

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council passes Law 21-135, Made in DC Program Establishment Act of 2016
- D.C. Council schedules public hearings on Bill 21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016
- D.C. Council schedules a public hearing on Bill 21-828, Metrorail Safety Commission Interstate Compact Establishment Act of 2016
- Board of Elections proposes polling place relocations
- Department of Energy and Environment solicits public comments on the Green Area Ratio Guidebook
- Public Service Commission solicits public comments on the Washington Gas Light Company's Rate Application
- Office of the State Superintendent of Education solicits applications for the Neighborhood-Based Quality Improvement Network (QIN) for Child Development Home Providers

# DISTRICT OF COLUMBIA REGISTER

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MAYOR

VICTOR L. REID, ESQ.  
ADMINISTRATOR

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## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-120

**Youth Suicide Prevention and School  
Climate Survey Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-361 on first and second readings March 1, 2016, and April 5, 2016, respectively. Following the signature of the Mayor on April 27, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-374 and was published in the May 6, 2016 edition of the D.C. Register (Vol. 63, page 6856). Act 21-374 was transmitted to Congress on May 5, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-374 is now D.C. Law 21-120, effective June 17, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May	5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31
June	1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16

## COUNCIL OF THE DISTRICT OF COLUMBIA

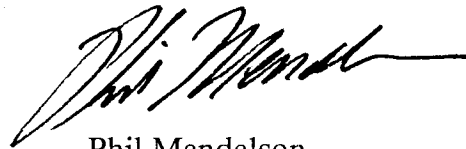
## NOTICE

## D.C. LAW 21-121

**"Firehouse Parking Exception Regulation  
Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-366 on first and second readings March 1, 2016, and April 5, 2016, respectively. Following the signature of the Mayor on April 26, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-375 and was published in the May 6, 2016 edition of the D.C. Register (Vol. 63, page 6862). Act 21-375 was transmitted to Congress on May 5, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-375 is now D.C. Law 21-121, effective June 17, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May           5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31  
June          1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16

## COUNCIL OF THE DISTRICT OF COLUMBIA

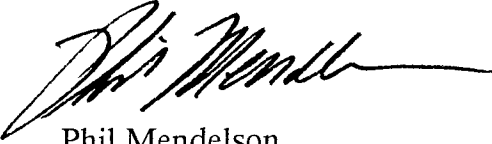
## NOTICE

## D.C. LAW 21-122

**"Director of the Homeland Security and Emergency  
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Amendment Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-637 on first and second readings March 1, 2016, and April 5, 2016, respectively. Following the signature of the Mayor on April 27, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-376 and was published in the May 6, 2016 edition of the D.C. Register (Vol. 63, page 6864). Act 21-376 was transmitted to Congress on May 5, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-376 is now D.C. Law 21-122, effective June 17, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May . . . . . 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31  
June . . . . . 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16

## COUNCIL OF THE DISTRICT OF COLUMBIA

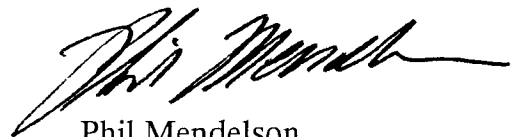
## NOTICE

## D.C. LAW 21-123

**"Supporting Normalcy and Empowering Children  
in Foster Care Temporary Amendment  
Act of 2016"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-641 on first and second readings March 1, 2016, and April 5, 2016, respectively. Following the signature of the Mayor on April 27, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-377 and was published in the May 6, 2016 edition of the D.C. Register (Vol. 63, page 6866). Act 21-377 was transmitted to Congress on May 5, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-377 is now D.C. Law 21-123, effective June 17, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-124

**"Transportation Reorganization Amendment  
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As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-313 on first and second readings March 1, 2016, and April 5, 2016, respectively. The legislation was deemed approved without the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-378 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7076). Act 21-378 was transmitted to Congress on May 10, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-378 is now D.C. Law 21-124, effective June 22, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May	10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31
June	1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21

## COUNCIL OF THE DISTRICT OF COLUMBIA

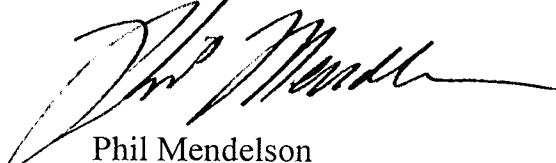
## NOTICE

## D.C. LAW 21-125

**“Neighborhood Engagement Achieves Results  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-360 on first and second readings February 2, 2016, and March 1, 2016, respectively. The legislation was deemed approved without the signature of the Mayor on March 26, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-356 and was published in the April 1, 2016 edition of the D.C. Register (Vol. 63, page 4659). Act 21-356 was transmitted to Congress on April 6, 2016 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 21-356 is now D.C. Law 21-125, effective June 30, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 60-day Congressional Review Period:

April	6, 7, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29
May	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 31
June	1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29



## COUNCIL OF THE DISTRICT OF COLUMBIA

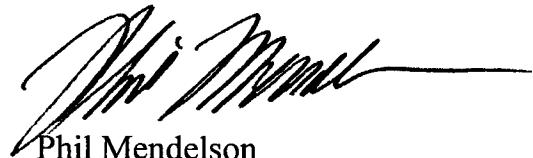
## NOTICE

## D.C. LAW 21-126

**“DMPED Procurement Clarification Temporary  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-678 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-379 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7100). Act 21-379 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-379 is now D.C. Law 21-126, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-127

**“Higher Education Licensure Commission Clarification  
Temporary Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-680 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-380 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7102). Act 21-380 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-380 is now D.C. Law 21-127, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

**Days Counted During the 30-day Congressional Review Period:**

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

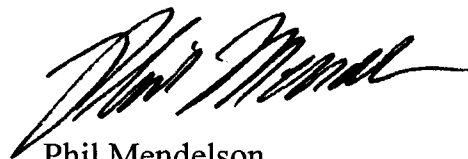
## NOTICE

## D.C. LAW 21-128

**“Business Improvement Districts Sunset Repeal  
Temporary Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-700 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-381 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7104). Act 21-381 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-381 is now D.C. Law 21-128, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-129

**“Civic Associations Public Space Permit Fee Waiver  
Temporary Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-703 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-382 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7106). Act 21-382 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-382 is now D.C. Law 21-129, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-130

**“Tax Sale Resource Center Clarifying Temporary  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-705 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-383 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7108). Act 21-383 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-383 is now D.C. Law 21-130, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-131

**“Revised Synthetics Abatement and Full  
Enforcement Drug Control  
Temporary Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-634 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-384 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7110). Act 21-384 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-384 is now D.C. Law 21-131, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

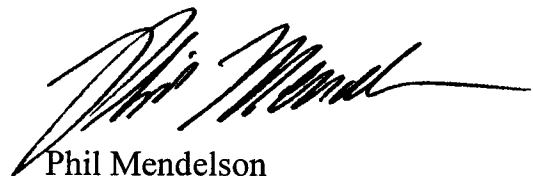
## NOTICE

## D.C. LAW 21-132

**“Caregiver Advise, Record, and Enable  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-230 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-385 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7130). Act 21-385 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-385 is now D.C. Law 21-132, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

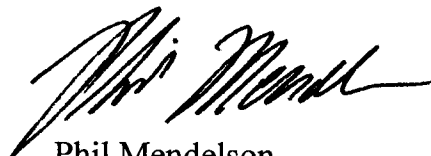
## NOTICE

## D.C. LAW 21-133

**“Tree Canopy Protection Amendment  
Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-318 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-386 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7134). Act 21-386 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-386 is now D.C. Law 21-133, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30



## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 21-134

**“Closing of a Public Alley in Square 342,  
S.O. 14-21629, Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-446 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-387 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7139). Act 21-387 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-387 is now D.C. Law 21-134, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

## NOTICE

## D.C. LAW 21-135

**“Made in DC Program Establishment  
Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-514 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 3, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-388 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7141). Act 21-388 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-388 is now D.C. Law 21-135, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 21-136

**“Closing of a Public Alley in Square 697, S.O.  
15-26230, Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-571 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-389 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7146). Act 21-389 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-389 is now D.C. Law 21-136, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

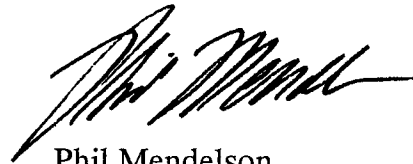
## NOTICE

## D.C. LAW 21-137

**“Notary Public Fee Enhancement Amendment  
Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-112 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 4, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-390 and was published in the May 13, 2016 edition of the D.C. Register (Vol. 63, page 7148). Act 21-390 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-390 is now D.C. Law 21-137, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA


## NOTICE

## D.C. LAW 21-138

**“Marijuana Possession Decriminalization Clarification  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-107 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 9, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-391 and was published in the May 20, 2016 edition of the D.C. Register (Vol. 63, page 7587). Act 21-391 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-391 is now D.C. Law 21-138, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

## COUNCIL OF THE DISTRICT OF COLUMBIA

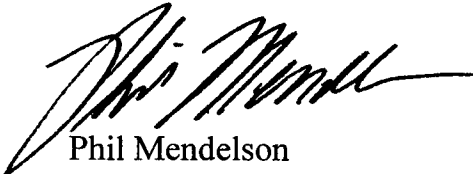
## NOTICE

## D.C. LAW 21-139

**“Home Purchase Assistance Program  
Amendment Act of 2016”**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 21-481 on first and second readings April 5, 2016, and April 19, 2016, respectively. Following the signature of the Mayor on May 9, 2016, as required by Section 404(e) of the Charter, the bill became Act 21-393 and was published in the May 20, 2016 edition of the D.C. Register (Vol. 63, page 7594). Act 21-393 was transmitted to Congress on May 19, 2016 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 21-393 is now D.C. Law 21-139, effective July 1, 2016.



Phil Mendelson  
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

May 19, 20, 23, 24, 25, 26, 27, 31

June 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 27, 28, 29, 30

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING**

on

**Bill 21-321, Kennedy Street, N.W., Economic Development and Small Business  
Revitalization Advisory Committee Establishment Act of 2015**

on

**Monday, September 26, 2016  
11:30 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 21-321, the “Kennedy Street, N.W., Economic Development and Small Business Revitalization Advisory Committee Establishment Act of 2015.” The hearing will be held at 11:30 a.m. on Monday, September 26, 2016 in room 412 of the John A. Wilson Building.

The stated purpose of Bill 21-321 is to establish the Kennedy Street, NW, Economic Development and Small Business Revitalization Advisory Committee. As introduced, the legislation would create such a committee consisting of 11 members: the Deputy Mayor for Planning and Economic Development, the Director of the Office of Planning, the Ward 4 Councilmember, two business owners from Kennedy Street, the Director of the Department of Consumer and Regulatory Affairs, the Director of the Department of Small and Local Business Development, a representative chosen by the local ANC, a representative from the Economic Development Partnership, and two community members chosen by the Ward 4 Councilmember.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash, Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, September 22, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 22, 2016 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. A copy of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 10, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**Bill 21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016**

on

**Tuesday, September 27, 2016  
11:00 a.m., Council Chamber, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 21-826, the “Constitution of the State of New Columbia Approval Amendment Act of 2016.” The hearing will be held at 11:00 a.m. on Tuesday, September 27, 2016 in the Council Chamber of the John A. Wilson Building.

The stated purpose of Bill 21-826 is to recommend to Congress a revised District of Columbia Statehood Constitution for the State of New Columbia. The Council will hold two hearings on Bill 21-826 – on September 27<sup>th</sup> and October 6<sup>th</sup> – in advance of an advisory referendum on the November 8, 2016 general election ballot that asks the electorate whether the Council should petition Congress to enact a statehood admission act to provide for the State of New Columbia to be declared admitted to the Union and whether the Council should approve a state Constitution. These two hearings supplement the community engagement that occurred this past April and June through the New Columbia Statehood Commission.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash, Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, September 23, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Friday, September 23, 2016, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 21-826 can be obtained can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

**A second hearing will be held at 6:30 p.m. Thursday, October 6, 2016, to convenience those interested in testifying but not during daytime work hours. However, witnesses will not be allowed to testify at both hearings.**

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 20, 2016.



**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING**

on

**Bill 21-826, Constitution of the State of New Columbia Approval Amendment Act of 2016**

on

**Thursday, October 6, 2016  
6:30 p.m., Council Chamber, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on Bill 21-826, the “Constitution of the State of New Columbia Approval Amendment Act of 2016.” The hearing will be held at 6:30 p.m. on Thursday, October 6, 2016 in the Council Chamber of the John A. Wilson Building.

The stated purpose of Bill 21-826 is to recommend to Congress a revised District of Columbia Statehood Constitution for the State of New Columbia. The Council will hold two hearings on Bill 21-826 – on September 27<sup>th</sup> and October 6<sup>th</sup> – in advance of an advisory referendum on the November 8, 2016 general election ballot that asks the electorate whether the Council should petition Congress to enact a statehood admission act to provide for the State of New Columbia to be declared admitted to the Union and whether the Council should approve a state Constitution. These two hearings supplement the community engagement that previously occurred this past April and June through the New Columbia Statehood Commission.

Witnesses testifying on this bill at the September 27<sup>th</sup> hearing will not be allowed to testify a second time at this hearing. Those who wish to testify are asked to email the Committee of the Whole at [cw@dccouncil.us](mailto:cw@dccouncil.us), or call Evan Cash, Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Tuesday, October 2, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on October 4, 2016, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 21-826 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 20, 2016.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
COMMITTEE ON FINANCE & REVENUE  
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

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**CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE**

**COUNCILMEMBER JACK EVANS  
COMMITTEE ON FINANCE & REVENUE**

**ANNOUNCE A JOINT PUBLIC HEARING**

on

**Bill 21-828, Metrorail Safety Commission Interstate Compact Establishment Act of 2016**

on

**Tuesday, October 4, 2016  
10:30 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson and Councilmember Jack Evans announce a joint public hearing before the Committee of the Whole and Committee on Finance and Revenue on Bill 21-828, the “Metrorail Safety Commission Interstate Compact Establishment Act of 2016.” The hearing will be held at 10:30 a.m. on Tuesday, October 4, 2016 in Hearing Room 412 of the John A. Wilson Building.

The stated purpose of Bill 21-828 is to establish the Metrorail Safety Commission Interstate Compact that will provide necessary safety oversight of the fixed guideway system operated by the Washington Metropolitan Area Transit Authority. This is a requirement of the federal Moving Ahead for Progress in the 21<sup>st</sup> Century Act. The Compact will be between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. The Council’s consideration of the Compact will be followed by consideration by our partner jurisdictions, with approval by all three jurisdictions no later than early in 2017.

Those who wish to testify are asked to email the Committee of the Whole at [cw@dccouncil.us](mailto:cw@dccouncil.us), or call Evan Cash, Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Friday, September 30, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 30, 2016, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of Bill 21-828 can be obtained on <http://lims.dccouncil.us>, or through the Legislative Services Division (Room 10) of the Secretary of the Council’s office.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Tuesday, October 18, 2016.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE OF THE WHOLE  
NOTICE OF PUBLIC HEARING

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/RESCHEDULED

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CHAIRMAN PHIL MENDELSON  
COMMITTEE OF THE WHOLE  
ANNOUNCES A PUBLIC HEARING

on

**PR 21-460, District of Columbia Commemorative Works Committee Otto Condon  
Confirmation Resolution of 2015**

on

**Monday, September 26, 2016  
11:00 a.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public hearing of the Committee of Whole on PR 21-460, the “District of Columbia Commemorative Works Committee Otto Condon Confirmation Resolution of 2015.” The hearing will be held Monday, September 26, 2016 at 11:00 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW. **This hearing was originally scheduled for Thursday, June 30, 2016.**

The stated purpose of PR 21-460 is to confirm the appointment of Otto Condon as a citizen member of the District of Columbia Commemorative Works Committee (“CWC”). The CWC advises and recommends to the Council a disposition of each application to place a commemorative work on public space in the District of Columbia. The CWC is made up of three citizens and nine ex-officio members appointed by the Mayor. The purpose of this hearing is to receive testimony from public witnesses as to the fitness of Mr. Condon for the CWC.

Those who wish to testify are asked to email the Committee of the Whole at [cow@dccouncil.us](mailto:cow@dccouncil.us), or call Evan Cash, Committee Director at (202) 724-8196, and to provide your name, address, telephone number, organizational affiliation and title (if any) by close of business Thursday, September 22, 2016. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 22, 2016 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on October 10, 2016.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 19, 2016
Petition Date: October 3, 2016
Hearing Date: October 17, 2016
Protest Hearing Date: December 14, 2016

License No.: ABRA-103856
Licensee: Waterfront Pizzeria LLC
Trade Name: All Purpose Pizzeria
License Class: Retailer's Class "C" Restaurant
Address: 79 Potomac Avenue, S.E.
Contact: Stephen O'Brien: (202) 625-7700

WARD 6 ANC 6D SMD 6D07

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

NATURE OF OPERATION

A fast, casual café-style restaurant with bar which shall serve pizza and Italian food with recorded music. Total number of seats: 90. Total Occupancy Load: 105. Total number of Summer Gardens: 2. Total number of Summer Garden seats: 100.

HOURS OF OPERATION FOR PREMISES AND SUMMER GARDENS

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 GARDENS

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 19, 2016
Petition Date: October 3, 2016
Hearing Date: October 17, 2016
Protest Date: December 14, 2016

License No.: ABRA-103562
Licensee: Chix Navy Yard, LLC
Trade Name: Chix
License Class: Retailer's Class "C" Restaurant
Address: 1210 Half Street, S.E.
Contact: Victoria Garcia: (202) 247-7228

WARD 6

ANC 6D

SMD 6D02

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 December 14, 2016 at 4:30pm.

NATURE OF OPERATION

A restaurant serving chicken and vegetarian meals with Latin flavors in a casual environment.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11:00 am – 1:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 19, 2016
Petition Date: October 3, 2016
Hearing Date: October 17, 2016

License No.: ABRA-102051
Licensee: Teemnow, LLC
Trade Name: Exiles
License Class: Retailer's Class "C" Restaurant
Address: 1610 U Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 2 ANC 2B SMD 2B08

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 an Entertainment Endorsement to provide live entertainment.

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

Sunday 10 am - 2 am, Monday through Thursday 4:30 pm - 2 am, Friday 4:30 pm - 3 am and Saturday 9 am - 3 am

PROPOSED HOURS FOR LIVE ENTERTAINMENT

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

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: August 19, 2016  
 Petition Date: October 3, 2016  
 Hearing Date: October 17, 2016  
 Protest Hearing Date: December 14, 2016

License No.: ABRA-095180  
 Licensee: Fasika Ethiopia Cuisine LLC  
 Trade Name: Fasika Ethiopia Cuisine LLC  
 License Class: Retailer’s Class “C” Restaurant  
 Address: 1924 9<sup>th</sup> Street, N.W.  
 Contact: Jennifer Anukem (301) 500-0462

WARD 1                      ANC 1B                      SMD 1B02

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 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 14, 2016 at 1:30 pm.

**NATURE OF OPERATION**

A restaurant serving Ethiopian cuisine. Total Occupancy Load: 46. Total number of seats: 46.

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

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 19, 2016
Petition Date: October 3, 2016
Hearing Date: October 17, 2016
Protest Date: December 14, 2016

License No.: ABRA-102848
Licensee: Motiog, Inc.
Trade Name: Heat Da Spot Café
License Class: Retailer’s Class “C” Restaurant
Address: 3213 Georgia Avenue, N.W.
Contact: DuBois V. Cox: 202-594-0694

WARD 1 ANC 1A SMD 1A10

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 hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on December 14, 2016.

NATURE OF OPERATION

Restaurant serving sandwiches, coffee and pastries with a seating capacity for 17. Summer Garden endorsement request with outdoor seating for 20 patrons. Total Occupancy Load of 24.

HOURS OF OPERATION ON PREMISE

Sunday through Saturday 6:30 am – 2 am

HOURS OF ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION ON PREMISE

Sunday through Saturday 11 am – 2 am

HOURS OF OPERATION FOR SUMMER GARDEN

Sunday through Saturday 8am – 12 am

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

Sunday through Saturday 12 pm – 12 am



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Posting Date: August 19, 2016  
 Petition Date: October 3, 2016  
 Hearing Date: October 17, 2016  
 Protest Hearing Date: December 14, 2016

License No.: ABRA-103795  
 Licensee: Local Vine Inc.  
 Trade Name: Local Vine  
 License Class: Retailer’s Class “A” Liquor Store  
 Address: 1575 New York Avenue, N.E.  
 Contact: Andrew Kline: (202) 686-7600

WARD 5                      ANC 5D                      SMD 5D01

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 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for December 14, 2016 at 4:30 pm.

