District of Columbia Construction Codes (Title 12), rather than the Zoning Regulations (Title 11), and they are approved pursuant to Chapter 32 of the Construction Codes by DCRA. Accordingly, the Zoning Commission has no jurisdiction over the proposed projections in this matter. (Tr. June 23, 2014 at p. 281.) At the hearing, the Applicant submitted evidence that the code modification for the projections had been approved by DCRA. (Ex. 44.)

Great Weight

The Commission is also required to give “great weight” to the issues and concerns raised by the affected ANC. (Section 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2012 Repl.)).) As noted, ANC 2A voted unanimously to conditionally support the Project, provided that (1) the Applicant entered into a construction management agreement; (2) that the Applicant addressed specific concerns related to negative impacts on the Church’s access to light and air; (3) that the Applicant improved the curbside management for the Project; and (4) was sensitive to potential construction impacts regarding the Project. The ANC also stated that its support was conditioned on (5) the University limiting its use of the Project by faculty and staff; and (6) the University foregoing the development of Site 77D.

As stated above, construction related impacts of the Project are not germane to the variance standard and even if they were there is no evidence that the minor zoning relief granted would increase the likelihood of harm to the Church during construction. Indeed, the evidence is that the construction of the building as designed will not result in adverse impacts beyond the normal impacts associated with any construction project. Nevertheless, the Applicant volunteered to abide by a construction management plan that it submitted into the record, and a condition requiring it to do so has been incorporated into this Order.

With respect to the ANC’s concern regarding the Church’s access to light and air, the Commission believes that the reduction of height of the Project’s south exterior wall was sufficient to address this concern. Furthermore, as stated above, the Commission concludes that the Zoning Regulations would allow for the rear yard to be located on either the south or west lot line. Furthermore, the Zoning Regulations allow a significantly taller structure as a matter of

right. Put another way, no setback from the Church structure is required and it is incongruent to find that providing a four-foot rear yard setback, with a significantly shorter building than permitted as a matter of right, would impair the public good or impair the zone plan. The reduction of light and air suffered by the Church as a result of the construction of this project is actually less than could occur if a building that complied with matter of right zoning limits was built on the site.

With respect to the ANC's concerns regarding curbside management, its request that the University limit its use of the Project by faculty and staff, and its request that the University forego development of Site 77D, the Commission notes that the Applicant volunteered to comply with these requests, and appropriate conditions have been incorporated into this Order that the Commission believes are sufficient to adequately address these issues and concerns.

Having addressed all of the issues and concerns expressed by ANC 2A, the Commission has afforded ANC 2A the great weight it is entitled under the statute.

The Commission is required by § 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 (2012 Repl.)) to give "great weight" to the recommendation of OP. In this case, OP recommended that the application should be approved, subject to five conditions: (1) a construction management agreement between the Applicant and Church; (2) the University refrains from using the space in the Project for faculty and staff offices except for staff offices directly related to the student life uses within the project; (3) the University foregoes development on Site 77D; (4) refinement of the proposed roof structure materials and coloring to reduce potential visibility; and (5) the Project complies with any DDOT related recommendations, particularly as related to a limitation of the types of trash receptacles that are used. The Commission concludes that the Applicant has satisfied all of to OP's conditions for approval, except for the condition regarding a construction management agreement agreed to by the Church. For reasons previously stated, the Commission concludes that such a plan is not required under the variance standard, but since the Applicant has proffered such a plan, has made compliance with the plan a condition of this order.

With respect to OP's concerns regarding curbside management, its request that the University limit its use of the Project by faculty and staff, and its request that the University forego development of Site 77D, the Commission notes that the Applicant volunteered to comply with these requests, and appropriate conditions have been incorporated into this Order.

Public space approval issue

In its second report, DDOT stated that the bollards and sidewalk café shown in the Applicant's plans are not likely to be approved in the public space permitting process. (Ex. 77.) The Commission does not believe it may deny an application based upon a mere prediction. If DDOT'S prediction proves correct, the Applicant may request any needed modification of this Order.