**NATURE OF OPERATION**

Class A Retailer with a Tasting Endorsement.

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

Sunday through Saturday 7 am – 12 am

## DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF PUBLIC HEARING AND  
SOLICITATION OF PUBLIC COMMENT****Green Area Ratio Guidebook**

The Department of Energy and Environment (the Department) is submitting for public review and comment the Draft Revised Green Area Ratio (GAR) Guidebook. The guidebook provides clarification for the development community and Districts residents to comply with the regulation. Additional forms and documents that support administration of the regulation are provided for reference. The public is invited to present its comments in written format and at a public hearing on proposed revisions to the Draft revisions.

The Draft incorporates changes from the final rulemaking for the Zoning Regulation Review, which was posted in the D.C. Register on March 4, 2016. This revision also clarifies issues that stakeholders or the Department noted in the previous version. The Guidebook is maintained on the Department website at [doee.dc.gov/gar](http://doee.dc.gov/gar).

The Draft revisions are presented within the guidebook as strikethrough deletions or underline additions. A summary of revisions form identifies all major changes to the guidebook. The original Preliminary Draft Green Area Ratio Guidebook is posted at <http://doee.dc.gov/node/619622>.

**Public Hearing: Tuesday, September 20, 2016**

**HEARING DATE:** Tuesday, September 20, 2016  
**TIME:** 5:30 – 7:30 pm  
**PLACE:** Department of Energy and Environment  
1200 First Street, NE, Washington, DC 20002  
5th Floor  
NOMA Gallaudet (Red Line) Metro Stop

Beginning 8/26/2016, the full text of the **GAR Guidebook** will be available online at the Department's website. A person may obtain a copy of the GAR Guidebook by any of the following means:

**Download** from the Department's website, [www.doee.dc.gov](http://www.doee.dc.gov). Select the *Laws and Regulations* tab. Cursor over the pull-down list and select *Public Notices and Hearings*. On the new page, cursor down to the announcement for this Notice. Click on *Read More* and download this Notice and related information from the *Attachments* section.

**Email** a request to [markku.mcglynn@dc.gov](mailto:markku.mcglynn@dc.gov) with "Request copy of **GAR Guidebook**" in the subject line.

**Review a copy in person** at the Martin Luther King, Jr. Library, 901 G. Street, NW, Washington, DC 20001 during normal business hours.

**Write** the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Markku McGlynn, RE: GAR Guidebook" on the outside of the envelope.

**The deadline for comments is 10/10/2016 at 5:00 P.M.** All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements. Persons may also submit written comments by email, with a subject line of "GAR Guidebook" to the attention of Markku McGlynn at [markku.mcglynn@dc.gov](mailto:markku.mcglynn@dc.gov). Comments clearly marked "GAR Guidebook" may also be hand delivered or mailed to the Department's offices at the address listed above. All comments should be received no later than the conclusion of business on Monday, October 10, 2016. The Department will consider all comments received in its final decision.

**HISTORIC PRESERVATION REVIEW BOARD  
NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 16-14: Vizcaya Apartments**  
**1388 Tuckerman Street NW**  
**Square 2787, Lot 27**  
**Applicant: Hampstead Brightwood Partners LP**  
**Affected Advisory Neighborhood Commission: 4A**

**Case No. 16-15: Valencia Apartments**  
**5922 13<sup>th</sup> Street NW**  
**Parcel 87, Lot 400**  
**Applicant: Hampstead Brightwood Partners LP**  
**Affected Advisory Neighborhood Commission: 4A**

The hearing will take place at **9:00 a.m. on Thursday, September 22, 2016**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may

apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**HISTORIC PRESERVATION REVIEW BOARD  
NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 16-18: Union Market Terminal**

Parcel 129, Lots 27, 28, 30, 34, 43, 68 and 72;

Square 3587, Lot 808;

Square 3588, Lots 15, 16, 17, 18, 19, 20, 21, 22, 801 and 802;

Square 3589, Lots 3, 8, 9, 10, 11, 12, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 49, 50, 51, 52, 804, 805, 806, 807, 808 and 809;

Square 3590, Lots 1, 2, 3, 4, 5, 6, 10, 11, 800, 801, 802; and

Square 3592, Lots 1, 2, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 803 (3, 4, 5), also presently known as:

1251-1317, odd numbers, 4<sup>th</sup> Street NE;

1250, 1252 and 1254 4<sup>th</sup> Street NE;

1250-1338, even numbers, of 5<sup>th</sup> Street NE;

the 400 and 500 blocks, odd numbers, of Morse Street NE; and

400 and 416 Morse Street NE

**Applicant: D.C. Preservation League**

**Affected Advisory Neighborhood Commission: 5D**

The hearing will take place at **9:00 a.m. on Thursday, September 22, 2016**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10C DCMR 2). A copy of the rules can be obtained from the Historic Preservation Office at 1100 4<sup>th</sup> Street SW, Suite E650, Washington, DC 20024, or by phone at (202) 442-8800, and they are included in the preservation regulations which can be found on the Historic Preservation Office website.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the Historic Preservation Office.

For each property, a copy of the historic landmark application is currently on file and available for inspection, as well as being posted on the Historic Preservation Office website. A copy of the staff report and recommendation will be available at the office five days prior to the hearing.

The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal

government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to

comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.



**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF CHARTER AMENDMENT**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of Sela Public Charter School's (Sela PCS) request to amend its goals and academic achievement expectations. Sela PCS would like to remove the diversity goal, though consider keeping it as an internal goal, and add the OPI assessment to the goal about Hebrew proficiency for 3<sup>rd</sup> grade and beyond. A public hearing regarding this item will be held on September 19, 2016 at 6:30 p.m.; a vote will be held on October 17, 2016 at 6:30 p.m. To submit public comments, you may do so by one of the actions below. All comments must be submitted on or before September 19, 2016 at 4:00pm. For questions, please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or [lquinn@dcpsb.org](mailto:lquinn@dcpsb.org).

**Submitting Public Comment:**

1. Submit a comment by one of the following actions:
  - (a) E-mail: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> ST. NW., Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
  - (d) Phone: 202-328-2660
  
2. Sign up to testify in-person at the public hearing on September 19, 2016, by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Thursday, September 15, 2016.

**DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOL BOARD****NOTIFICATION OF NEW SCHOOL LOCATION**

The District of Columbia Public Charter School Board (DC PCSB) hereby gives notice of DC International Public Charter School's (DCI PCS) intent to relocate its facility to Building 11, Delano Hall at the former Walter Reed Campus in the school year 2018-2019. DCI PCS reports the architectural plans are complete for the new site, so its currently waiting to receive the final "hand-off" from the city to being construction. A public hearing regarding this item will be held on September 19, 2016 at 6:30 p.m.; a vote will be held on October 17, 2016 at 6:30 p.m. To submit public comments, you may do so by one of the actions below. All comments must be submitted on or before September 19, 2016 at 4:00pm. For questions, please contact Laterica (Teri) Quinn, Equity and Fidelity Specialist, at 202-328-2660 or [lquinn@dcpsb.org](mailto:lquinn@dcpsb.org).

**Submitting Public Comment:**

1. Submit a written comment via:
  - (a) E-mail: [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org)
  - (b) Postal mail: Attn: Public Comment, DC Public Charter School Board, 3333 14<sup>th</sup> ST. NW., Suite 210, Washington, DC 20010
  - (c) Hand Delivery/Courier\*: Same as postal address above
  - (d) Phone: 202-328-2660
  
2. Sign up to testify in-person at the public hearing on September 19, 2016, by emailing a request to [public.comment@dcpsb.org](mailto:public.comment@dcpsb.org) by no later than 4 p.m. on Thursday, September 15, 2016.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, OCTOBER 18, 2016  
441 4<sup>TH</sup> 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.**

**THIS APPLICATION HAS BEEN POSTPONED FROM THE PUBLIC HEARINGS OF JULY 6, 2016 AND SEPTEMBER 27, 2016:**

**WARD ONE**

19282            **Application of Teace and John Noel**, pursuant to 11 DCMR Subtitle X, ANC-1A            Chapter 9, for a special exception from the height requirements under Subtitle E § 5203.1, to convert an existing one-family dwelling into a flat by adding a third story in the RF-1 District at premises 1460 Monroe Street N.W. (Square 2676, Lot 343).

**WARD SIX**

19337            **Appeal of Robert A. Shelton and Mark Flynn**, pursuant to 11 DCMR §§ ANC-6B            3100 and 3101, from a June 1, 2016 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to grant Building Permit No. B1604403, granted to permit the construction of a three-story addition to the rear of an existing one-family dwelling in the CAP/R-4 District at premises 325 5th Street S.E. (Square 820, Lots 17 and 49).

**WARD ONE**

19342            **Application of Peter Revocable Trust and Patrick’s Pet Care**, pursuant ANC-1A            to 11 DCMR Subtitle X, Chapter 9, for a special exception under the MU-Use Group E requirements of Subtitle U § 513.1(a), to establish an animal care and boarding use in the MU-4 Zone at premises 3303 11th Street N.W. (Square 2841, Lot 43).

**WARD SIX**

19344            **Application of 1336 H St NE LLC**, pursuant to 11 DCMR Subtitle X, ANC-6A            Chapter 9, for a special exception under the NC development standard requirements of Subtitle H § 1200.1, to construct a four-story mixed-use building in the NC-14 Zone at premises 1336 H Street N.E. (Square 1026, Lot 82).

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WARD ONE

19347  
ANC-1A            **Application of Calvin Krishen**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the nonconforming structure requirements of Subtitle C § 202.2, and the lot occupancy requirements of Subtitle E § 304.1, to construct a one-story deck addition to the rear of an existing one-family dwelling in the RF-1 Zone at premises 1452 Spring Road N.W. (Square 2690, Lot 46).

WARD TWO

19348  
ANC-2B            **Application of Gladiola Wood**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the floor area ratio requirements of Subtitle F § 602.1, and the lot occupancy requirements of Subtitle F § 604.1, to construct an addition to an existing three-unit apartment house in the RA-8 Zone at premises 1717 Corcoran Street N.W. (Square 155, Lot 169).

WARD TWO

19349  
ANC-2B            **Application of 1719 Corcoran LLC**, pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the floor area ratio requirements of Subtitle F § 602.1, and the lot occupancy requirements of Subtitle F § 604.1, to construct an addition to an existing three-unit apartment house in the RA-8 Zone at premises 1719 Corcoran Street N.W. (Square 155, Lot 168).

WARD SIX

19352  
ANC-6B            **Application of Jennifer Lesko and Benjamin Cannon**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to add a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 328 12th Street S.E. (Square 1017, Lot 36).

WARD TWO**THIS CASE WAS HEARD ON JULY 12, 2016, AND CONTINUED BY THE BOARD UNDER THE 1958 ZONING REGULATIONS:**

19309  
ANC-2B            **Application of Valor P Street, LLC**, pursuant to 11 DCMR § 3103.2, for variances from the lot occupancy requirements under § 772.1, and the rear yard requirements under § 774.1, to renovate an existing structure to create a mixed-use building containing eight dwelling units with a ground-floor restaurant in the DC/C-2-C District at premises 2147-2149 P Street, N.W. (Square 67, Lot 835).

**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.

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Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> 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.*

**Do you need assistance to participate?**

If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

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

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

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

**TIME AND PLACE:**            **Thursday, September 22, 2016, @ 6:30 p.m.**  
   **Jerrily R. Kress Memorial Hearing Room**  
   **441 4th Street, N.W., Suite 220-S**  
   **Washington, D.C. 20001**

**FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:**

**Case No. 08-06F (Text Amendments – Subtitle A, § 304, Deviations and Modifications Permitted by Zoning Administrator's Ruling, and Subtitle X, § 301 Minimum Land Area for Planned Unit Developments)**

**THIS CASE IS OF INTEREST TO ALL ANCs**

At its regularly scheduled public meeting held July 25, 2016, the Zoning Commission took final action in Zoning Commission Case 08-06E, which concerned technical amendments to Zoning Commission Order No. 08-06A. During the course of its deliberations the Commission agreed to set down for hearing text amendments to Subtitles A and X of the version of the Zoning Regulations (Title 11 DCMR) that will become effective on September 6, 2016 (2016 Regulations). The 2016 Regulations were adopted by the Commission through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the District of Columbia Register. Technical corrections to the 2016 Amendments were adopted by the Commission through Zoning Commission Orders Nos. 08-06D and 08-06E, which also will become September 6, 2016.

The amendments advertised in this notice, if adopted, would amend Subtitle A to clarify when proposed modifications to approved orders (including approved plans) must comply with the 2016 Regulations and broaden the circumstances when the Zoning Administrator may permit modifications to plans approved by orders of the Board of Zoning Adjustment. The proposed amendments would also repeal provisions in Subtitle X § 311 that are repeated in Subtitle A and revise Subtitle X § 301.2 to permit partial or complete waivers of the minimum land area requirements for planned unit development applications in Zone Groups 1, 2, 5, and 6. The 2016 Regulations permit up to a 50% waiver for those Zone Groups. The six Zone Groups and the applicable minimum land areas are as follows:

**TABLE X § 301.1: MINIMUM PUD LAND AREA**

Zone Group	Applicable Zone	Minimum Area
1	Any R zone Any RF zone	2 acres
2	RA-1, -RA-2 RC-1 MU-11	1 acre
3	RF-2 RA-8, RA-9, RA-10 MU-15, MU-16 MU-22	1 acre
4	MU-17, MU-18, MU-19, MU-20, MU-21	0.5 acre
5	NC-7, NC-8, NC-9, NC-10, NC-11, NC-12, NC-13, NC-14, NC-15, NC-16, NC-17	10,000 sq. ft.
6	Any Other Zone	15,000 sq. ft.

The following amendments to the 2016 Regulations are proposed (new language is shown in bold and underlined text; deleted language is shown with strikethrough):

**Subtitle A, AUTHORITY AND APPLICABILITY, CHAPTER 1 INTRODUCTION TO TITLE 11, is amended as follows:**

**Section 102, VESTED RIGHTS UNDER THE PREVIOUS 1958 ZONING REGULATIONS, AS AMENDED. § 102.4 is amended as follows:**

**102.4** An application to the Board of Zoning Adjustment or the Zoning Commission for a modification (other than a minor modification) to a vested project ~~identified within this section that cannot be granted by the Zoning Administrator as a deviation permitted by Subtitle A § 304 or as a minor modification permitted by Subtitle X § 311.6 shall conform with the 2016 Regulations and if no building permit has been issued for the vested project, the entire project must conform with the 2016 Regulations.~~

**Section 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING. is amended as follows:**

**304 DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING**

304.1 The flexibility ~~or deviation~~ deviations from the Zoning Regulations and modifications to approved plans permitted ~~provided~~ by this section shall not be

applicable for any calculation or for determining compliance with Subtitle U §§ 301.2 or 320.2.

304.2 The Zoning Administrator is authorized to permit the following deviations, **from the Zoning Regulations** for building permits that are not otherwise authorized by an approved order of the Zoning Commission **or the Board of Zoning Adjustment**, if the Zoning Administrator **pursuant to Subtitle A § 304.3** determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:

- (a) Deviations not to exceed two percent (2%) of the area requirements governing minimum lot area, maximum percentage of lot occupancy, and area standards of courts;
- (b) Deviations not to exceed the lesser of two percent (2%) or twelve inches (12 in.) of the linear requirements governing minimum lot width;
- (c) Deviations not to exceed the lesser of ten percent (10%) or twelve inches (12 in.) of the linear requirements governing minimum rear yard, minimum side yard, and court width; and
- (d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9.

304.3 The Zoning Administrator shall consider the following issues, as applicable, in determining **whether** any deviation will not impair the purpose of the applicable regulations pursuant to Subtitle A § 304.2:

- (a) The light and air available to neighboring properties shall not be unduly affected;
- (b) The privacy of neighboring properties shall not be unduly compromised;
- (c) The level of noise in the neighborhood shall not be unduly increased;
- (d) The use and enjoyment of neighboring properties shall not be unduly compromised;
- (e) No trees which would otherwise be protected by this title or other District of Columbia regulation, shall be damaged or removed; and
- (f) The general scale and pattern of buildings on the subject street frontage and the neighborhood shall be maintained consistent with the development standards of this title.



**304.4** **An applicant for a building permit seeking a deviation permitted by Subtitle A § 304.2 shall submit a written request to the Zoning Administrator that is signed by the property owner and that includes a comprehensive list identifying the type and extent of all proposed deviations and a written statement explaining how the requested deviations comply with Subtitle A §§ 304.2 and 304.3.**

**304.5** For building permits that are authorized by an approved order of the Zoning Commission ~~or the Board of Zoning Adjustment~~, the Zoning Administrator **following receipt of a request made pursuant to Subtitle A § 304.6** is authorized to permit **only the following minor modifications-to-approved plans** listed in Subtitle A § 304.5 if the **if the** Zoning Administrator determines that the proposed modification is consistent with the intent of the Zoning Commission ~~or Board of Zoning Adjustment~~ in approving the application:

- (a) A change not to exceed two percent (2%) in percentage of height, lot occupancy, or gross floor area of any building that is the direct result of structural or building code requirements;**
- (b) A change not to exceed two percent (2%) in the number of dwelling units, hotel rooms, institutional rooms, or gross floor area to be used for commercial or accessory uses within the approved square footage;**
- (c) A change not to exceed two percent (2%) in the number of parking or loading spaces; and**
- (d) The relocation of any building within five feet (5 ft.) of its approved location, in order to retain flexibility of design or for reasons of unforeseen subsoil conditions or adverse topography.**

~~304.5~~ The following minor deviations to approved plans shall be permitted unless the Zoning Commission ~~or the Board of Zoning Adjustment~~ have already granted modifications or variances for the same area of relief:

- ~~(a) Deviations not to exceed two percent (2%) in percentage of lot occupancy, or gross floor area of any building that is the direct result from structural or building code requirements;~~
- ~~(b) Deviations not to exceed two percent (2%) in the number of residential units, hotel rooms, institutional rooms, or gross floor area to be used for commercial or accessory uses within the approved square footage;~~
- ~~(c) Deviations not to exceed two percent (2%) in the number of parking or loading spaces; and~~

(d) ~~The relocation of any building within five feet (5 ft.) of its approved location, for reasons of unforeseen subsoil conditions or adverse topography.~~

**304.6** **An applicant for a building permit seeking a modification to approved plans permitted by Subtitle A § 304.5 shall submit a written request to the Zoning Administrator that is signed by the property owner and that includes a comprehensive list identifying the type and extent of all proposed modifications to the approved plans and a written statement explaining how the requested modifications comply with Subtitle A 304.5.**

**304.7** ~~For building permits that are authorized by an approved order of the Zoning Commission, the~~ **The** Zoning Administrator shall report to the Zoning Commission any modification approved under Subtitle A § 304.5. No modified building permit shall be issued for forty-five (45) days after a report is sent to the Zoning Commission. If prior to the expiration of this time period the Zoning Commission decides that the modification exceeded the scope of a minor modification, the Zoning Administrator shall not approve the building permit, but shall instruct the applicant to seek a modification pursuant to ~~the appropriate procedures of this title~~ **Subtitle Z §§ 703 or 704 as applicable.**

**304.78** No building permit that requires the approval of a minor modification **pursuant to Subtitle A 304.5** may be issued during a forty-five (45) day period that begins on the date of a report made pursuant to Subtitle Z unless the Zoning Commission advises the Zoning Administrator that it concurs that the modification is **permitted by Subtitle A § 304.5** ~~minor.~~

**304.9** **Any modifications proposed to approved plans pursuant to Subtitle A § 304.5 that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Zoning Commission pursuant to Subtitle Z, Chapter 7.**

**304.10** **For building permits that are authorized by an order of the Board of Zoning Adjustment (“the Order”) the Zoning Administrator following receipt of a request made pursuant to Subtitle A § 304.11 is authorized to permit modifications to approved plans in addition to those modifications specifically authorized pursuant to flexibility granted by the Order if the Zoning Administrator determines that the proposed modifications are consistent with the intent of the Board of Zoning Adjustment and the modifications would not:**

**(a) Violate any condition of approval included in the Order;**

**(b) Increase, expand, or extend any area of relief granted by the Order;**

**(c) Create any need for new relief;**

(d) Change a principal use from that approved in the Order;

(e) Increase the number of stories;

(f) Increase by more than two percent (2%) the building gross floor area, lot occupancy, building height, penthouse height; provided that the permitted increase of two percent (2%) or less must be the direct result of structural or building code requirements;

(g) Increase by more than two percent (2%) the number of dwelling units, hotel rooms, or institutional rooms within the approved square footage or

(h) Increase or decrease by more than two percent (2%) the number of parking or loading spaces depicted on the approved plans.

304.11 An applicant for a building permit seeking a modification to approved plans permitted by Subtitle A § 304.10 shall submit a written request to the Zoning Administrator that is signed by the property owner and that includes a comprehensive list identifying the type and extent of all proposed modifications to the approved plans and a written statement explaining how the requested modifications comply with Subtitle A § 304.10.

304.12 Any modifications proposed to approved plans that cannot be approved by the Zoning Administrator pursuant to Subtitle A § 304.8 shall be submitted to and approved by the Board of Zoning Adjustment pursuant to Subtitle Y, Chapter 7.

...

Subtitle X, SUBTITLE X GENERAL PROCEDURES, is amended as follows:

Section 301, MINIMUM LAND AREA (PUD), § 301.2 is amended as follows:

301.2 The Zoning Commission may waive ~~not more than fifty percent (50%)~~ of the minimum area requirement of Subtitle X § 301.1 for applications in Zone Groups 1, 2, 5, and 6, provided that the Zoning Commission shall find after the public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country and one (1) of the following:

...

Section 311, IMPLEMENTATION is amended as follows:

Subtitle X §§ 311.6 through 311.9 are repealed as follows:

~~311.6 The Zoning Administrator shall have the authority to approve minor modifications in the final plans as approved by the Zoning Commission. These modifications shall be limited to the following:~~

- ~~(a) A change not to exceed two percent (2%) in the height, percentage of lot occupancy, or gross floor area of any building;~~
- ~~(b) A change not to exceed two percent (2%) in the number of residential units, hotel rooms, institutional rooms, or gross floor area to be used for commercial or accessory uses;~~
- ~~(c) A change not to exceed two percent (2%) in the number of parking or loading spaces; and~~
- ~~(d) The relocation of any building within five feet (5 ft.) of its approved location, in order to retain flexibility of design, or for reasons of unforeseen subsoil conditions or adverse topography.~~

~~311.7 In reviewing and approving any modification requested pursuant to Subtitle X § 311.6, the Zoning Administrator shall determine that the proposed modification is consistent with the intent of Zoning Commission in approving the PUD.~~

~~311.8 Following approval of any modifications under Subtitle X § 311.6, the Zoning Administrator shall report to the Commission the modification approved under this section and may issue a building permit predicated upon the modification if:~~

- ~~(a) Forty five (45) days have passed since the submittal of the report and the Commission has not make a finding that the modification exceeds the scope of Subtitle X § 311.9; or~~
- ~~(b) Prior to the expiration of that time period the Zoning Commission acknowledges that the modification does not exceed the scope of Subtitle X § 311.6, whichever is the first to occur.~~

~~If the Zoning Commission timely decides that the modification exceeded the scope of Subtitle X § 311.6, the Zoning Administrator shall not approve the building permit, but shall instruct the applicant to seek a modification pursuant to Subtitle X § 311.9.~~

~~311.9 Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Zoning Commission pursuant to Subtitle Z, Chapter 7.~~

**Subtitle X §§ 311.10 and 311.11 are renumbered as §§ 311.6 and 311.7 as follows.**

**311.6** The Zoning Administrator shall not approve an application for a certificate of occupancy for a PUD if the order approving the PUD includes a condition requiring the provision of affordable housing unless the owner has executed monitoring and enforcement documents with the District of Columbia, which will bind the owner and all successors in title to abide by such terms as the District considers necessary to ensure that the affordable housing will be constructed, marketed, sold, re-sold, rented, and occupied, so as to be affordable to the target households during the specified control period and safeguarded regarding foreclosure.

**311.7** A condition in an order approving or modifying a PUD that requires the provision of affordable housing shall automatically terminate if title to the mortgaged property is transferred following foreclosure by, or deed-in-lieu of foreclosure to, a mortgagee in the first position, or a mortgage in the first position is assigned to the Secretary of the U.S. Department of Housing and Urban Development provided the owner has executed monitoring and enforcement documents per the requirements of Subtitle X § 311.10.

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797), as amended, 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 Subtitle Z, Chapter 5.

### **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](mailto: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

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 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Please include the case number on your submission. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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



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](mailto:dcoz@dc.gov) or at (202) 727-6311.

Except for an 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, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 – Party Status Application, a copy of which may be downloaded from the Office of Zoning’s website at: <https://app.dcoz.dc.gov/Help/Forms.html>.** This form may also be obtained from the Office of Zoning at the address stated below.

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at 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](mailto: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 Subtitle Z § 408.4, 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 <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, DC 20001; by e-mail to [zcsubmissions@dc.gov](mailto: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 FINAL RULEMAKINGANDZ.C. ORDER NO. 08-06D

## Z.C. Case No. 08-06D

## (Text Amendment – 11 DCMR)

## Technical Corrections to Z.C. Order No. 08-06A

July 25, 2016

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), hereby gives notice of the adoption of amendments to the adopted, but not yet effective version of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)) to make minor modifications and technical corrections to the amendments made by Z.C. Order No. 08-06A (Order). The Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that will become effective on September 6, 2016 (2016 Regulations). The Commission adopted the 2016 Regulations through a Notice of Final Rulemaking published in Part II of the March 4, 2016 edition of the *District of Columbia Register*.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 10, 2016, at 63 DCR 8279.

In response to the notice, the Commission received correspondence from the Committee of 100 for the Federal City (Committee of 100) that commented on this case as well as Z.C. Case No. 08-06E, which also concerned technical amendments to the 2016 Regulations. The Commission also received a supplemental report from the Office of Planning that analyzed and made recommendation concerning the Committee of 100's comments.

The Commission adopted the amendments as final at a public meeting on July 25, 2016. After reviewing all the suggestions made by the Committee of 100, the Commission decided that no substantive changes were needed to the proposed text and that none of the proposed amendments exceeded the scope of a technical correction authorized by 11 DCMR § 3030. Because the amendments were technical corrections, no hearing was required and no referral was made to the National Capital Planning Commission.

These rules shall become effective on September 6, 2016.

**The following amendments to the 2016 Regulations (11 DCMR) are adopted:**

**Subtitle A, AUTHORITY AND APPLICABILITY, is amended as follows:**

**Chapter 3, ADMINISTRATION AND ENFORCEMENT, is amended as follows:**

**Section 304, DEVIATIONS AND MODIFICATIONS PERMITTED BY ZONING ADMINISTRATOR'S RULING, is amended as follows:**

**Subsection 304.1 is amended to read as follows:**

304.1 The flexibility or deviation provided by this section shall not be applicable for any calculation or for determining compliance with Subtitle U §§ 301.2 or 320.2.

**Subsection 304.2, paragraph (d), is amended to read as follows:**

304.2 The Zoning Administrator is authorized to permit the following deviations, for building permits that are not otherwise authorized by an approved order of the Zoning Commission, if the Zoning Administrator determines that the deviation or deviations will not impair the purpose of the otherwise applicable regulations:

...<sup>1</sup>

(d) Deviations not to exceed two percent (2%) of the linear frontage limitation for eating/drinking establishments in Subtitle K § 811.9(a).

**Subtitle B, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:**

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

**The definitions of “Emergency Shelter”, “Home Occupation”, and “Use, Principal”, are amended as follows:**

Emergency Shelter: A facility providing temporary housing for one (1) or more individuals who are otherwise homeless as that arrangement is defined in the Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code §§ 4-751.01 *et seq.*); an emergency shelter use may also provide ancillary services such as counseling, vocational training, or similar social and career assistance.

Home Occupation: An accessory use, including a business, profession, or other economic activity, which is conducted full-time or part-time in a dwelling unit or its accessory building or accessory structure that serves as the principal residence of the practitioner.

Use, Principal: The primary purpose or activity for which a lot, structure, or building is occupied.

**By inserting in alphabetical order a new definition, “Retaining Wall”, to read as follows:**

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

Retaining Wall: A vertical, self-supporting structure constructed of concrete, durable wood, masonry or other materials, designed to resist the lateral displacement of soil or other materials. The term shall include concrete walls, crib and bin walls, reinforced or mechanically stabilized earth systems, anchored walls, soil nail walls, multi-tiered systems, boulder walls, or other retaining structures.

**Chapter 2, USE CATEGORIES, § 200, INTRODUCTION, is amended as follows:**

**By deleting § 200.2(n), Emergency Shelter, in its entirety, and renumbering the subsequent paragraphs accordingly.**

**By amending renumbered Subparagraph 200.2(aa)(3) to read as follows:**

- (aa) Production, Distribution, and Repair:
  - ...
  - (3) Examples include, but are not limited to: manufacturing facility, concrete plant, asphalt plant, material salvage, hauling or terminal yard, chemical storage or distribution, outdoor material storage, acetylene gas manufacturing, fertilizer manufacturing, rock quarrying, warehouse, storage, self-storage, ground shipping facility, or wholesale sales; and;

**Chapter 3, GENERAL RULES OF MEASUREMENT, is amended as follows:**

**Section 315, RULES OF MEASUREMENT FOR FRONT SETBACKS FOR RESIDENTIAL HOUSE (R) ZONES, § 315.2, is amended as follows:**

**Subsection 315.2, is amended to read as follows:**

315.2 A building façade shall be the façade of a building exclusive of the projections permitted through Subtitle B § 323.

**Section 318, RULES OF MEASUREMENT FOR REAR YARDS, is amended by inserting new §§ 318.7 and 318.8, to read as follows and renumbering the subsequent subsections accordingly:**

318.7 In the case of a corner lot in the MU-8, MU-9, MU-20, MU-21, NC-13, and CG-3 zones, a court complying with the width requirements for a closed court as applicable for each zone may be provided in lieu of a rear yard. For the purposes of this section, the required court shall be provided above a horizontal plan beginning not more than twenty feet (20 ft.) above the curb grade opposite the center of the front of the building and the width of the court shall be computed for the entire height of court.

318.8 In the case of a through or corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.

**Subtitle C, GENERAL RULES is amended to follows:**

**Chapter 6, GREEN AREA RATIO, § 601, APPLICABILITY OF GREEN AREA RATIO STANDARDS, is amended to revise the introductory paragraph of § 601.3 to read as follows:**

601.3 The GAR standards set forth in this chapter shall apply to all new buildings and to all existing buildings where any additions, interior renovations, or both within any twelve (12) month period exceed one hundred percent (100%) of the assessed value of the building as set forth in the records of the Office of Tax and Revenue as of the date of the building permit application, except:

...

**Chapter 7, VEHICLE PARKING, is amended as follows:**

**Section 701, MINIMUM VEHICLE PARKING REQUIREMENTS, § 701.5, is amended as follows:**

**Table C § 701.5: PARKING REQUIREMENTS, the Use Category “Education, college/university” is amended to read as follows:**

**TABLE C § 701.5: PARKING REQUIREMENTS**

Use Category	Minimum number of vehicle parking spaces
Education, college/university	For each building: 2 for each 3 teachers; plus either 1 for each 10 classroom seats or 1 for each 12 stadium seats or 1 for each 10 auditorium seats, whichever is greater, except if a campus plan has been approved by the Zoning Commission or the Board of Zoning Adjustment for the college or university, in which case the parking shall be provided as set forth in the approved campus plan.

**Section 706, MAXIMUM PARKING REQUIREMENTS, § 706.1, is amended to read as follows:**

706.1 The maximum land area for all newly constructed parking areas, and for parking areas that increase the number of parking spaces or the land area by twenty-five percent (25%) or more, shall not exceed one hundred thousand square feet (100,000 sq. ft.).

**Section 709, RULES OF CALCULATION, is amended by inserting a new § 709.4 to read as follows, and renumbering the subsequent subsections:**

709.4 The number of teachers or employees shall be computed on the basis of the greatest number of persons to be employed at any one period during the day or night, including persons having both full-time and part-time employment.

**Section 715, LANDSCAPING REQUIREMENTS FOR SURFACE PARKING, is amended to revise its title to read as follows:**

**715 LANDSCAPING REQUIREMENTS FOR SURFACE PARKING LOTS**

**Chapter 8, BICYCLE PARKING, § 806, REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES, is amended to revise its title to read as follows:**

**806 REQUIREMENTS FOR SHOWERS AND CHANGING FACILITIES – NON RESIDENTIAL USES**

**Chapter 10, INCLUSIONARY ZONING, is amended as follows:**

**Section 1001, APPLICABILITY, § 1001.2, paragraph (a), is amended to read as follows:**

1001.2 Except as provided in Subtitle C § 1001.5, the requirements and modifications of this chapter shall apply to developments meeting the following criteria:

- (a) Are mapped in the R-2, R-3, R-10, R-13, R-17, R-20, RA-1 through RA-4, RA-6, RA-7, RA-8, or RA-9 zone; any RF, ARTS, CG, RC, USN, STE, or HE zone; the NC-1 through NC-5 or NC-7 through NC-13 zone; the MU-1 through MU-10 or MU-12 through MU-26, MU-28, or MU-29 zone; or the D-2 or D-4 zone; and

...

**Section 1002, BONUSES AND ADJUSTMENTS TO INCENTIVIZE INCLUSIONARY UNITS, is amended as follows:**

**Subsection 1002.2, is amended to read as follows:**

1002.2 Inclusionary residential developments in the zones identified in the following table may use the minimum lot dimensions identified in the table in lieu of the otherwise required lot dimension required by Subtitles D and E:

**TABLE C § 1002.2: IZ DIMENSIONAL MODIFICATIONS FOR LOWER DENSITY ZONES**

Base Zone	IZ Dimensional Modifications for Lower Density Zones		
	Minimum Lot Area	Minimum Lot Width	Minimum Lot Width with Special Exception
R-2, R-10 Detached	3,200 sq. ft.	40	32
R-2, R-10 Semi-Detached	2,600 sq. ft.	30	25
R-3, R-13, R-17, R-20	1,600 sq. ft.	20	16
RF-1, RF-2, RF-3 RF-4, RF-5	1,500 sq. ft.	18	16

**Subsection 1002.3 is amended to striking the existing text and replacing is with new text as follows**

1002.3 Inclusionary developments subject to the provisions of this chapter, except those located in the StE and HE zone districts, may construct up to twenty percent (20%) more gross floor area than permitted as a matter of right ("bonus density"), subject to all other zoning requirements (as may be modified by the zone district) and the limitations established by the Height Act.

**Chapter 14, RETAINING WALLS, is amended as follows:**

**Section 1401, GENERAL PROVISIONS, §§ 1401.2 and 1401.3, are amended to read as follows:**

1401.2 Subject to the height limitations of Subtitle C § 1401.3 through 1401.6, the maximum height of a retaining wall shall be six feet (6 ft.).

1401.3 A retaining wall shall not exceed four feet (4 ft.) in height in the following locations, unless a lower height is required by Subtitle C § 1401.5 and 1401.6:

- (a) Along a street frontage or property line;
- (b) Within any required side setback;
- (c) In the R-1-A, R-1-B, R-6, R-7, R-8, R-9, R-11, R-12, R-14, R-15, R-16, R-19, and R-21 zones, within twenty-five feet (25 ft.) of the rear property line, as measured from the rear property line inward; and
- (d) In the R-2, R-3, R-10, R-13, R-17, R-20, and RF zones, within twenty feet (20 ft.) of the rear property line, as measured from the rear property line inward.

**Subtitle D, RESIDENTIAL HOUSE (R) ZONES, is amended as follows;**

**Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended as follows:**

**Section 202, LOT OCCUPANCY, is amended by adding a new § 202.2 to read as follows:**

202.2 In the R zones, a place of worship shall be permitted a lot occupancy of sixty percent (60%) maximum, unless otherwise limited by the specific zone.

**Chapter 7, NAVAL OBSERVATORY RESIDENTIAL HOUSE ZONES – R-12 AND R-13, is amended as follows:**

**Section 707, SIDE YARD, is amended by adding a new § 707.4 to read as follows, and renumbering the subsequent subsections:**

**707.4** In the R-13 zone, when a single dwelling unit, flat, or multiple dwelling unit development is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.

**Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, is amended as follows**

**Section 1201, DEVELOPMENT STANDARDS, § 1201.1, is amended to read as follows:**

1201.1 The development standards in Subtitle D §§ 1202 through 1209 modify the general development standards in Subtitle D, Chapter 2.

**Section 1202, DENSITY- LOT DIMENSIONS, § 1202.1, is amended as follows:**

**TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS, is amended as follows:**

TABLE D § 1202.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

**Chapter 51, ALLEY LOT REGULATIONS FOR R ZONES, is amended as follows:**

**Section 5103, LOT OCCUPANCY, is amended to read as follows:**

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE D § 5103.1: MAXIMUM LOT OCCUPANCY FOR AN ALLEY LOT**

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft.	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%



**Subtitle E, RESIDENTIAL FLAT (RF) ZONES, is amended as follows:**

**Chapter 2, GENERAL DEVELOPMENT STANDARDS (RF), is amended as follows:**

**Section 201, DENSITY – LOT DIMENSIONS, is amended by adding a new § 201.4 to read as follows, and renumbering the subsequent subsections:**

201.4 An apartment house in an RF-1, RF-2, or RF-3 zone, whether existing before May 12, 1958, or converted pursuant to the 1958 Regulations, or pursuant to Subtitle U §§ 301.2 or 320.2, may not be renovated or expanded so as to increase the number of dwelling units unless there are nine hundred square feet (900 sq. ft.) of lot area for each dwelling unit, both existing and new.

**A new § 206, ROOF TOP OR UPPER FLOOR ADDITIONS, is inserted to read as follows:**

**206 ROOF TOP OR UPPER FLOOR ADDITIONS**

206.1 In an RF zone district, the following provisions shall apply:

- (a) A roof top architectural element original to the building such as a turret, tower or dormers, shall not be removed or significantly altered, including changing its shape or increasing its height, elevation, or size;
- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent on an adjacent property required by any municipal code; and
- (c) Any addition, including a roof structure or penthouse, shall not interfere with the operation of an existing or permitted solar energy system on an adjacent property, as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator.

206.2 In an RF zone district, relief from the design requirements of Subtitle E § 206.1 may be approved by the Board of Zoning Adjustment as a special exception under Subtitle Y Chapter 9, subject to the conditions of Subtitle E § 5203.3.

**Chapter 3, RESIDENTIAL FLAT ZONE – RF-1, is amended as follows:**

**Section 302, MAXIMUM NUMBER OF DWELLING UNITS, is amended to read as follows:**

302.2 A building or structure in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.

**Chapter 50, ACCESSORY BUILDING REGULATIONS FOR RF ZONES, is amended as follows:**

**Section 5001, DEVELOPMENT STANDARDS, is amended to read as follows:**

5001.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5002 through 5006.

**Chapter 51, ALLEY LOT REGULATIONS, is amended as follows:**

**Section 5103, LOT OCCUPANCY, is amended to read as follows:**

5103.1 A building or structure shall not occupy an alley lot in excess of the maximum lot occupancy as set forth in the following table:

**TABLE F § 5103.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT**

Alley Lot Size	Maximum Lot Occupancy
Less than 1,800 sq. ft.	N/A
Between 1,800 sq. ft. and 2,000 sq. ft.	90%
Larger than 2,000 sq. ft.	80%

**Chapter 52, RELIEF FROM DEVELOPMENT, is amended as follows:**

**Section 5203, BUILDING HEIGHT, is amended as follows:**

**Subsection 5203.1, paragraph (f), is amended to read as follows:**

5203.1 The Board of Zoning Adjustment may grant as a special exception a maximum building height for a principal residential building and any additions thereto of forty feet (40 ft.) subject to the following conditions:  
...

- (f) In demonstrating compliance with Subtitle E § 5203.1(e) the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the conversion and any associated addition to adjacent buildings and views from public ways.