DECISION

Based on the findings of fact, and having given great weight to the recommendations of OP and ANC 2A, the Commission concludes that the Applicant has met its burden of proof and that the requested zoning relief can be approved. Accordingly, it is **THEREFORE ORDERED** that the variance relief from FAR, lot occupancy, rear yard, and parking requirements, special exception approval for relief from the penthouse setback requirements, and amendment to and further processing of the 2007 Foggy Bottom Campus Plan be **GRANTED** subject to the following conditions:

1. The Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibit 73A of the record, as modified by the guidelines, conditions, and standards herein;
2. The University shall be permitted to use the third and fourth floors of the Project for student life and academic uses only, and shall refrain from using the space within the Project for faculty and staff offices except for staff offices directly related to the uses within the Project;
3. The University shall forgo the development of approved development on Site 77D;
4. **During construction of the Project**, Hillel shall abide by the provisions of the Construction Management Plan marked as Exhibit 73B of the record; and
5. **For the life of the Project**, the Applicant shall use trash bins rather than carts, unless DDOT specifically approves the use of carts through the public space process.

On November 23, 2015, upon a motion by Vice Chairperson Cohen, as seconded by Commissioner May, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve and adopt; Michael G. Turnbull not voting, not having participated).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 6, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-11M/06-12M
Z.C. Case No. 06-11M/06-12M
The George Washington University
(Minor Modification to Z.C. Order No. 06-11/06-12 –
Condition P-2: Modification to Permit Use of Leased Space in Hillel)
November 23, 2015

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on November 23, 2015. At the meeting, the Commission approved an application of The George Washington University (“Applicant”) for a minor modification to Z.C. Order No. 06-11/06-12 (“Campus Plan/PUD Order”). The Campus Plan/PUD Order approved the 2007 Foggy Bottom Campus Plan and First-Stage Planned Unit Development (“Campus Plan /PUD”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under § 3030 of the Zoning Regulations.

FINDINGS OF FACT

Pursuant to the Campus Plan/PUD Order, the Commission approved a 20-year campus plan and first-stage planned unit development (“PUD”) and related map amendments concerning development of the University’s Foggy Bottom campus. The Campus Plan/ PUD Order applies to University use of all properties located within the boundaries of the Campus Plan, even if the University does not own the property.

In Z.C. Case No. 06-11L, the sister case to this application, Hillel at the George Washington University (“Hillel”) applied for variance and special exception approval required to construct a new four-story facility (“Project”) on property located on Lots 820 and 840 in Square 42 (“Property”). The Property is located within the boundaries of the Campus Plan and provides services to the University population, as well as the broader community. Hillel will own and operate the entire Project, but in order to help finance the cost of constructing the facility, Hillel proposed to lease two floors of the new facility to the University. Revenue from the leased space will help pay the cost of construction of the Project in the near term, and allow Hillel to construct a building now that will accommodate its future needs. Therefore, as a part of Z.C. Case No. 06-11L, the University also applied for special exception approval for a campus plan amendment and further processing approval to permit the university use of space within the Project. The Commission voted to approve Z.C. Case No. 06-11L on November 23, 2015. That approval became effective through Z.C. Order No. 06-11L, which is being published concurrently with this Order

Condition P-2 of the Campus Plan/PUD Order requires second-stage PUD approval for any development undertaken by the University that results in additional density or change in use. Here, the proposed Project is being undertaken by Hillel, the owner of the Property and the proposed Project. The University will lease two floors of the Project through a conventional lease, and will have no ownership or long-term property interest in the Property. Therefore, the University requested that the Commission approve a modification to Condition P-2 that would clarify that the proposed university use in the Project does not require PUD approval.