**Subsection 5203.2 is amended to read as follows:**

5203.2 The Board of Zoning Adjustment may modify or waive not more than two (2) of the requirements specified in Subtitle E §§ 5203.1(a) through (f) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle E § 5203.1(e).

**A new § 5203.3 is inserted to read as follows and the subsequent subsection is renumbered as § 5203.4:**

5203.3 A special exception to the requirements of Subtitle E § 206 shall be subject to the conditions of Subtitle E § 5203.1(b), (c), and (d). If relief is granted from compliance with Subtitle E § 206.1(b) or (c), the special exception shall not be conditioned upon compliance with that same requirement as stated in Subtitle E § 5203.1(b)(3) and (4).

**Subtitle F, RESIDENTIAL APARTMENT (RA) ZONES, is amended as follows:**

**Chapter 2, GENERAL DEVELOPMENT STANDARDS (RA), is amended as follows:**

**Section 202, COURTS, is amended to read as follows:**

202.1 A court is not required, but if provided, it shall have the following minimum dimensions:

**TABLE F § 202.1: MINIMUM COURT DIMENSIONS**

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
<b>Residential, more than 3 units:</b>	4 in./ft. of height of court but not less than 10 ft. minimum	4 in./ft. of height of court but not less than 15 ft. minimum	Twice the square of the required width of court dimension but not less than 350 sq. ft. minimum.
<b>Non-Residential and Lodging:</b>	2.5 in./ft. of height of court but not less than 6 ft. minimum	2.5 in./ft. of height of court but not less than 12 ft. minimum	Twice the square of the required width of court dimension but not less than 250 sq. ft. minimum

**Chapter 3, RESIDENTIAL APARTMENT ZONES – RA-1, RA-2, RA-3, RA-4, AND RA-5), is amended as follows:**

**Section 305, REAR YARD, is amended to read as follows:**

305.1 A minimum rear yard shall be established for lots in the RA-1, RA-2, RA 3, RA-4 and RA-5 zones as set forth in the following table:

**TABLE F § 305.1: MINIMUM REAR YARD**

Zone	Minimum Rear Yard
RA-1	20 ft.
RA-2	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-3	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-4	A distance equal to 4 in. per 1 ft. of principal building height but not less than 15 ft.
RA-5	A distance equal to 3 in. per 1 ft. of principal building height but not less than 12 ft.

Subtitle G, MIXED-USE (MU) ZONES, is amended as follows:

CHAPTER 4, MIXED-USE ZONES - MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, AND MU-10, is amended as follows:

Section 404, LOT OCCUPANCY, is amended to read as follows:

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones shall be as set forth in the following table:

TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY

Zone	Maximum Lot Occupancy for Residential Use
MU-3	60%
	60% (IZ)
MU-4	60%
	75% (IZ)
MU-5-A MU-5-B	80%
	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)

Chapter 6, DUPONT CIRCLE MIXED-USE ZONES – MU-15, MU-16, MU-17, MU-18, MU-19, MU-20, MU-21, AND MU-22, is amended as follows:

Section 608, PLAZA, is amended by deleting §§ 608.3 and 608.4.

A new § 609, SPECIAL EXCEPTION, to read as follows:

**609 SPECIAL EXCEPTION**

609.1 The special exception criteria of Subtitle G, Chapter 12 shall apply to all MU-13 through MU-22 zones.

Subtitle H, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:

Chapter 9, H STREET NORTHEAST NEIGHBORHOOD MIXED-USE ZONES — NC-9 THROUGH NC-17, is amended as follows:

Section 904, LOT OCCUPANCY, is amended as follows:

904.1 The maximum permitted lot occupancy in the NC-9 through NC-17 zones shall be as set forth in the following table:

**TABLE H § 904.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

Zone	Maximum Lot Occupancy for a Building or Portion Thereof Devoted to Residential Use (Percentage)	Maximum Lot Occupancy All Other Buildings (Percentage)
NC-9, NC-14, and NC-16	70	100
	75 (IZ)	
NC-12 and NC-15	75	100
	80 (IZ)	
NC-10, NC-11, and NC-17	70	100
	80 (IZ)	
NC-13	100	100

**A new § 904.2 to read as follows:**

**904.2** For the purposes of Subtitle H § 904.1, "residential uses" include single dwelling units, flats, multiple dwelling unit developments, and rooming and boarding houses.

**Section 909, DESIGN REQUIREMENTS – H STREET NORTHEAST NEIGHBORHOOD MIXED USE ZONES, § 909.1, paragraph (b), is amended to read as follows:**

909.1 The following design requirements apply to all new construction for which a building permit is required in the H Street Northeast Neighborhood Mixed-Use zones:

...

- (b) New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses;

...

**Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:**

**Chapter 3, ALLEY LOT REGULATIONS, is amended as follows:**

**Section 301, DEVELOPMENT REGULATIONS FOR BUILDINGS ON ALLEY LOTS, § 301.2, is amended to read as follows:**

301.2 The following development standards shall apply to buildings on alley lots in PDR zones:

**TABLE J § 301.2: ALLEY LOT DEVELOPMENT STANDARDS**

Maximum Lot Occupancy	GAR	Rear Yard Min.	Side Yard Min.	Alley Centerline Yard Min.
N/A	As required by applicable zone	5 ft. from any lot line of all abutting non-alley lots		12 ft. from the centerline of all alleys to which the alley lot abuts

**Subtitle K, SPECIAL PURPOSE ZONES, is amended as follows:**

**Chapter 7, REED-COOKE ZONES - RC-1 THROUGH RC-3, is amended as follows:**

**Section 703, LOT OCCUPANCY RC), is amended as follows:**

703.1 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table:

**TABLE K § 703.1: MAXIMUM PERMITTED LOT OCCUPANCY**

Zone	Use	Maximum Lot Occupancy
RC-1	Pub Rec Center	20%
	All Other	60 %
RC-2	Residential	60 %
	Residential with IZ	75%
	All Other	N/A
RC-3	Residential	80%
	Residential with IZ	80%
	All Other	N/A

**Chapter 9, WALTER REED ZONES – WR-1 THROUGH WR-8, is amended as follows:**

**Section 904, WR-4 ZONE, § 904.2, is amended to read as follows:**

904.2 The development standards for the WR-4 zone are set forth in the following table:

TABLE K § 904.2: WR-4 DEVELOPMENT STANDARDS

WR-4					
Sub-Area	Building Height (max.)	Stories (max.)	Floor Area Ratio (max.)	Lot Occupancy (max.)	Setbacks
Land Bay H.1	40 ft.	3	1.0	60%	See § 904.3
Land Bays H.2 and H.3	40 ft.	3	2.0	N/A	See § 904.3
Land Bays G.1 and G.5	50 ft.	4	1.75	75%	n/a
Land Bay G.3	40 ft.	4	0.9	60%	See § 904.4
Land Bay J.6	55 ft.	4	1.15	50%	n/a

**Subtitle W, SPECIFIC ZONE BOUNDARIES, is amended as follows:**

**Chapter 1, BOUNDARIES, is amended as follows:**

**Section 116, SIXTEENTH STREET HEIGHTS ZONES, is amended to read as follows:**

**116 SIXTEENTH STREET HEIGHTS ZONES**

116.1 The Sixteenth Street Heights zone apply to all properties zoned R-16.

116.2 The R-16 zone encompasses the geographic area in northwest Washington generally bounded by 16<sup>th</sup> Street and Rock Creek Park on the west, Military Road and Missouri Avenue on the north, and 14<sup>th</sup> Street on the east, and Colorado Avenue on the southeast and the geographic area generally bounded by 16<sup>th</sup> Street on the west, Colorado Avenue on the north, 14<sup>th</sup> Street on the east, and Decatur Street to the south. This zone is applied to properties zoned R-16 in the following Squares and portions of squares: 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2718, 2719, 2720, 2720W, 2721, 2721W, 2722, 2722W, 2723, 2723W, 2724, 2724W, 2725, 2741, 2742, 2796, and 2799.

On May 23, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull (by absentee ballot) to approve).

On July 25, 2016, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May (by absentee ballot), and Michael G. Turnbull to adopt).

**DEPARTMENT OF MOTOR VEHICLES****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Motor Vehicles, 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 905 (2014 Repl.)); Sections 6 and 7 of the District of Columbia Traffic Act of 1925, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03 and 1401.01 (2014 Repl.)) and Mayor's Order 2016-077, dated May 2, 2016, hereby gives notice of the intent to adopt the following rulemaking to amend Chapter 3 (Cancellation, Suspension, or Revocation of Licenses) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The proposed rule clarifies the circumstances in which a suspension or revocation of a driver license, learner permit, provisional permit, or driving privilege may be extended.

The Director also gives notice of intent to take final rulemaking action to adopt these rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

**Chapter 3, CANCELLATION, SUSPENSION, OR REVOCATION OF LICENSES, of Title 18 DCMR, VEHICLES AND TRAFFIC, is amended as follows:**

**Section 305, LOSS OF ALL OPERATING PRIVILEGES AND SURRENDER OF LICENSE, is amended as follows:**

**Subsection 305.5 is amended to read as follows:**

305.5           The Director, or the Director's designee, upon receiving record of the conviction of any person of a violation of § 305.1 or upon admission by the person of such a violation or upon review of public records which reflect a moving violation, may extend the period of suspension or revocation for an additional period up to the same length as the original period of suspension or revocation.

All persons desiring to comment on the subject matter of this proposed 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](mailto:dmvpubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://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*.



## DISTRICT DEPARTMENT OF TRANSPORTATION

**NOTICE OF EXTENSION OF PUBLIC COMMENT PERIOD**

The District Department of Transportation is extending the public comment period on the proposed Residential Permit Parking Rulemaking to amend Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations), Chapter 26 (Civil Fines for Moving and Non-Moving Infractions), and Chapter 99 (Definitions), of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR), to establish regulations for residential permit parking. The original thirty (30) day public comment period, scheduled to end on September 10, 2016, is being extended to a sixty (60) day comment period, scheduled to end on October 10, 2016.

The proposed rules were published in the *D.C. Register* at 63 DCR 010480 on August 12, 2016. All comments received by Monday, October 10, 2016 will be considered.

A copy of the proposed rulemaking is available at the following link:

<http://dcregs.dc.gov/Gateway/NoticeHome.aspx?noticeid=6153891>

All persons interested in commenting on the subject matter in the subject proposed rulemaking may file comments in writing, not later than Monday, October 10, 2016, with Alice Kelly, Manager, Office of Policy and Governmental Affairs, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington, D.C. 20003. An interested person may also send comments electronically to [publicspace.policy@dc.gov](mailto:publicspace.policy@dc.gov). Copies of the proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at [www.ddot.dc.gov](http://www.ddot.dc.gov).

Electronic submission is preferred.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-108  
August 15, 2016

**SUBJECT:** Appointment – Interim Director, Department of General Services

**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 1024 of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Official Code § 10-551.03 (2013 Repl.)), it is hereby **ORDERED** that:

1. **GREER GILLIS** is appointed Interim Director, Department of General Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-221, dated September 18, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to August 12, 2016.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2016-109  
August 16, 2016

**SUBJECT:** Appointment — Director, Department of Behavioral Health


**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.), pursuant to section 5114 of the Department of Behavioral Health Establishment Act of 2013, effective December 24, 2013, D.C. Law 20-61, D.C. Official Code § 7-1141.03 (2015 Supp.), 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 (2014 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. **DR. TANYA ROYSTER** pursuant to the Director of the Department of Behavioral Health Tanya Royster Confirmation Resolution of 2015, effective December 1, 2015, R. 21-305, is appointed Director, Department of Behavioral Health, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-196, dated August 17, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to the date of confirmation.

  
MURIEL BOWSER  
MAYOR

ATTEST:

  
LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

**APPLETREE EARLY LEARNING PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Psychological Services, Speech and Language Pathology Services**

AppleTree Early Learning PCS is seeking an organization(s) to provide psychological services and speech and language pathology services. Please contact Judith Dorvil, Director of Special Programs, for details on the RFP. The deadline for responding to the RFP is August 29, 2016 at 4pm. Contact - Judith Dorvil, Director of Student Support Services, 415 Michigan Avenue NE, Washington, DC 20017, (202) 821-3288, [judith.dorvil@appletreepcs.org](mailto:judith.dorvil@appletreepcs.org).

**CARLOS ROSARIO PUBLIC CHARTER SCHOOL****NOTICE OF SOLE SOURCE CONTRACT**

Achieve3000 is an online software product that we use to help students improve their reading comprehension. It created differentiated lessons based on student lexile scores. This company is the only one that makes this software and we have used it now for about 5 years. The subscription is renewed annually. This year, we expanded the number of licenses due to the expanded use by teachers at the school. Please contact Karen Clay, IT Director via email [kclay@carlosrosario.org](mailto:kclay@carlosrosario.org) with questions.

**CEDAR TREE ACADEMY PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Multiples Services**

Cedar Tree Academy Public Charter School invites proposals for the following:

- **Special Education Related Services**
- **After School Enrichment Services**
- **Communications & Security Services**
- **General Painting and Repair Services**
- **IT Services**
- **Legal Services**
- **Marketing Services**
- **Interactive Technology Boards Services**
- **Heating & Air Conditioning Services**

Bid specifications may be obtained from our website at [www.Cedartree-dc.org](http://www.Cedartree-dc.org). Any questions regarding these bids must be submitted in writing to [Lhenderson@Cedartree-dc.org](mailto:Lhenderson@Cedartree-dc.org) before the RFP deadline. Bids must be submitted to Dr. LaTonya Henderson, Executive Director, Cedar Tree Academy PCS 701 Howard Road SE Washington DC 20020.

Cedar Tree Academy will receive bids until Friday, August 26, 2016, no later than 2:00PM.

**D.C. CORRECTIONS INFORMATION COUNCIL****CORRECTED NOTICE**

This notice corrects the notice published at 62 DCR 016389 on December 25, 2015 to reference the appropriate statute.

**NOTICE OF PUBLIC MEETING**

The DC Corrections Information Council (CIC), in accordance with the DC Official Code § 2-575, hereby gives notice that it has scheduled the following meeting for **Tuesday, January 12, 2016, from 6:00 pm to 7:30 pm, in the Ground Floor Meeting Room of the Greater Washington Urban League Building, 2901 14<sup>th</sup> St NW, Washington, DC, 20009**. For additional information, please contact Sheila Walker, CIC Administrative Assistant, at (202) 478-9211 or sheila.walker@dc.gov.

The CIC is an independent monitoring body mandated by the US Congress and the DC Council to inspect, monitor, and report on the conditions of confinement at facilities where DC residents are incarcerated. This includes facilities operated by the Federal Bureau of Prisons, the DC Department of Corrections, and private contractors. Through its mandate, the CIC collects information from many different sources, including facility inspections, communication with incarcerated DC residents, and community outreach.

Below is the draft agenda for this meeting. A final agenda will be posted on the CIC website, available at <http://cic.dc.gov/>.

**DRAFT AGENDA**

- I. Call to Order
- II. Roll Call
- III. Introduction of New Members of CIC Board and Staff
- IV. CIC Strategic Planning
- V. Reports: Publishing Schedule
- VI. Recent Inspections
- VII. USP Lewisburg Report
- VIII. Community Outreach Report
- IX. Other
- X. Schedule Next CIC Open Meeting and Set Open Meeting Schedule
- XI. Vote to Close Remainder of Meeting, pursuant to DC Code § 2-575(b)(12) for Member and staff training.
- XII. Closed Session of Meeting (if approved by the Board)
- XIII. Adjournment

**CLOSED MEETING**

- I. Closed Session of Meeting (if approved by the Board)
- II. Adjournment

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF INVITATION TO PARTICIPATE****Neighborhood-Based Quality Improvement Network (QIN)  
for Child Development Home Providers****Announcement Date: August 19, 2016****Application Release Date: August 29, 2016**

The Office of the State Superintendent of Education (OSSE) of the District of Columbia seeks applications from child development home providers interested in joining the neighborhood-based Quality Improvement Network (QIN), a multi-year effort to improve and expand the quality of infant and toddler care in DC, in order to receive training, technical assistance, and supports to attain and maintain federal Early Head Start (EHS) standards.

No financial awards will be directly awarded to successful applicants. However, Child development home providers that are selected to join a quality improvement network will benefit from the following:

- Payment at the QIN Level Rate for eligible children;
- Job-embedded, continuous, professional learning and technical assistance aligned to DC Early Learning Standards and EHS standards;
- Payment at the Gold Level rate for centers serving children eligible for QIN services for full-time traditional services, and Gold level rate for homes for non-traditional services;
- Full subsidy payment for EHS-eligible children based on enrollment and not daily attendance rates; and
- Assistance with recruitment to fill vacancies and support with transitions to pre-K.

**Invitation to Participate:** OSSE is seeking applications from licensed child development home providers that want to be considered to join a neighborhood-based QIN. The network is led by a community-based organization that will serve as a Hub. The Hub agency that operates the child development home network is Mary's Center for Maternal and Child Care.

Mary's Center is responsible for providing services and supports to participating home providers under the QIN and helps them meet the following goals:

- Implementation of an EHS model for serving infants, toddlers, and their families in a child development home;
- Assistance for caregivers and their assistants in attaining a Child Development Associate (CDA) certification with a focus on infant and toddler care within two years of becoming a participating provider;
- Provide comprehensive child development services for all children that enhance their physical, social, emotional, and intellectual development; and
- Coordinate an array of services to families including parenting education and family support.



For more information on eligibility requirements and the benefits of participating in the QIN, please contact:

Tara Dewan-Czarnecki  
Program Manager, Division of Early Learning  
Office of the State Superintendent of Education  
Phone: (202) 741-7637  
[Tara.Dewan-czarnecki@dc.gov](mailto:Tara.Dewan-czarnecki@dc.gov)

The Invitation to Participate in a Neighborhood-Based QIN of Child Development Home Providers will be available on OSSE's website at [www.osse.dc.gov](http://www.osse.dc.gov) on August 29, 2016.

In order to be considered, interested applicants must submit an application to OSSE no later than September 9, 2016. Applications received after the deadline will not be considered. Supplements, deletions, or changes to the application will not be accepted after submission.

Applications must be submitted electronically to:

[OSSE.DELgrants@dc.gov](mailto:OSSE.DELgrants@dc.gov),  
Attention: Tara Dewan-Czarnecki

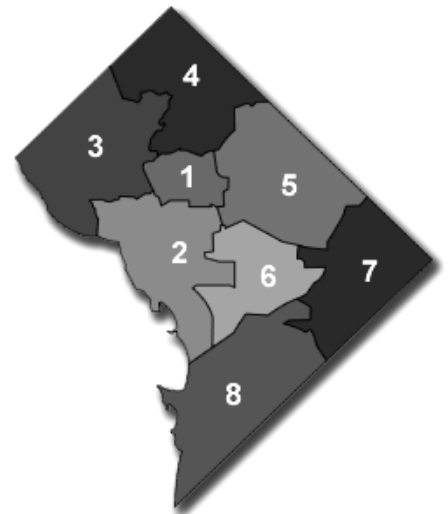
**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
CITYWIDE REGISTRATION SUMMARY  
As Of JULY 31, 2016**

WARD	DEM	REP	STG	OTH	N-P	TOTALS
1	41,681	2,695	609	261	10,226	55,472
2	27,624	5,334	201	269	9,316	42,744
3	35,408	6,369	317	237	9,812	52,143
4	46,954	2,210	498	194	8,353	58,209
5	48,289	2,127	519	234	8,083	59,252
6	50,291	6,414	452	361	11,876	69,394
7	45,160	1,213	393	148	6,185	53,099
8	43,608	1,260	396	166	6,820	52,250
<b>Totals</b>	339,015	27,622	3,385	1,870	70,671	442,563
<b>Percentage By Party</b>	<b>76.60%</b>	<b>6.24%</b>	<b>.76%</b>	<b>.42%</b>	<b>15.97%</b>	<b>100.00%</b>

DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF  
**VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS**  
AS OF THE END OF JULY 31, 2016

COVERING CITY WIDE TOTALS BY:  
**WARD, PRECINCT AND PARTY**

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



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 1 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>20</b>	1,305	27	8	9	210	<b>1,559</b>
<b>22</b>	3,583	350	27	23	898	<b>4,881</b>
<b>23</b>	2,602	187	38	22	675	<b>3,524</b>
<b>24</b>	2,367	244	29	19	698	<b>3,357</b>
<b>25</b>	3,442	399	47	14	967	<b>4,869</b>
<b>35</b>	3,205	194	48	18	730	<b>4,195</b>
<b>36</b>	4,035	245	62	18	975	<b>5,335</b>
<b>37</b>	3,144	152	44	18	712	<b>4,070</b>
<b>38</b>	2,661	113	48	24	655	<b>3,501</b>
<b>39</b>	3,925	205	70	19	885	<b>5,104</b>
<b>40</b>	3,760	182	84	27	948	<b>5,001</b>
<b>41</b>	3,307	185	56	26	923	<b>4,497</b>
<b>42</b>	1,700	73	27	9	413	<b>2,222</b>
<b>43</b>	1,656	56	17	8	335	<b>2,072</b>
<b>137</b>	989	83	4	7	202	<b>1,285</b>
<b>TOTALS</b>	<b>41,681</b>	<b>2,695</b>	<b>609</b>	<b>261</b>	<b>10,226</b>	<b>55,472</b>

**D.C. BOARD OF ELECTIONS  
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS  
WARD 2 REGISTRATION SUMMARY  
As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>NP</b>	<b>TOTALS</b>
<b>2</b>	728	163	10	22	448	<b>1,371</b>
<b>3</b>	1,493	366	20	17	603	<b>2,499</b>
<b>4</b>	1,666	470	5	15	651	<b>2,807</b>
<b>5</b>	1,967	584	10	21	674	<b>3,256</b>
<b>6</b>	2,096	827	18	23	1,127	<b>4,091</b>
<b>13</b>	1,186	220	6	8	365	<b>1,785</b>
<b>14</b>	2,614	437	20	22	794	<b>3,887</b>
<b>15</b>	2,732	350	24	26	763	<b>3,895</b>
<b>16</b>	3,301	402	25	23	819	<b>4,570</b>
<b>17</b>	4,199	575	31	35	1,227	<b>6,067</b>
<b>129</b>	2,159	337	11	18	781	<b>3,306</b>
<b>141</b>	2,140	275	10	22	568	<b>3,015</b>
<b>143</b>	1,343	328	11	17	496	<b>2,195</b>
<b>TOTALS</b>	<b>27,624</b>	<b>5,334</b>	<b>201</b>	<b>269</b>	<b>9,316</b>	<b>42,744</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 3 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>7</b>	1,200	374	16	6	506	<b>2,102</b>
<b>8</b>	2,330	620	28	11	690	<b>3,679</b>
<b>9</b>	1,108	496	5	19	444	<b>2,072</b>
<b>10</b>	1,685	401	18	14	615	<b>2,733</b>
<b>11</b>	3,158	904	37	33	1,139	<b>5,271</b>
<b>12</b>	441	180	0	4	182	<b>807</b>
<b>26</b>	2,687	322	21	15	751	<b>3,796</b>
<b>27</b>	2,382	243	19	12	559	<b>3,215</b>
<b>28</b>	2,231	483	30	12	669	<b>3,425</b>
<b>29</b>	1,259	237	11	16	355	<b>1,878</b>
<b>30</b>	1,256	206	11	7	268	<b>1,748</b>
<b>31</b>	2,294	308	18	16	503	<b>3,139</b>
<b>32</b>	2,579	293	19	8	547	<b>3,446</b>
<b>33</b>	2,723	294	22	8	598	<b>3,645</b>
<b>34</b>	3,287	393	28	25	891	<b>4,624</b>
<b>50</b>	1,980	254	13	10	418	<b>2,675</b>
<b>136</b>	757	106	7	2	238	<b>1,110</b>
<b>138</b>	2,051	255	14	19	439	<b>2,778</b>
<b>TOTALS</b>	<b>35,408</b>	<b>6,369</b>	<b>317</b>	<b>237</b>	<b>9,812</b>	<b>52,143</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 4 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>45</b>	2,139	64	27	10	347	<b>2,587</b>
<b>46</b>	2,772	85	37	16	493	<b>3,403</b>
<b>47</b>	3,071	154	35	21	698	<b>3,979</b>
<b>48</b>	2,704	132	28	10	520	<b>3,394</b>
<b>49</b>	846	45	18	4	185	<b>1,098</b>
<b>51</b>	3,252	512	24	11	604	<b>4,403</b>
<b>52</b>	1,228	167	6	2	216	<b>1,619</b>
<b>53</b>	1,196	72	21	5	232	<b>1,526</b>
<b>54</b>	2,338	86	23	6	443	<b>2,896</b>
<b>55</b>	2,396	77	17	9	422	<b>2,921</b>
<b>56</b>	2,968	91	34	15	584	<b>3,692</b>
<b>57</b>	2,390	75	31	17	440	<b>2,953</b>
<b>58</b>	2,191	57	19	9	346	<b>2,622</b>
<b>59</b>	2,531	84	28	12	406	<b>3,061</b>
<b>60</b>	2,045	65	19	10	574	<b>2,713</b>
<b>61</b>	1,524	52	12	2	258	<b>1,848</b>
<b>62</b>	3,123	124	27	5	348	<b>3,627</b>
<b>63</b>	3,471	129	49	13	601	<b>4,263</b>
<b>64</b>	2,246	67	18	11	312	<b>2,654</b>
<b>65</b>	2,523	72	25	6	324	<b>2,950</b>
<b>Totals</b>	<b>46,954</b>	<b>2,210</b>	<b>498</b>	<b>194</b>	<b>8,353</b>	<b>58,209</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 5 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>19</b>	4,040	184	63	16	872	<b>5,175</b>
<b>44</b>	2,614	218	26	26	617	<b>3,501</b>
<b>66</b>	4,264	98	38	12	503	<b>4,915</b>
<b>67</b>	2,770	99	22	9	359	<b>3,259</b>
<b>68</b>	1,786	157	22	12	325	<b>2,302</b>
<b>69</b>	1,975	67	14	11	244	<b>2,311</b>
<b>70</b>	1,407	78	20	4	198	<b>1,707</b>
<b>71</b>	2,267	65	24	10	299	<b>2,665</b>
<b>72</b>	3,986	124	30	19	646	<b>4,805</b>
<b>73</b>	1,827	81	22	13	307	<b>2,250</b>
<b>74</b>	4,156	217	55	18	793	<b>5,239</b>
<b>75</b>	3,442	186	46	19	719	<b>4,412</b>
<b>76</b>	1,321	54	16	7	263	<b>1,661</b>
<b>77</b>	2,668	101	20	15	407	<b>3,211</b>
<b>78</b>	2,792	88	34	12	449	<b>3,375</b>
<b>79</b>	1,936	80	15	13	343	<b>2,387</b>
<b>135</b>	2,855	178	40	14	511	<b>3,598</b>
<b>139</b>	2,183	52	12	4	228	<b>2,479</b>
<b>TOTALS</b>	<b>48,289</b>	<b>2,127</b>	<b>519</b>	<b>234</b>	<b>8,083</b>	<b>59,252</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 6 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>1</b>	4,156	512	46	31	1,090	<b>5,835</b>
<b>18</b>	4,462	340	41	29	946	<b>5,818</b>
<b>21</b>	1,134	53	10	5	247	<b>1,449</b>
<b>81</b>	4,380	362	39	27	863	<b>5,671</b>
<b>82</b>	2,454	241	30	18	516	<b>3,259</b>
<b>83</b>	4,408	599	32	33	1,127	<b>6,199</b>
<b>84</b>	1,921	396	19	12	484	<b>2,832</b>
<b>85</b>	2,600	495	14	20	662	<b>3,791</b>
<b>86</b>	2,056	235	27	15	412	<b>2,745</b>
<b>87</b>	2,584	252	16	14	521	<b>3,387</b>
<b>88</b>	2,060	266	13	11	467	<b>2,817</b>
<b>89</b>	2,470	633	18	17	700	<b>3,838</b>
<b>90</b>	1,517	238	13	16	449	<b>2,233</b>
<b>91</b>	3,808	377	36	31	875	<b>5,127</b>
<b>127</b>	3,829	273	40	28	743	<b>4,913</b>
<b>128</b>	2,334	198	29	16	574	<b>3,151</b>
<b>130</b>	755	290	6	4	256	<b>1,311</b>
<b>131</b>	1,967	492	10	25	579	<b>3,073</b>
<b>142</b>	1,396	162	13	9	365	<b>1,945</b>
<b>TOTALS</b>	<b>50,291</b>	<b>6,414</b>	<b>452</b>	<b>361</b>	<b>11,876</b>	<b>69,394</b>



**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 7 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

<b>PRECINCT</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTALS</b>
<b>80</b>	1,457	78	12	7	236	<b>1,790</b>
<b>92</b>	1,533	33	12	7	223	<b>1,808</b>
<b>93</b>	1,454	38	20	6	207	<b>1,725</b>
<b>94</b>	1,926	54	18	3	286	<b>2,287</b>
<b>95</b>	1,498	45	15	3	248	<b>1,809</b>
<b>96</b>	2,229	63	19	8	336	<b>2,655</b>
<b>97</b>	1,382	43	15	6	195	<b>1,641</b>
<b>98</b>	1,778	45	21	6	232	<b>2,082</b>
<b>99</b>	1,355	46	15	8	199	<b>1,623</b>
<b>100</b>	2,123	42	12	7	250	<b>2,434</b>
<b>101</b>	1,521	25	15	6	168	<b>1,735</b>
<b>102</b>	2,257	52	19	7	298	<b>2,633</b>
<b>103</b>	3,330	77	35	12	498	<b>3,952</b>
<b>104</b>	2,781	73	25	13	380	<b>3,272</b>
<b>105</b>	2,305	60	21	8	350	<b>2,744</b>
<b>106</b>	2,678	56	16	9	366	<b>3,125</b>
<b>107</b>	1,620	50	14	5	215	<b>1,904</b>
<b>108</b>	1,048	28	6	1	113	<b>1,196</b>
<b>109</b>	892	33	4	0	77	<b>1,006</b>
<b>110</b>	3,555	92	19	10	386	<b>4,062</b>
<b>111</b>	2,492	70	23	7	382	<b>2,974</b>
<b>113</b>	1,989	55	20	6	236	<b>2,306</b>
<b>132</b>	1,957	55	17	3	304	<b>2,336</b>
<b>TOTALS</b>	<b>45,160</b>	<b>1,213</b>	<b>393</b>	<b>148</b>	<b>6,185</b>	<b>53,099</b>

**D.C. BOARD OF ELECTIONS**  
**MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**  
**WARD 8 REGISTRATION SUMMARY**  
**As Of JULY 31, 2016**

PRECINCT	DEM	REP	STG	OTH	N-P	TOTALS
112	2,040	63	13	6	275	2,397
114	3,264	114	31	18	518	3,945
115	2,756	72	20	13	603	3,464
116	3,913	95	36	17	605	4,666
117	1,992	44	19	11	320	2,386
118	2,620	72	26	7	406	3,131
119	2,772	111	35	13	509	3,440
120	1,902	34	18	3	269	2,226
121	3,198	76	27	10	439	3,750
122	1,636	38	18	7	217	1,916
123	2,148	124	28	17	321	2,638
124	2,484	54	18	4	333	2,893
125	4,319	102	32	11	682	5,146
126	3,519	121	37	15	641	4,333
133	1,247	41	10	0	156	1,454
134	2,042	41	23	6	264	2,376
140	1,756	58	5	8	262	2,089
<b>TOTALS</b>	<b>43,608</b>	<b>1,260</b>	<b>396</b>	<b>166</b>	<b>6,820</b>	<b>52,250</b>

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

*For voter registration activity between 6/30/2016 and 7/31/2016*

<b>NEW REGISTRATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
<b>Beginning Totals</b>	<b>337,164</b>	<b>27,661</b>	<b>3,376</b>	<b>1,921</b>	<b>72,317</b>	<b>442,439</b>
BOEE Over the Counter	56	0	0	0	2	58
BOEE by Mail	17	0	0	0	8	25
BOEE Online Registration	275	14	4	4	52	349
Department of Motor Vehicle	222	5	3	1	11	242
Department of Disability Services	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	0
Department of Parks and Recreation	0	0	0	0	0	0
Nursing Home Program	0	0	0	0	0	0
Dept, of Youth Rehabilitative Services	0	0	0	0	0	0
Department of Corrections	0	0	0	0	0	0
Department of Human Services	0	0	0	0	0	0
Special / Provisional	21	0	0	0	2	23
All Other Sources	604	8	7	0	5	624
<b>+Total New Registrations</b>	<b>1,193</b>	<b>27</b>	<b>14</b>	<b>5</b>	<b>80</b>	<b>1,319</b>

<b>ACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Reinstated from Inactive Status	332	11	1	0	21	365
Administrative Corrections	5	0	0	3	273	281
<b>+TOTAL ACTIVATIONS</b>	<b>337</b>	<b>11</b>	<b>1</b>	<b>3</b>	<b>294</b>	<b>646</b>

<b>DEACTIVATIONS</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>TOTAL</b>
Changed to Inactive Status	15	2	0	2	1	20
Moved Out of District (Deleted)	0	0	0	0	0	0
Felon (Deleted)	0	0	0	0	0	0
Deceased (Deleted)	857	39	7	1	85	989
Administrative Corrections	695	28	4	1	115	843
<b>-TOTAL DEACTIVATIONS</b>	<b>1,567</b>	<b>69</b>	<b>11</b>	<b>4</b>	<b>201</b>	<b>1,852</b>

<b>AFFILIATION CHANGES</b>	<b>DEM</b>	<b>REP</b>	<b>STG</b>	<b>OTH</b>	<b>N-P</b>	<b>N-P</b>
+ Changed To Party	1,969	66	54	12	86	2,187
- Changed From Party	-81	-74	-49	-67	-1,905	-2,176
<b>ENDING TOTALS</b>	<b>339,015</b>	<b>27,622</b>	<b>3,385</b>	<b>1,870</b>	<b>70,671</b>	<b>442,563</b>

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #22, Ward 1 Polling Place.

The public is advised that the proposed voting area for Precinct #22 will be changed from:

**Ellington@Garnet-Patterson School**  
**2001 10<sup>th</sup> Street, N.W.**  
**“Auditorium”**

and moved to:

**Ellington@Meyer School**  
**2501 11<sup>th</sup> Street, N.W.**  
**“Multi-Purpose Room”**

The relocation was proposed due to limited space at the current site.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #24, Ward 1 Polling Place.

The public is advised that the proposed voting area for Precinct #24 will be changed from:

**Marie Reed Elementary School  
2201 18<sup>th</sup> Street, N.W.  
“Lounge Area”**

and moved to:

**Mary’s Center  
2355 Ontario Road, N.W.  
“Multi-Purpose Room”**

The relocation was proposed when the Board was notified that the facility would not be available for the General Election because of construction and renovations to the facility.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #40, Ward 1 Polling Place.

The public is advised that the proposed voting area for Precinct #40 will be changed from:

**Bancroft Elementary School  
1755 Newton Street, N.W.  
“Multi-Purpose Room”**

and moved to:

**Mt. Pleasant Neighborhood Library  
3160 16<sup>th</sup> Street, N.W.  
“Large Meeting Room”**

The relocation was proposed when the Board was notified that the facility would not be available for the General Election because of construction and renovations to the facility.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #33, Ward 3 Polling Place.

The public is advised that the proposed voting area for Precinct #33 will be changed from:

**Murch Elementary School  
4810 36<sup>th</sup> Street, N.W.  
“Auditorium”**

and moved to:

**St. Paul’s Lutheran Church  
4900 Connecticut Avenue, N.W.  
“Church Hall/Multi-Purpose Room”**

The relocation was proposed when the Board was notified that the facility would not be available for the General Election because of construction and renovations to the facility.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #51, Ward 4 Polling Place.

The public is advised that the proposed voting area for Precinct #51 will be changed from:

**St. Johns College High School  
2607 Military Road, N.W.  
“Gymnasium”**

and moved to:

**Lafayette Elementary School  
3160 16<sup>th</sup> Street, N.W.  
“Gymnasium”**

The relocation was proposed because the Board learned that the facility would be available for use on the dates requested due to completed renovations.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.



## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #85, Ward 6 Polling Place.

The public is advised that the proposed voting area for Precinct #85 will be changed from:

**Bridgepoint Hospital Capitol Hill  
700 Constitution Avenue, N.E.  
“Multi-Purpose Room”**

and moved to:

**Northeast Neighborhood Library  
330 7<sup>th</sup> Street, N.E.  
“Large Meeting Room”**

The relocation was proposed because the facility is not fully accessible under the Americans with Disabilities Act (ADA).

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #91, Ward 6 Polling Place.

The public is advised that the proposed voting area for Precinct #91 will be changed from:

**Watkins Elementary School  
420 12<sup>th</sup> Street, S.E.  
“Multi-Purpose Room”**

and moved to:

**Friendship Public Charter School Chamberlain Campus  
1345 Potomac Avenue, S.E.  
“Multi-Purpose Room”**

The relocation was proposed when the Board was notified that the facility would not be available for the General Election because of construction and renovations to the facility.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

## DISTRICT OF COLUMBIA BOARD OF ELECTIONS

## Public Notice of Proposed Polling Place Relocation

---

The Board of Elections hereby gives public notice, in accordance with D.C. Official Code § 1-309.10, of proposed action taken at its August 3, 2016 meeting in relocating Precinct #106, Ward 7 Polling Place.

The public is advised that the proposed voting area for Precinct #106 will be changed from:

**Davis Elementary School  
4430 H Street, S.E.  
“Multi-Purpose Room”**

and moved to:

**Ridge Road Recreation Center  
800 Ridge Road, S.E.  
“Gymnasium”**

The relocation was proposed because the Board learned that the facility would be available for use on the dates requested due to completed renovations.

**Please note that the relocation will be effective beginning with the upcoming November 8, 2016, Presidential General Election.** If you have any comments on this matter, please contact Mr. Arlin Budoo at 727-5704 **no later than Friday, September 2, 2016** so that they may be considered before official notice is given to registered voters in the precinct. The Board will take final action on this matter at its regular board meeting scheduled for Wednesday, September 7, 2016 at 10:30 a.m. The Board will individually notify all registered voters in the precinct of this change, subsequent to the Board’s final action.

For further information, members of the public may contact the Board of Elections at 727-2525.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE****AIR QUALITY TITLE V OPERATING PERMIT AND  
GENERAL PERMIT FOR  
THE CATHOLIC UNIVERSITY OF AMERICA**

Notice is hereby given that The Catholic University of America has applied for a Title V air quality permit pursuant to the requirements of Title 20 of the District of Columbia Municipal Regulations, Chapters 2 and 3 (20 DCMR Chapters 2 and 3) to operate the following equipment at its facility located at 620 Michigan Avenue NE, Washington DC.:

- Four identical dual fuel (No. 2 fuel oil/natural gas) fired boilers,
- Six diesel-fired emergency standby generators subject to the New Source Performance Standards (NSPS),
- 20 diesel-fired emergency standby generators not subject to the NSPS,
- One paint spray booth at the Crough Center,
- One parts washer (degreaser) at the power plant,
- One DM1200 glass melter at the Vitreous State Laboratory, Hannan Hall,
- Three smaller glass melters – two DM100 melters and one DM10 melter (note that the numbers of these smaller glass melters change from time to time as new ones are constructed and older ones are taken out of service; they are, however considered insignificant sources and are not subject to Chapter 2 permitting),
- One gasoline storage tank (6,000 gallon capacity) with one associated gasoline fuel dispensing pump,
- Numerous laboratory fume hoods,
- Tile cutting room,
- Carpentry and woodworking facilities located at Hartke Theater, Crough Center, and the power plant,
- Numerous units of natural gas fired kitchen equipment,
- Air conditioning and refrigeration operations, including related cooling towers,
- Two photography developing laboratories ,
- Two underground storage tanks and 27 aboveground storage tanks for fuel oil,
- One natural gas-burning clay kiln ,
- 21 chillers,
- One diesel fuel dispensing pump,
- 11 boilers with less than five (5) million British Thermal Units (BTU) per hour of heat input and burning natural gas only, and
- 40 hot water heaters less than five (5) million BTU per hour of heat input.

The contact person for the facility is Louis P. Alar, Director of Environmental Health and Safety at (202) 319-5789.