The University submitted evidence that the modification was minor (that is, of little or no consequence) in the context of the overall Campus Plan/PUD. The amount of university use within the Project constitutes less than one-half percent of the total amount of additional space approved for campus development in the Campus Plan/PUD, and the space and Property itself are both considerably smaller than the minimum parameters for a PUD. Furthermore, the modification arises out of a unique set of circumstances, prompted not by the University's development needs but rather out of an attempt to accommodate the needs of a small non-profit and place of worship that has served the needs of the University population for many years.

Finally, as a condition of approval in Z.C. Case No. 06-11, the University agreed to forego the development of Site 77D under the Campus Plan/PUD. Site 77D called for an addition of approximately 9,504 square feet of gross floor area, and the University use within the Project consists of less density. Therefore, with the removal of Site 77D, the modification will result in less density than the originally-approved Campus Plan/PUD.

The Applicant served the minor modification request on Advisory Neighborhood Commission ("ANC") 2A as well as the Office of Planning ("OP"). OP recommended approval of the modifications. The ANC did not submit a report in the record of Z.C. Case No. 06-11M/06-12M, but as set forth in Z.C. Order No. 06-11L, the ANC raised no objection to the related campus plan amendment. The West End Citizens Association ("WECA") submitted a letter requesting that the University's request be removed from the Consent Calendar and consolidated with Z.C. Case No. 06-11L. WECA participated as a party in opposition in Z.C. Case No. 06-11L, and the Commission addressed WECA's objections to the substance of the Project and the related university use in Z.C. Order No. 06-11L.

On May 12, 2014, at a regularly scheduled public meeting, the Commission voted 4-0-1 to hold this minor modification request in abeyance until after the public hearing and vote on the Project in Z.C. Case No. 06-11L.

On November 23, 2015, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for minor modification to Condition P-2 of the Campus Plan/PUD Order.

The Commission finds that the requested modification is of little consequence to the approved Campus Plan/PUD as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its original approval.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 06-11/06-12. Furthermore, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan.

Z.C. ORDER No. 06-11M/06-12M

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The Commission also concludes that the modification is of little or no consequence, and is therefore appropriate for consideration on the Consent Calendar, without a public hearing. (11 DCMR § 3030.2.)

The Commission wishes to emphasize the unique circumstances related to this request and cautions that its decision does not serve as precedent with respect to the Campus Plan PUD in general and the requirement for second-stage PUD approvals in particular.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to Condition P-2 of Z.C. Order No. 06-11/06-12 as follows:

Add the following sentence to Condition P-2:

- d. PUD approval is not required for additional density or change in use associated with university use approved in Z.C. Order No. 06-11L that is located within the proposed development to be undertaken by Hillel on Square 42, Lots 820 and 840.

All other provisions and conditions of Z.C. Order No. 06-11/06-12 shall remain in effect.

On November 23, 2015, upon a motion by Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order by a vote of **4-0-1** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, and Peter G. May to approve and adopt; Michael G. Turnbull not voting, not having participated).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 6, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 13-05B
(Forest City Washington – PUD Modification @ Squares 744S and 744SS)
April 28, 2016**

THIS CASE IS OF INTEREST TO ANC 6D

On April 22, 2016, the Office of Zoning received an application from Forest City Washington (the “Applicant”) for approval of a modification to a previously approved planned unit development (“PUD”).

The property that is the subject of this application consists of part of Lot 805 in Square 744S and part of Lot 801 in Square 744SS in southeast Washington, D.C. (Ward 6), on property bounded by N Place, S.E. (north), 1st Street, S.E. (west), the Anacostia River (south), and DC Water operations (east). The subject property is known as Parcel F1, and, for the purposes of this project, is zoned CG/CR through a previously approved PUD-related map amendment.

The site was originally approved for ground-floor retail and arts uses, a movie theater, and commercial parking uses. The Applicant proposes the following modifications: a reduction in the number of parking spaces; changes to the design of the parking garage façade and theater façade, changes to the accent panel and illuminated panels, and a change to the streetscape. The Applicant also proposes a modification to the roof plan and a substitution for the required bike shower.

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.

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