The Catholic University of America has the potential to emit (PTE) approximately 105.63 tons per year (TPY) of oxides of nitrogen (NO<sub>x</sub>). This exceeds the major source threshold for NO<sub>x</sub> in the District of Columbia of 25 TPY. Because potential emissions of NO<sub>x</sub> exceed the major source threshold, pursuant to 20 DCMR 300.1(a), the source is subject to Chapter 3 (Title V) and must obtain an operating permit in accordance with that regulation and Title V of the federal Clean Air Act.

One emission unit is being permitted for the first time in this permitting action, the parts washer (degreaser) located at the power plant. Emissions from this unit are not expected to exceed 71 pounds of volatile organic compounds (VOC) per year. The applicable emission limit for the unit is as follows: An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The Department of Energy and Environment (DOEE) has reviewed the permit application and related documents and has made a preliminary determination that the applicant meets all applicable air quality requirements promulgated by the U.S. Environmental Protection Agency (EPA) and the District. Therefore, draft Title V Permit No. 010-R2 has been prepared.

The application, the draft permit, and all other materials submitted by the applicant [except those entitled to confidential treatment under 20 DCMR 301.1(c)] considered in making this preliminary determination are available for public review during normal business hours at the offices of the Department of Energy and Environment, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002. Copies of the draft permit and related fact sheet are available at <http://doee.dc.gov>.

A public hearing on this permitting action will not be held unless DOEE has received a request for such a hearing within 30 days of the publication of this notice. Interested parties may also submit written comments on the permitting action. Hearing requests or comments should be directed to Stephen S. Ours, DOEE Air Quality Division, 1200 First Street NE, 5<sup>th</sup> Floor, Washington DC 20002. Questions about this permitting action should be directed to Abraham T. Hagos at (202) 535-1354 or [abraham.hagos@dc.gov](mailto:abraham.hagos@dc.gov). No comments or hearing requests submitted after September 19, 2016 will be accepted.

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE****Proposed Air Quality Source Category Permit to Operate Existing Stationary Diesel-Fired  
Emergency Engines Exempt from NSPS Subpart IIII but Subject to  
NESHAP Subpart ZZZZ**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §§200 and 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue a source category permit to operate certain diesel-fired emergency engines that are exempt from the federal New Source Performance Standard (NSPS) for compression ignition internal combustion engines (40 CFR 60, Subpart IIII) but subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) in the District of Columbia. This source category permit will be designated Permit No. 7115-SC.

To ensure that no engine covered by NSPS Subpart IIII is covered by this permit, certain exclusions related to the engine model year, order date, and manufacture date have been included in the applicability section of the source category permit.

Additionally, the engine covered under this source category must meet certain other conditions stated in the source category permit.

The proposed emission limits to be included in the permit are as follows:

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

Emissions Estimate:

Emissions will vary widely, depending upon the size and age of the equipment to be covered. As such there is no set maximum emissions level except that no unit will be approved under this permit that has a potential to emit greater than 25 tons per year of oxides of nitrogen, the trigger threshold for further regulatory requirements under 20 DCMR §204 (non-attainment New Source Review). However, based on past permitting activity implemented by AQD, very few applicants apply to operate diesel-fired emergency engines in the District of Columbia exceeding 4,000

horsepower (hp) in mechanical output. Based on a limitation in the permit of 500 hours per year of total operations, conservative emission factors for compression ignition engines, and a 4,000 hp engine size, the following represents an estimate of the maximum emissions expected from any emergency engine covered by this source category permit:

Pollutant	Estimated Maximum Annual Emissions (tons/yr)
Total Particulate Matter (PM Total)	0.7
Carbon Monoxide (CO)	5.5
Oxides of Nitrogen (NO <sub>x</sub> )*	24.0
Volatile Organic Compounds (VOC)	0.7
Sulfur Dioxide (SO <sub>2</sub> )	0.3

\*Note that there is an applicability limit placed on the permit that no unit having the potential to emit more than 25 tons/year of NO<sub>x</sub> will be covered by this source category permit.

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

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

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
Department of Energy and Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after September 19, 2016 will be accepted.**

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

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE****Proposed Air Quality Source Category Permit to Operate Existing Stationary Natural Gas-Fired Emergency Engines Exempt from NSPS Subpart JJJJ but Subject to NESHAP Subpart ZZZZ**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §§200 and 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue a source category permit to operate certain natural gas-fired emergency engines that are exempt from the federal New Source Performance Standard (NSPS) for spark ignition internal combustion engines (40 CFR 60, Subpart JJJJ) but subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines (RICE) in the District of Columbia. This source category permit will be designated Permit No. 7116-SC.

To ensure that no engine covered by NSPS Subpart JJJJ is covered by this permit, the applicability criteria for coverage by this source category permit certain exclusions related to the engine maximum power and manufacture date, engine manufacturer's participation in voluntary manufacturer certification program, and the date of manufacture of such certified engine, or the order date, manufacture date and maximum power of the engine.

Additionally, any engine covered under this source category must meet certain other conditions stated in the source category permit.

Applicants who apply for coverage under a source category permit must document that their equipment meets the applicability criteria specified in the permit prior to approval of coverage and authorization to operate the unit under the authority of the source category permit.

The proposed emission limits to be included in the permit are as follows:

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

Emissions Estimate:



Emissions will vary widely, depending upon the size and age of the equipment to be covered. As such there is no set maximum emissions level except that no unit will be approved under this permit that has a potential to emit greater than 25 tons per year of oxides of nitrogen, the trigger threshold for further regulatory requirements under 20 DCMR §204 (non-attainment New Source Review). However, based on past permitting activity implemented by AQD, very few applicants seek to operate natural gas emergency engines in the District of Columbia exceeding 2,000 horsepower (hp) in mechanical output. Based on a limitation in the permit of 500 hours per year of total operations, conservative emission factors for spark ignition engines, and a 2,000 hp engine size, the following represents an estimate of the maximum emissions expected from any emergency engine covered by this source category permit:

<b>Pollutant</b>	<b>Estimated Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM Total)	0.27
Carbon Monoxide (CO)	20.46
Oxides of Nitrogen (NO <sub>x</sub> )*	22.44
Volatile Organic Compounds (VOC)	0.66
Sulfur Dioxide (SO <sub>2</sub> )	0.003

\*Note that there is an applicability limit placed on the permit that no unit having the potential to emit more than 25 tons/year of NO<sub>x</sub> will be covered by this source category permit.

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

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

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

Stephen S. Ours  
 Chief, Permitting Branch  
 Air Quality Division  
 Department of Energy and Environment  
 1200 First Street NE, 5<sup>th</sup> Floor  
 Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No comments or hearing requests submitted after September 19, 2016 will be accepted.**

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

**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, and 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 be **Tuesday, September 20, 2016, at 2:30 PM at 441 Fourth Street NW, Washington, DC 20001, on the 10<sup>th</sup> Floor in the Main Street Conference Room 1028.** Please note that government issued ID is needed to access the building. Use the North Lobby elevators to access the 10<sup>th</sup> 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:

Alzheimer's Agents	Cytokine and CAM Antagonists
Antibiotics, GI	Fluoroquinolones, Oral
Anticonvulsants	Hepatitis C Agents (tentative)
Antidepressants, Others	Immunosuppressants, Oral
Antidepressants, SSRIs	Multiple Sclerosis Agents
Antifungals, Oral	Neuropathic Pain
Antifungals, Topical (tentative)	Sedative Hypnotics
Antiparkinson's Agents	Stimulants and Related Agents
Antipsychotics	

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45pm on Monday, September 12, 2016.** The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)).

An individual wishing to make an oral presentation to the Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the Committee **no later than 4:45pm on Monday, September 12, 2016. Handouts are limited to no more than two standard 8½ by 11 inch pages of "bulleted" points (or one page front and back).** The ready-to-disseminate, written information can also be mailed **to arrive no later than Monday, September 12, 2016** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
441 4<sup>th</sup> Street NW  
Suite 900 South  
Washington, DC 20001

**DEPARTMENT OF HEALTH CARE FINANCE****PUBLIC NOTICE OF PROPOSED ACCESS MONITORING REVIEW PLAN**

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 intent to submit an Access Monitoring Review Plan (AMRP) to the federal Centers for Medicare and Medicaid Services (CMS).

Under Section 1902(a)(30)(A) of the Social Security Act, the District must ensure that payment rates to health care providers treating Medicaid beneficiaries under the State Plan for Medical Assistance are “sufficient to enlist enough providers so that care and services are available under the plan at least to the same extent that such care and services are available to the general populations in the geographic area.” In November 2015, CMS issued a final rule (80 Fed. Reg. 67576 (Nov. 2, 2015)(to be codified at 42 C.F.R. Part 447)) setting forth how states must comply with this statutory requirement for Medicaid beneficiaries served through the fee-for-service (FFS) program. In accordance with this rule, state Medicaid agencies are required to develop an AMRP that evaluates whether these beneficiaries have sufficient access to services provided under FFS Medicaid and submit this plan to CMS once every three (3) years.

As the single state agency that administers Medicaid, DHCF drafted its first AMRP by analyzing a variety of available data sources and methods to identify baseline experience and trends in payment and access to FFS services in six (6) required categories:

- Primary care (including primary care providers, dental services, and Federally Qualified Health Centers);
- Physician specialist services;
- Behavioral health services;
- Pre- and post-natal obstetric services;
- Home health services; and
- Other services selected by DHCF because stakeholders identified potential access issues related to the services.

The draft AMRP report provides the findings from this analysis and constitutes the District’s first AMRP submission. The report also provides recommended next steps for improving DHCF’s ability to measure access in future AMRPs and monitor access over time. Through this notice, DHCF is soliciting comments from interested stakeholders, including beneficiaries, providers, facilities and researchers.

The full AMRP is available for public comment on the DHCF website at <http://dhcf.dc.gov>. Copies of the AMRP may be obtained from the DHCF website address listed above or upon request to Yorick Uzes, Special Projects Officer, Health Care Policy and Research

Administration, D.C. Department of Health Care Finance, 441 Fourth Street NW, Suite 900S, Washington, DC 20001.

Written comments on the AMRP may be submitted to Claudia Schlosberg, J.D., Senior Deputy Director and Medicaid Director, D.C. Department of Health Care Finance, 441 Fourth Street NW, Suite 900S, Washington, DC 20001, or via e-mail at [dhcfpubliccomments@dc.gov](mailto:dhcfpubliccomments@dc.gov), during the thirty (30) day public comment period, beginning on the date this notice is published.

For further information, please contact Yorick Uzes, Special Projects Officer, D.C. Department of Health Care Finance, (202) 442-9048 or [yorick.uzes@dc.gov](mailto:yorick.uzes@dc.gov).

## DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Pharmacy (“Board”) hereby gives notice pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.) of a change in its regularly scheduled monthly meeting for September 1, 2016.

**Thursday, September 1, 2016**, the Board will not have a regularly scheduled Board meeting. The Board will conduct a disciplinary hearing in the matter of Patricia O’Malley, R.Ph., at 11:00 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public.

The Board of Pharmacy meets at 899 North Capitol Street, NE, 2<sup>nd</sup> Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings>. This website may also be accessed through a link on the DOH website, [www.doh.dc.gov](http://www.doh.dc.gov).

**HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE  
PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following services:

1. **Auditor to Perform the 2016 Financial Statement Audit**

Howard University Public Charter Middle School of Mathematics and Science is seeking a vendor to perform the audit of its 2016 financial statements.

Interested parties should contact Dayton Watkins at (202) 806-7725, or via email at Dayton.watkins@HU-MS2.org, beginning Friday, August 22, 2016 to receive a copy of the bid package. The deadline for responses to this request **is due Friday, August 29, 2016 at 5 pm.**

**Those interested in responding to this RFP must be included on the list of auditors approved to perform 2016 audits for DC Public Charter Schools issued by District of Columbia Public Charter School Board.**

**HOWARD UNIVERSITY MIDDLE SCHOOL OF MATHEMATICS & SCIENCE  
PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Computer and Computer Accessories Purchase**

In Compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995, Howard University Public Charter Middle School of Mathematics & Science hereby post notice that it will be will be accepting bids for the following computer services:

1. **Computer Purchase:**  
The purchase of 151 Apple IPAD 9.7 in Pro WIFI 32GB
2. **Computer Purchase:**  
The purchase 151 Apple IPAD Smart Key Board for 9.7 in Pro WIFI 32GB
3. **Computer Purchase**  
The purchase 154 Apple Pencil for IPAD Pro
4. **Computer Purchase**  
154 - 3 Year Apple Care for IPAD
5. **Computer Purchase**  
3 12.9 in IPAD Pro WIFI 128GB
6. **Computer Purchase**  
3 Smart Keyboards for 12.9in IPAD Pro

Interested parties should contact Mr. Dayton Watkins (202) 806-7725, or via email at [Dayton.watkins@hu-ms2.org](mailto:Dayton.watkins@hu-ms2.org) beginning Monday, August 22, 2016 to receive a copy of the bid package. The deadline for responses to the above-mentioned **items is due Friday, August 29, 2016 by 5 pm.**

**All bids not addressing all areas as outlined in the RFP will not be considered.**

**DISTRICT OF COLUMBIA PUBLIC LIBRARY  
BOARD OF LIBRARY TRUSTEES**

**NOTICE OF PUBLIC BOARD MEETINGS  
2016 Amended Meeting Schedule**

<b>Month</b>	<b>Meeting</b>	<b>Date</b>	<b>Time</b>	<b>Location</b>
<b>January 2016</b>	Board of Library Trustees Meeting	Wednesday, January 27	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001
<b>March 2016</b>	Board of Library Trustees Meeting	Wednesday, March 23	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001
<b>May 2016</b>	Board of Library Trustees Meeting	Wednesday, May 25	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001
<b>July 2016 August 2016*</b>	Board of Library Trustees Meeting	Wednesday, August 17	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001
<b>September 2016</b>	Board of Library Trustees Meeting	Wednesday, September 28	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001
<b>November 2016</b>	Board of Library Trustees Meeting	Wednesday, November 16	6:00 p.m.	Martin Luther King Jr. Memorial Library  901 G St. NW Washington, DC 20001

\*This document was amended August 5, 2016 to reschedule the July 2016 meeting date to August 2016.



**MERIDIAN PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Chromebooks**

Meridian Public Charter School is soliciting proposals for 150 Chromebooks. Proposals will be received until 8/26/16. Proposals and questions can be submitted to Jeff Cooper, COO at [jcooper@meridian-dc.org](mailto:jcooper@meridian-dc.org).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF COMMUNITY HEARINGSPUBLIC INPUT SOUGHT ON WASHINGTON GAS LIGHT COMPANY'S RATE APPLICATION, FORMAL CASE NO. 1137, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO INCREASE EXISTING RATES AND CHARGES FOR GAS SERVICE.

This Notice informs the public that the Public Service Commission of the District of Columbia ("Commission") seeks input on the application submitted by the Washington Gas Light Company (WGL) requesting authority to increase existing rates and charges for gas service in the District of Columbia to collect approximately \$17.4 million in additional weather-normalized annual revenues. The Commission published a Public Notice on March 11, 2016, regarding this application in the *D.C. Register* to allow interested persons to intervene in *Formal Case No. 1137*, the formal case established to consider WGL's application. The Public Notice can be accessed online at [www.dcpsc.org](http://www.dcpsc.org). A hard copy of the Public Notice can be obtained by calling (202) 626-5150.

**The Commission will convene four (4) community hearings at the following locations on the specified dates:**

**Tuesday, September 20, 2016**

University of the District of Columbia Community College  
801 North Capitol St., NE  
Washington, DC 20002  
6:00 p.m. – 8:00 p.m.

**Wednesday, September 21, 2016**

D.C. Public Service Commission  
1325 G St., NW, Suite #800  
Washington, D.C. 20005  
Directly following the Commission's 11:00 a.m. Open Meeting

**Wednesday, October 5, 2016**

Southwest Public Library  
900 Wesley Place SW  
Washington DC 20024  
6:00 p.m. – 8:00 p.m.

**Saturday, October 15, 2016**

Thurgood Marshall Academy  
2427 Martin Luther King, Jr., Avenue SE  
Washington, DC 20020  
10:00 a.m. – 12:00 p.m.

**Those who wish to testify at the community hearings should contact the Commission Secretary by 5 p.m. three (3) business days prior to the date of the hearing by calling (202) 626-5150.** Representatives of organizations shall be permitted a maximum of five (5) minutes for oral presentations; individuals shall be permitted a maximum of three (3) minutes. If an organization or an individual is unable to offer comments at the community hearings, written statements may be submitted to the Public Service Commission of the District of Columbia, 1325 G Street, NW, Suite 800, Washington, D.C. 20005 until November 18, 2016.

Any person who is deaf or hearing-impaired, and cannot readily understand or communicate in spoken English, and persons with disabilities who need special accommodations in order to participate in the hearing, must contact the Commission Secretary by 5 p.m. seven (7) business days prior to the date of the hearing. Persons who wish to testify in Spanish, Chinese, Amharic, or Korean must also contact the Commission Secretary by 5 pm three (3) business days before the day of the hearing so arrangements can be made for translation services. **The number to call to request special accommodations and interpretation and translation services is (202) 626-5150**

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

**Application No. 19101 of (Darryl) O.A. Sulekoiki**, as amended<sup>1</sup>, pursuant to 11 DCMR § 3103.2, for a variance from the required off-street parking requirements under § 2101.1, to construct eight flats on eight record lots in the R-4 District at premises 2112-2126 3rd Street N.E. (Square 3561, Lots 42-49).

**HEARING DATES:** December 15, 2015; January 12, February 9, March 8, April 5, May 17, and July 12, 2016

**DECISION DATE:** July 12, 2016

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 3 (original), 32 (revised), and 65 (updated).) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 5E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. ANC 5E submitted a report, dated December 6, 2015, which only addressed the IZ request and was silent as to any parking relief. (Exhibit 34.)

The Office of Planning ("OP") submitted a timely report dated January 5, 2016. In that report, OP indicated that it was not opposed to the request for relief for required parking. (Exhibit 38.)

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<sup>1</sup> The application initially was for a special exception from the Inclusionary Zoning ("IZ") requirements under § 2603, 2604, and 2606. (Exhibit 3.) The application was revised to add special exception relief under § 2117.9 to allow one parking space to be provided offsite. (Exhibits 32, 36, and 65.) The Applicant subsequently amended the application to request a variance from the off-street parking requirement for Lot 42 under § 2101.1 instead of the previously requested special exception parking relief. Also, the application was amended, as it related to IZ, to request a complete waiver from the provision of IZ on site and relief to comply with IZ requirements off-site under § 2607. (Exhibit 90.) At its meeting on July 12, 2016, the Board approved variance relief for parking (§ 2101.1), but denied relief to waive the IZ requirement or locate IZ units off-site. The Board also granted the Applicant's request to bifurcate the Order so that the variance relief approval could be issued as a Summary Order, while the denial of IZ relief would be a full order. After the Board's vote but before any order was issued, the Applicant withdrew its request for IZ relief. (Exhibit 99.) The caption has been revised to reflect this accordingly.

OP testified at the July 12, 2016 public hearing that the Applicant's supplemental submissions did not change OP's recommendation.<sup>2</sup>

The District Department of Transportation ("DDOT") submitted a timely report dated November 3, 2015, that did not address parking at the property. (Exhibit 31.) DDOT submitted a supplemental report dated March 1, 2016, indicating it objected to the approval of the special exception from parking requirements under § 2117.9. (Exhibit 69.) DDOT subsequently submitted a second supplemental report dated July 5, 2016, which indicated that DDOT does not object to a parking variance of one space and would not object to the Applicant providing 13 parking spaces for the 16 dwelling units. (Exhibit 91.) Consistent with DDOT's recommendation, the Board granted a variance under § 2101.1 for the required parking space for Lot 42.

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from the required off-street parking requirements under § 2101.1, to construct eight flats on eight record lots in the R-4 District. The only parties to the case were the ANC and the Applicant. While the ANC opposed the request for IZ relief, as noted, it did not comment on the request for parking relief. No parties appeared at the public hearing in opposition to the application for variance relief. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board is required to give "great weight" to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, OP did not address the request for a parking variance under § 2101.1. Consequently, the Board did not have any recommendation from OP regarding the parking variance from § 2101.1 to which it was required to give great weight. The Board 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) (2001)).) In this case, the ANC's report was silent regarding the request for parking relief under § 2101.1. Thus, the Board did not have an ANC recommendation regarding the variance relief to which the Board was required to give great weight.

Based upon the record before the Board, the Board concludes that in seeking a variance from 11 DCMR § 2101.1, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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<sup>2</sup> The Office of Planning was opposed to the request for IZ relief, but that relief was later withdrawn by the Applicant.

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 for variance relief under § 2101.1 is hereby **GRANTED**.

**VOTE:**       **3-0-2** (Marnique Y. Heath, Peter G. May, and Jeffrey L. Hinkle<sup>3</sup>, to APPROVE; Anita Butani D'Souza and Frederick L. Hill, not participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** August 8, 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.

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.

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<sup>3</sup> Board member Hinkle indicated that he had read the record in order to participate.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING  
AND  
Z.C. ORDER NO. 08-06D  
Z.C. Case No. 08-06D  
(Text Amendment – 11 DCMR)  
Technical Corrections to Z.C. Order No. 08-06A  
July 25, 2016**

The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

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

**Z.C. Case No. 16-17**

**(EYA Development, LLC – Consolidated PUD and  
Related Map Amendment @ Square 3917)**

**August 8, 2016**

**THIS CASE IS OF INTEREST TO ANC 5A and 5B**

On August 2, 2016, the Office of Zoning received an application from EYA Development, LLC (the “Applicant”) for approval of a consolidated planned unit development (“PUD”) and related map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 800 in Square 3917 in northeast Washington, D.C. (Ward 5), on property located at 1200 Varnum Street, N.E. The property is currently zoned R-2. The Applicant is proposing a PUD-related map amendment to rezone the property, for the purposes of this project, to the RA-1.

The Applicant proposes to develop a new single-family residential community with approximately 82 townhouses, the preservation of significant open spaces, the creation of new parks, and the maintenance of the existing Seminary building. The total density will be 0.96 floor area ratio and the maximum height will be 40 feet. More than 12% of the units will be affordable at either less than 50% AMI or between 50% and 80% AMI.

This case was filed electronically through the Interactive Zoning Information System (“IZIS”), which can be accessed through <http://dcoz.dc.gov>. For additional information, please contact Sharon S. Schellin, Secretary to the Zoning Commission at (202) 727-6311.



Government of the District of Columbia  
Public Employee Relations Board

<hr/>		)	
In the Matter of:		)	
		)	
Not-for-Profit Hospital Corporation,		)	PERB Case No. 15-U-10
		)	
Complainant,		)	
		)	
v.		)	Opinion No. 1580
		)	
Service Employees International Union,		)	
Local 1199,		)	
		)	
Respondent.		)	
<hr/>		)	

**DECISION AND ORDER**

Complainant Not-for-Profit Hospital Corporation (“Hospital”) filed an unfair labor practice complaint alleging that Respondent Service Employees International Union, Local 1199, (“SEIU Local 1199”) violated D.C. Official Code § 1-617.04(b)(1) and § 1-617.17(h) when, on two occasions, it published and distributed flyers containing the details of compensation-related proposals made by the Hospital during the parties’ negotiations for a successor collective bargaining agreement. The Board finds that the Hospital’s allegations concerning the first flyer were untimely under PERB’s Rules and therefore cannot be considered. With regard to the second flyer, the Board finds that no specific details of the Hospital’s proposals were disclosed and that there was therefore no violation of the cited statutes. Accordingly, the Hospital’s Complaint is dismissed.

**I. Statement of the Case**

On September 24, 2014, while the Hospital and SEIU Local 1199 were negotiating a successor collective bargaining agreement, SEIU Local 1199 produced and distributed a flyer detailing several of the Hospital’s compensation proposals.<sup>1</sup> On October 9, 2014, a local media outlet, BizBeat, published a story detailing the disclosed proposals.<sup>2</sup> On November 22, 2014,

<sup>1</sup> Complaint at 5, Exhibit 1(a).

<sup>2</sup> *Id.*, Exhibit 1(b).

Decision and Order  
PERB Case No. 15-U-10  
Page 2

SEIU Local 1199 produced and distributed to its members a second flyer about the Hospital's proposals.<sup>3</sup>

On January 23, 2015, the Hospital filed the instant Unfair Labor Practice Complaint, alleging that SEIU Local 1199's two flyers<sup>4</sup> violated the confidentiality requirements of D.C. Official Code § 1-617.17(h),<sup>5</sup> and therefore constituted interference with the Hospital's rights guaranteed by § 1-617.04(b)(1).<sup>6</sup> The Hospital moved for preliminary relief under PERB Rule 520.15, asking PERB to (1) seal the case records, (2) bar the public from having access to the pleadings, (3) order SEIU Local 1199 to destroy all copies of the Hospital's Complaint in its possession, (4) find that SEIU Local 1199 committed unfair labor practices as alleged, (5) order SEIU Local 1199 to post notices detailing the violations, and (6) order SEIU Local 1199 to refrain from making any further public disclosures referencing the proposals exchanged by the parties during the negotiations.<sup>7</sup> The Hospital argued that preliminary relief was warranted because the violations were "clear-cut and flagrant" as required by PERB Rule 520.15. For final relief, the Hospital repeated its requests that PERB seal the Complaint, order SEIU Local 1199 to destroy all copies it has of the Complaint, order SEIU Local 1199 to cease from making further disclosures of the parties' proposals, find that SEIU Local 1199 violated the above statutes, order SEIU Local 1199 to post a notice detailing its violations, and order SEIU Local 1199 to refrain from further similar violations going forward.<sup>8</sup>

On February 6, 2015, SEIU Local 1199 filed its Answer, admitting that it "created the flyers ... and that it distributed these flyers on September 24, 2014, and November 22, 2014, respectively," but denying that doing so violated the D.C. Official Code § 1-617.17(h) or § 1-617.04(b)(1).<sup>9</sup> SEIU Local 1199 further raised affirmative defenses that: (1) PERB lacks jurisdiction to enforce D.C. Official Code § 1-617.17(h) "because the authority to enforce that provision is not within the authority granted to the Board" under D.C. Official Code § 1-605.02; (2) the Hospital's Complaint was untimely under PERB Rule 520.4 because it was filed more than 120 days after the Hospital first learned of the events giving rise to the allegations in the Complaint; (3) the Complaint failed to state a claim for which relief can be granted because D.C. Official Code § 1-617.17(h) does not restrict SEIU Local 1199's speech regarding compensation bargaining; and (4) the Complaint failed to state a claim for which relief can be granted because

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<sup>3</sup> *Id.*, Exhibit 2.

<sup>4</sup> In the Argument section of its Complaint, the Hospital only alleges that the publication and distribution of the two flyers violated the statute. It did not allege that the October 9 BizBeat article was a violation. Accordingly, the Board will not address the BizBeat article in its analysis.

<sup>5</sup> D.C. Official Code § 1-617.17(h): "Compensation negotiations pursuant to this section shall be confidential among the parties, provided, however, that the Council may appoint observers from its membership and staff, or both, to the negotiations. Such Council observers will be responsible for informing the members of the Council of the progress of negotiations. All information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement. Management shall give the Council the same prior notice of negotiation proceedings that it gives to all parties of the negotiations."

<sup>6</sup> D.C. Official Code § 1-617.04(b)(1): "Employees, labor organizations, their agents, or representatives are prohibited from: (1) Interfering with, restraining, or coercing any employees or the District in the exercise of rights guaranteed by this subchapter...."

<sup>7</sup> Complaint at 6.

<sup>8</sup> *Id.* at 7.

<sup>9</sup> Answer at 3-4.

Decision and Order  
PERB Case No. 15-U-10  
Page 3

even if § 1-617.17(h) does restrict SEIU Local 1199's speech, a violation of that provision is "not cognizable" as an unfair labor practice under § 1-617.04(b)(1).

The Hospital's Complaint and SEIU Local 1199's Answer and affirmative defenses are now before the Board for disposition.

## II. Analysis

### A. PERB Has Jurisdiction Over This Matter.

While a complainant does not need to prove its case on the pleadings, it must plead or assert allegations that, if proven, would establish a statutory violation of the Comprehensive Merit Personnel Act ("CMPA").<sup>10</sup> If the record demonstrates that the allegations concern a violation of the CMPA, then the Board has jurisdiction over the matter and can grant relief if the allegations are proven.<sup>11</sup>

Under D.C. Official Code § 1-605.02(3), the Board has the express authority to "[d]ecide whether unfair labor practices have been committed and issue an appropriate order." D.C. Official Code § 1-617.04(b)(1), which governs unfair labor practices, states that "Employees, labor organizations, their agents, or representatives are prohibited from: (1) Interfering with, restraining, or coercing any employees or the District in the exercise of rights guaranteed by this subchapter...." D.C. Official Code § 1-617.17(h) falls under Subchapter XVII: Labor-Management Relations, which also includes § 1-617.04(b)(1). Therefore, a violation of the rights guaranteed by § 1-617.17(h) is cognizable as an unfair labor practice under § 1-617.04(b)(1). Accordingly, since the Hospital has stated a claim for which the Board can grant relief, PERB has jurisdiction over this matter.

### B. PERB Can Properly Decide This Matter Based on the Pleadings.

PERB Rule 520.8 states: "[t]he Board or its designated representative shall investigate each complaint." PERB Rule 520.10 states that "[i]f the investigation reveals that there is no issue of fact to warrant a hearing, the Board may render a decision upon the pleadings...." PERB Rule 520.9 states that if "the investigation reveals that the pleadings present an issue of fact warranting a hearing, the Board shall issue a Notice of Hearing and serve it upon the parties."

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<sup>10</sup> *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't, et al.*, 59 D.C. Reg. 5427, Slip Op. No. 984 at p. 6, PERB Case No. 08-U-09 (2009).

<sup>11</sup> *See Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 60 D.C. Reg. 9212, Slip Op. No. 1391 at p. 22, PERB Case Nos. 09-U-52 and 09-U-53 (2013), *aff'd*, *D.C. Metro. Police Dep't v. D.C. Pub. Emp. Relations Bd. and Fraternal Order of Police/Metro. Police Dep't Labor Comm.*, Case No. 2013 CA 004572 P(MPA) (D.C. Super. Ct. Jun. 13, 2014).

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In this matter, although SEIU Local 1199 denies the Hospital's legal conclusions, it admits that it created and distributed the two flyers that are the subjects of the Hospital's Complaint.<sup>12</sup> Therefore, because the material facts of this case are undisputed by the parties, leaving only legal questions to be resolved, PERB finds it can properly decide this matter based upon the pleadings.<sup>13</sup>

C. The Complaint's Allegations Concerning the September 26, 2014 Flyer Are Untimely Under PERB's Rules.

PERB Rule 520.4 states that: "Unfair labor practice complaints shall be filed not later than 120 days after the date on which the alleged violations occurred." The D.C. Court of Appeals has held that PERB does not have jurisdiction to consider unfair labor practice complaints filed outside of the 120 days prescribed by the Rule.<sup>14</sup> The 120-day period for filing a complaint begins when the complainant first knew or should have known about the acts giving rise to the alleged violation.<sup>15</sup>

In this case, the Hospital's Executive Vice President for Human Resources, Jackie Johnson, confirmed in an Affidavit filed with PERB on May 1, 2015, that the Hospital first obtained a copy of SEIU Local 1199's first flyer on Wednesday, September 24, 2014, the same day SEIU Local 1199 distributed it.<sup>16</sup> The Hospital's Complaint was filed on Friday, January 23, 2015, which, calculating from Thursday, September 25, 2014, until and including Friday, January 23, 2015, was 121 days after September 24, 2014.<sup>17</sup> Accordingly, the allegations in the Hospital's Complaint related to the September 24, 2014 flyer are untimely, and cannot be considered by the Board.<sup>18</sup>

D. The November 22, 2014 Flyer is Too Vague and Unspecific to Be Considered a Breach of the Confidentiality Requirement in D.C. Official Code § 1-617.17(h).

The Board notes that there have only been two cases prior to this one in which a complainant has alleged a violation of the confidentiality requirement in D.C. Official Code § 1-617.17(h). The first was *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metropolitan Police Dep't*, 59 D.C. Reg. 6039, Slip Op. No. 1007, PERB Case No. 08-U-41 (2013). In that case, MPD asserted that FOP violated the confidentiality requirement in § 1-

<sup>12</sup> Complaint at 5; Answer at 3-4.

<sup>13</sup> See *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 60 D.C. Reg. 5337, Slip Op. No. 1374 at p. 11, PERB Case No. 06-U-41 (2013); see also *Am. Fed. of Gov't Emp., AFL-CIO, Local 2978 v. D.C. Dep't of Health*, 60 D.C. Reg. 2551, Slip Op. No. 1356 at p. 7-8, PERB Case No. 09-U-23 (2013).

<sup>14</sup> *Hoggard v. D.C. Pub. Emp. Relations Bd.*, 655 A.2d 320, 323 (D.C. 1995) ("[T]ime limits for filing appeals with administrative adjudicative agencies...are mandatory and jurisdictional").

<sup>15</sup> *Charles E. Pitt v. D.C. Dep't of Corr.*, 59 D.C. Reg. 5554, Slip Op. No. 998 at p. 5, PERB Case No. 09-U-06 (2009).

<sup>16</sup> (Affidavit of Jackie Johnson, May 1, 2015).

<sup>17</sup> See PERB Rule 501.5.

<sup>18</sup> *Hoggard*, 655 A.2d at 323; see also *Rayshawn Douglas v. Am. Fed'n of Gov't Emp., Local 2725, AFL-CIO*, 60 D.C. Reg. 16483, Slip Op. No. 1437 at p. 5-6, PERB Case No. 13-U-12 (2013) (Dismissing an unfair labor practice complaint that was filed 121 days after the date on which the complainant first became aware of the acts giving rise to the alleged violation).

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617.17(h) when it disclosed the terms of MPD's compensation proposals in a complaint that FOP filed with PERB in another matter, when FOP published MPD's proposals in a newsletter to its members, and when FOP caused the substance of MPD's proposals to be reported by several news outlets and posted on the internet.<sup>19</sup> The Board ultimately dismissed MPD's claims, finding that since the parties' had incorporated the confidentiality requirements of D.C. Official Code § 1-617.17(h) into their negotiated Ground Rules, MPD's claims were contractual and should therefore be deferred to the parties' negotiated grievance procedure.<sup>20</sup>

The second case, PERB Case No. 09-U-02, was settled by the parties and withdrawn.

Here, the Hospital and SEIU Local 1199 have not executed any ground rules.<sup>21</sup> Therefore, the Board will base its analysis solely upon the statutory requirements of D.C. Official Code § 1-617.17(h) and § 1-617.04(b)(1). In so doing, the Board will consider what the statute requires and how it is applied.

Firstly, § 1-617.17(h) requires:

Compensation negotiations pursuant to this section shall be confidential among the parties, provided, however, that the Council may appoint observers from its membership and staff, or both, to the negotiations. Such Council observers will be responsible for informing the members of the Council of the progress of negotiations. All information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement. Management shall give the Council the same prior notice of negotiation proceedings that it gives to all parties of the negotiations.

When interpreting a statute, the D.C. Court of Appeals has held that "while we examine the plain meaning of the statutory provisions, the 'literal words of [a] statute ... are to be read in light of the statute taken as a whole, and are to be given a sensible construction and one that would not work an obvious injustice.'"<sup>22</sup>

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<sup>19</sup> See p. 7 (in which the Board, on a Motion for Reconsideration by FOP, dismissed MPD's claims); see also *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 59 D.C. Reg. 5461, Slip Op. No. 988 at p. 10-13, PERB Case No. 08-U-41 (2009) (the Board's first Decision and Order in Case No. 08-U-41, in which it denied MPD's motion for preliminary relief and set the matter for a hearing); and *Fraternal Order of Police/Metro. Police Dep't Labor Comm. v. D.C. Metro. Police Dep't*, 60 D.C. Reg. 9172, Slip Op. No. 1101 at p. 5-7, PERB Case No. 08-U-41 (2011) (holding that MPD's Second Motion for Reconsideration did not make any new arguments and therefore constituted nothing more than a mere disagreement with the Board's Decision in Slip Op. No. 1007).

<sup>20</sup> *FOP v. MPD*, 59 D.C. Reg. 6039, Slip Op. No. 1007 at p. 8, PERB Case No. 08-U-41.

<sup>21</sup> Complaint at 4; Answer at 3.

<sup>22</sup> *Doctor's Council of the Dist. of Columbia Gen. Hosp. v. D.C. PERB*, 914 A.2d 682, 696 (2007) (internal citations omitted).

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Here, looking at D.C. Official Code § 1-617.17 as a whole, it appears to the Board<sup>23</sup> that the purpose of the confidentiality requirement in D.C. Official Code § 1-617.17(h) is similar—but admittedly not perfectly analogous<sup>24</sup>—to the confidentiality requirements in mediations. The United States District Court for the District of Columbia has held that:

Non-compliance with a confidentiality order in the context of a mediation can have a chilling effect on settlement discussions. It can also make the parties reluctant to engage in a frank exchange of information, perceiving that their disclosures will be subsequently used against them. It is therefore essential that counsel maintain the confidentiality of mediation sessions and comply with orders of the Court to ensure that such proceedings operate fairly, efficiently, and effectively. These principles require preservation and demand vindication, when necessary.<sup>25</sup>

Accordingly, the Board reads D.C. Official Code § 1-617.17(h) to mean that compensation negotiations must be kept confidential so that the participants can freely engage in a frank exchange of information and ideas without fear that their disclosures will be used against them later on, and to ensure that the proceedings will operate fairly, efficiently, and effectively. When a participant violates that confidentiality, the Board can grant relief to the harmed party.<sup>26</sup>

D.C. Official Code § 1-617.17(h) specifies that compensation negotiations are only confidential “among the parties.” This suggests that while “information concerning [the] negotiations” cannot be disclosed to the general public, the information can be freely discussed between the actual “parties” to the negotiation. Here, SEIU Local 1199 is not a “party” in and of itself, separate and independent of the bargaining unit it represents any more than the Office of Labor Relations and Collective Bargaining (“OLRCB”) is a “party” in and of itself, separate and independent from the agency it represents.<sup>27</sup> Reasonably then, the “parties” to the instant compensation negotiation were the Hospital and the bargaining units, who were merely represented by OLRCB and SEIU Local 1199, respectively. Since designated representatives can—and perhaps must—keep the parties they represent apprised of any developments, including what the opposition has proposed,<sup>28</sup> the Board finds that a union’s private disclosure of information about an agency’s proposals to the bargaining unit members that the union

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<sup>23</sup> See *D.C. Dep’t of Corr. v. Teamsters Union*, 554 A.2d 319, 322-323 (D.C. 1989) (PERB has statutory authority and “special competence” to interpret the CMPA).

<sup>24</sup> The confidentiality requirements in mediations are most often voluntary and willingly agreed to by the participants. However, the confidentiality requirement in D.C. Official Code § 1-617.17(h) is statutorily imposed.

<sup>25</sup> *Williams v. Johanns*, 529 F. Supp.2d 22, 23 (D.D.C. 2008).

<sup>26</sup> *Id.*

<sup>27</sup> See D.C. Official Code § 1-617.01(b)(2) (stating that it is the policy of the District of Columbia that District employees have the right to collectively bargain “through a duly designated majority representative”) (emphases added); see also D.C. Official Code §§ 1-617.01(c) (authorizing the Mayor to designate his/her own representative (i.e. OLRCB) to meet with the employees’ exclusive representatives to bargain collectively) (emphases added).

<sup>28</sup> See *In re Starnes*, 829 A.2d 488, 506 (D.C. 2003) (representatives must keep their clients apprised of the statuses of the clients’ cases, including notifying the clients of new filings and settlement developments).

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represents does not, by itself, violate the confidentiality requirement in D.C. Official Code § 1-617.17(h).

Here, the Hospital alleged that SEIU Local 1199's November 22, 2014 flyer was "made public and discussed by Respondent, its members, employees and supporters."<sup>29</sup> In its Answer, SEIU Local 1199 admitted that "its members and employees discussed the November 22, 2014, flyer at a meeting of the Hospital's Board of Director's on that date."<sup>30</sup> These assertions do not provide evidence that anyone beyond SEIU Local 1199, SEIU Local 1199's employees, members of the interested bargaining units, and the Hospital's Board of Directors were made privy to the contents of the November 22<sup>nd</sup> flyer's contents by SEIU Local 1199. Indeed, all of those people and entities were either "parties" or the parties' representatives, and were therefore entitled to the information under a "sensible construction" of the statute.<sup>31</sup> However, since SEIU Local 1199 chose to discuss the negotiations in the form of a flyer, which had a very high probability of making its way into the hands of non-parties, the Board must also determine if the flyer itself actually disclosed any "information" that breached the statute's "confidentiality" requirement.

The entire text of SEIU Local 1199's November 22, 2014 flyer reads:

UMC: Don't cut wages & time off for workers who already receive poverty pay!

Over the years, workers at United Medical Center have fought HARD to keep the doors of the hospital open. And we succeeded. We managed to keep our neighbors safe and healthy, while keeping hundreds of good jobs in our community.

Now the hospital is being managed by a consulting firm that is costing taxpayers millions of dollars, and they want to cut costs to make the hospital look more profitable.

How do they plan to do this? By putting our pay and the time off that we've earned on the chopping block. Management's latest proposal to union workers will cut wages and time off for workers, some who already receive poverty pay.

This is unacceptable. UMC should not be balancing their books on the backs of their workers.

We need to move UMC forward.

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<sup>29</sup> Complaint at 5.

<sup>30</sup> Answer at 3.

<sup>31</sup> *Doctor's Council of the Dist. of Columbia Gen. Hosp. v. D.C. PERB*, 914 A.2d 682, 696.

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Stand with United Medical Center workers and encourage CEO David Small to work with the Union and give caregivers a FAIR CONTRACT!<sup>32</sup>

D.C. Official Code § 1-617.17(h) requires that “all information concerning negotiations shall be considered confidential until impasse resolution proceedings have been concluded or upon settlement.” A literal interpretation of the words “all information” implies a comprehensive restriction against disclosing any information related to the negotiations to anyone not expressly allowed by § 1-617.17(h). However, when read in the context of the statute as a whole, that strict interpretation may not be “sensible” and could potentially “work an obvious injustice.”<sup>33</sup> For example, the Council expressly provided an exception for itself and its staff to “observe” the negotiations so that it can stay apprised of the parties’ progress. Additionally, in the event of an impasse, the parties are required to notify PERB’s Executive Director<sup>34</sup> of the standstill by filing a notice of impasse with PERB in accordance with PERB Rule 526 *et seq.* In most cases, that filing is an open record available to the public. Further, PERB Rule 526.1(e) requires that the filing of the notice include “[t]he nature of the matters in dispute and any other relevant facts, *including a list of specific labor organization and/or employer demands*, upon which impasse has been reached.”<sup>35</sup> If PERB’s Executive Director determines that the facts satisfy the impasse requirements of D.C. Official Code §§ 1-617.17 *et seq.* and PERB Rule 526 *et seq.*, she will appoint an impartial mediator to help the parties resolve the dispute(s).<sup>36</sup> If the parties are unable to resolve the impasse during mediation, one of the parties can then request PERB’s Executive Director to appoint a Board of Arbitration to arbitrate the impasse.<sup>37</sup> This process is relevant to the instant case because it requires the parties to disclose specific “information concerning [the] negotiations” to multiple entities and persons that are not expressly granted an express exception in D.C. Official Code § 1-617.17(h). Accordingly, the Board can conclude that the confidentiality requirement is not absolute.

Further, there may be other reasonable circumstances under the statute where disclosure of certain information related to the negotiations may be prudent and necessary, or at the very least, allowable. In such narrow instances, it is possible that an “obvious injustice” would result if a strict interpretation of the confidentiality requirement in § 1-617.17(h) was applied and enforced.<sup>38</sup> Hence, while “all” usually means all, in certain narrow circumstances justice requires that a distinction be drawn between disclosures of actual, substantive confidential information, and vague, general statements more akin to “puffery.”<sup>39</sup> The Board finds that the facts of this case present a good example of the latter.

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<sup>32</sup> Complaint, Exhibit 2 (emphases removed).

<sup>33</sup> *Doctor’s Council of the Dist. of Columbia Gen. Hosp. v. D.C. PERB*, 914 A.2d 682, 696.

<sup>34</sup> See D.C. Official Code §§ 1-617.17(f)(2)-(3).

<sup>35</sup> (Emphasis added).

<sup>36</sup> See D.C. Official Code §§ 1-617.17(f)(2)-(3).

<sup>37</sup> *Id.*

<sup>38</sup> *Doctor’s Council of the Dist. of Columbia Gen. Hosp. v. D.C. PERB*, 914 A.2d 682, 696.

<sup>39</sup> See *In re Harman Int’l Indus., Inc.*, 27 F. Supp. 3d 26, 52-53 (D.D.C. 2014) (finding that a respondent’s “vague positive spin” on its business expansions amounted to “inactionable puffery” because the statements did not make any specific or detailed comparisons to its competitors in terms of revenues, sales, or profitability).



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In SEIU Local 1199's first flyer that it distributed on September 24, 2014, SEIU Local 1199 disclosed detailed and specific information about its and the Hospital's proposals, including precise wage amounts and percentages, exact paid-time-off accruals, and other particulars.<sup>40</sup> However, as discussed, *supra*, since the Hospital's unfair labor practice allegations regarding SEIU Local 1199's September 24<sup>th</sup> flyer were untimely under PERB's Rules, the Board will not opine as to whether or not SEIU Local 1199's publication and distribution of that September 24<sup>th</sup> flyer violated D.C. Official Code § 1-617.17(h) or § 1-617.04(b)(1).

The September 24<sup>th</sup> flyer does, however, provide helpful insight when evaluating the comparatively unspecific and vague statements that SEIU Local 1199 made in its second, November 22, 2014 flyer.<sup>41</sup> Whereas SEIU Local 1199's first flyer disclosed precise and detailed information about the parties' proposals, the most substantive statement SEIU Local 1199 made in its second flyer about the Hospital's position was that "[m]anagement's latest proposals to union workers will cut wages and time off for workers...." Although the Board agrees that SEIU Local 1199's decision to publish and distribute the flyer may have been unwise in light of the confidentiality requirements of D.C. Official Code § 1-617.17(h), the November 22<sup>nd</sup> flyer itself did not disclose any specific details or "information" about the Hospital's proposals such as amounts, percentages, or the number of employees that they would affect. Further, it did not divulge any specific language or phrasing from the Hospital's proposals.

In any compensation negotiation, it must be presumed that management will propose to minimize pay increases, and that the union will propose to maximize pay increases. Accordingly, SEIU Local 1199's statement that management wanted to "cut wages and time off" for workers was not a particularly revelatory disclosure, nor did it spell out in any objectively verifiable terms what exactly the Hospital had proposed. Therefore, the Board finds that SEIU Local 1199's statements in its November 22, 2014 flyer, by themselves, were more akin to "inactionable puffery" than actual disclosures of confidential "information" protected by § 1-617.17(h).<sup>42</sup>

Therefore, based on the foregoing, the Board finds that SEIU Local 1199's November 22, 2014 flyer did not interfere with the Hospital's rights guaranteed by §§ 1-617.17(h) and 1-617.04(b)(1). Accordingly, the Hospital's Complaint is dismissed with prejudice.<sup>43</sup>

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<sup>40</sup> See Complaint, Exhibit 1(a).

<sup>41</sup> See Complaint, Exhibit 2.

<sup>42</sup> See *D.C. Dep't of Corr. v. Teamsters Union*, 554 A.2d 319, 322-323 (D.C. 1989) (holding that PERB has statutory authority and "special competence" to interpret the CMPA).

<sup>43</sup> In light of the Board's dismissal of the Complaint, it is not necessary to address the Hospital's request for preliminary relief. It is likewise not necessary to address SEIU Local 1199's arguments that D.C. Official Code § 1-617.17(h) does not restrict its speech, and that § 1-617.17(h) merely constitutes an exception to the District of Columbia Freedom of Information Act, D.C. Official Code §§ 2-531 *et seq.*

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The Hospital's Complaint is dismissed with prejudice; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas Warshof.

June 14, 2016

Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 15-U-10, Op. No. 1580 was transmitted by File & ServeXpress to the following parties on this the 30<sup>th</sup> day of June, 2016.

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/s/ Sheryl Harrington  
PERB

**Government of the District of Columbia  
Public Employee Relations Board**

_____	)	
In the Matter of:	)	
Renee Jackson,	)	
	)	PERB Case No. 14-S-02
Complainant,	)	
	)	Opinion No. 1581
v.	)	
	)	Motion for Reconsideration
Teamsters Local Union No. 639, a/w	)	
International Brotherhood of Teamsters	)	
	)	
Respondent.	)	
_____	)	

**DECISION AND ORDER**

**I. Statement of the Case**

On March 7, 2014, Renee Jackson ("Complainant") filed a Standards of Conduct Complaint ("Complaint"), alleging Teamsters Local Union No. 639 ("Teamsters") violated D.C. Official Code § 1-617.03(a) by failing to ensure Complainant was provided monetary payments from a settlement agreement between Teamsters and the District of Columbia Public Schools. Teamsters filed an answer, denying the allegations and asserting that Complainant had failed to state a claim for a standards of conduct violation or a duty of fair representation violation. After considering the Hearing Examiner's Report and Recommendation ("Report and Recommendation"), the Board issued Slip Opinion No. 1572 on March 25, 2016 dismissing the Complaint with prejudice for failure to state a claim. On April 8, 2016, the Complainant filed this timely Motion for Reconsideration on the grounds that the Board erred in reviewing the evidence she submitted in her post-hearing brief.

For the following reasons, the Board denies the Motion for Reconsideration.

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## II. Facts

### A. Factual findings

The Hearing Examiner found:

In 2008 the Complainant was a cafeteria worker for District of Columbia Public Schools (DCPS); she was a 10-month employee. She was in a bargaining unit that was represented by the Respondent (Local 639). At the beginning of the 2008-09 school year, DCPS contracted with Chartwell's, a private company, to provide food services in the schools. The Complainant, along with several hundred other food service workers, were transferred to Chartwell's. (The Complainant was still working for Chartwell's at the time of the hearing.) The Complainant's final pay period with DCPS ended on May 24, 2008. Her pay stub for this final period showed that she had accrued 356.35 sick leave hours.

There was some dispute between Local 639 and DCPS about what would happen to employees' accrued sick leave at the time of their transfer to Chartwell's....Eventually (the date is not in the record), DCPS said it would not honor unused sick leave. Local 639 then filed a grievance and an unfair labor practice charge.

In late 2013, prior to the grievance being heard by an arbitrator, or the unfair labor practice charge heard by a PERB hearing examiner, DCPS offered to settle the matter. According to [Teamsters' Business Agent] Scott Clark, DCPS agreed to pay employees, at the rate of approximately 25 cents on the dollar, for the accrued sick leave they had at the time of their transfer to Chartwell's. Employees who had transferred to Chartwell's but were no longer working for the company at the time of the settlement (whether by death, retirement, or resignation) would be excluded from the settlement. Also excluded would be employees who had zero or negative sick leave balances at the time of the transfer.<sup>1</sup>

At some point after the settlement, Complainant notified Teamsters that she had not received payment for her sick leave hours under the settlement agreement. In order to determine who would receive payment under the settlement, Clark requested employees' sick leave records from Chartwell's, as DCPS no longer kept the transferred employees' records. Chartwell's records for Complainant showed that she had a balance of zero sick leave hours at the time of the transfer. Clark investigated to see if there were any other records to verify Complainant's sick leave, but was unable to find any other verification of her sick leave.<sup>2</sup>

<sup>1</sup> Report and Recommendation at 2.

<sup>2</sup> *Id.* at 2-3.

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Complainant then filed the Complaint that is before the Board.

B. The Board's Decision in Slip Opinion No. 1572

The Board's previous decision held that the Complainant did not state any allegations related to any internal union proceedings or breach of any of Teamsters' by-laws or constitution. Moreover, the Complainant did not plead or assert allegations that, if proven, would have established the alleged statutory violations.<sup>3</sup> Specifically, a proper standards of conduct claim must prove that the union's conduct was "arbitrary, discriminatory or in bad faith, or . . . based on considerations that are irrelevant, invidious or unfair."<sup>4</sup> The Hearing Examiner found that the Teamsters acted reasonably while investigating Complainant's sick leave hours and making the determination that she was not entitled to payment under Teamsters' and DCPS's settlement agreement.<sup>5</sup> The Board found that the Hearing Examiner's findings and conclusions were reasonable, supported by the record, and consistent with the Board's precedent. Therefore, the Board adopted the Hearing Examiner's Report and Recommendation and dismissed the standards of conduct allegations.

## HI. Discussion

It is well settled that a motion for reconsideration cannot be based on a mere disagreement with the initial decision.<sup>6</sup> An argument previously made, considered, and rejected is a "mere disagreement" with the initial decision. The moving party must provide authority which compels reversal of the initial decision.<sup>7</sup> Absent such authority, PERB will not overturn its decision.<sup>8</sup>

The Complainant's one-paragraph motion for reconsideration only reasserts the arguments made in her Complaint and her post-hearing brief. In the motion, she asserts that "Teamsters should have paid [her] under the settlement with DC Public Schools."<sup>9</sup> She goes on to request that the Board "take a closer look at the proof [she] provided and to reconsider its decision."<sup>10</sup> The motion provides no new facts or authority that would compel reversal of the initial decision.

<sup>3</sup> *Slip Opinion at page 4.*

<sup>4</sup> *Id.*

<sup>5</sup> Report and Recommendation at 5.

<sup>6</sup> *AFSCME District Council 20, Local 2921 and District of Columbia Public Schools*, 62 D.C. Reg. 9200, Slip Op. No. 1518 at p. 3-4, PERB Case No. 12-E-10 (2015). See also, *F.O.P./Metro. Police Dep't Labor Comm. v. Metro. Police Dep't*, Slip Op. No. 1554 at 8-9, PERB Case No. 11-U-17 (Nov. 19, 2015); *Rodriguez v. D.C. Metropolitan Police Department*, 59 D.C. Reg. 4680, Slip Op. No. 954 at 12, PERB Case No. 06-U-38 (2010).

<sup>7</sup> *Id.*

<sup>8</sup> *FOP Metropolitan Police Department Labor Committee v. D.C. Metropolitan Police Department*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at p. 6. PERB Case No. 11-U-01 (2013).

<sup>9</sup> *Motion at l.*

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#### **IV. Conclusion**

The Board finds that the Complainant's Motion for Reconsideration fails to assert any legal grounds that compel the Board to overturn its earlier decision and is nothing more than a mere disagreement with the Board's decision in Slip Op. 1572. The Motion for Reconsideration is therefore denied.

#### **ORDER**

1. The Motion for Reconsideration is denied.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

#### **BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, Member Barbara Somson, and Member Douglas Warshof.

Washington, D.C.

June 14, 2016  
Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 14-S-02, Op. No. 1581 was sent by File and ServeXpress and U.S. Mail to the following parties on this the 30<sup>th</sup> day of June 2016.

**U.S. Mail**

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Mark J. Murphy, Esq.  
Mooney, Green, Saindon, Murphy and Welch, P.C.  
1920 L Street, NW, Suite 400  
Washington, DC 20036

/s/ Shervl V. Harrington  
Administrative Assistant





Decision and Order  
PERB Case No. 16-AC-01  
Page 2

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Certification No. 161 is modified to clarify that NAGE, and not NAGE Local R3-05, is the union representing the bargaining unit described in the Certification.
2. Nothing in this Order is to be construed as altering the scope of the bargaining unit except in the manner discussed in this Decision.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas A. Warshof.

June 14, 2016

Washington, D.C.

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 16-AC-01, Op. No. 1582 was sent by File and ServeXpress to the following parties on this the 30<sup>th</sup> day of June, 2016.

Robert J. Shore, Esq.  
National Association of Government Employees  
901 North Pit Street, Suite 100  
Alexandria, VA 22314

Repunzelle Bullock, Esq.  
Michael D. Levy, Esq.  
D.C. Office of Labor Relations  
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441 4<sup>th</sup> Street, NW,  
Suite 820 North  
Washington, DC 20001

/s/ Sheryl Harrington

PERB

Government of the District of Columbia  
Public Employee Relations Board

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		)
In the Matter of:		)
		)
International Federation of Professional and	)	PERB Case No. 16-CU-03
Technical Engineers,	)	
	)	
Petitioner,	)	Opinion No. 1583
	)	
and	)	
	)	
District of Columbia	)	
Office of Administrative Hearings,	)	
	)	
Respondent.	)	
	)	
<hr/>		)

**DECISION AND ORDER ON COMPENSATION UNIT DETERMINATION**

On August 21, 2014, the D.C. Public Employee Relations Board, in Slip Op. No. 1483, certified the International Federation of Professional and Technical Engineers (“IFPTE”) as the exclusive representative for the following unit within the District of Columbia Office of Administrative Hearings (“OAH”):

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>1</sup>

<sup>1</sup> Petition at 2-3; *Int’l Fed’n of Prof’l and Technical Eng’rs and D.C. Office of Admin. Hearings*, 61 D.C. Reg. 9766, Certification No. 158, Slip Op. No. 1483, PERB Case No. 12-RC-03 (2014).

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On May 19, 2016, IFPTE and OAH (collectively “Petitioners”) filed a Joint Petition for Compensation Unit Determination (“Petition”), in which Petitioners requested that PERB create new compensation unit for a bargaining unit in OAH that is represented by IFPTE.<sup>2</sup> On May 24, 2016, PERB issued a Notice about the Petition along with instructions to post the Notice “in conspicuous places on all employee bulletin boards at work site of employees in the proposed unit and distribute it in a manner by which notices are normally distributed,” and to do so “within seven (7) days of receipt of the Notice.” PERB further instructed that the Notice “shall remain posted for fourteen (14) consecutive days from the date of posting.” The Notice itself solicited comments concerning the establishment of a new compensation unit for the employees covered by IFPTE. The Notice further required that any labor organizations that wished to intervene in the matter must do so in accordance with PERB’s Rules within fourteen (14) days after the Notice was posted. On June 6, 2016, OAH filed a confirmation that the Notice had been posted as directed and had remained posted for fourteen (14) consecutive days. No comments or intervention petitions having been received, the Petition is now before the Board for disposition.

The Board authorizes compensation units pursuant to D.C. Official Code § 1-617.16(b), which provides:

In determining an appropriate bargaining unit for negotiations concerning compensation, the Board shall authorize broad units of occupational groups so as to minimize the number of different pay systems or schemes. The Board may authorize bargaining by multiple employers or employee groups as may be appropriate.

The compensation unit proposed by Petitioners is as follows:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05 (a)(11), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.<sup>3</sup>

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<sup>2</sup> Labor organizations are initially certified by the Board under the Comprehensive Merit Personnel Act (“CMPA”) to represent units of employees that have been determined to be appropriate for the purpose of non-compensation terms-and-conditions bargaining. Once this determination is made, upon request, the Board then determines the compensation unit in which the employees should be placed. The determination of a terms-and-conditions unit is governed by criteria set forth under D.C. Official Code § 1-617.09. Unit placement for purposes of authorizing collective bargaining over compensation is governed by D.C. Official Code § 1-617.16(b).

<sup>3</sup> Petition at 3.

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Petitioners stipulate and contend that:

[...]a new compensation unit is warranted because the unique and discrete statutory requirements governing OAH ALJs are irreconcilable with the scope of any existing compensation units in the District Government. First, the OAH Establishment Act requires that ALJs be appointed to the Excepted Service as statutory officeholders pursuant to D.C. Official Code § 1-609.08, upon the affirmative vote of a majority of the voting members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (COST).<sup>4</sup> D.C. Official Code § 2-1831.08(b). In line with the provision for exclusivity of service under the CMPA provisions governing the creation of Excepted Service positions, persons appointed to the Excepted Service are not in the Career, Educational, Executive, Management Supervisory or Legal Service. D.C. Official Code §1-609.01. As such, Compensation Unit 1, which covers broad occupational groups and position classifications in the Career Service including professional positions, would not be an appropriate compensation unit for these Excepted Service ALJs.<sup>5</sup>

Similarly, even though these ALJs are attorneys,<sup>6</sup> Compensation Unit 33, which covers Legal Service attorneys in the District would not be an appropriate compensation unit for the OAH ALJs because they are

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<sup>4</sup> Under the OAH Establishment Act, the COST has the final authority to appoint, reappoint, discipline and remove OAH ALJs. D.C. Official Code § 2-1831.06(b).

<sup>5</sup> Compensation Unit 1 is described as:

Consisting of all career service professional, technical, administrative and clerical employees who currently have their compensation set in accordance with the District Service (D.S.) Schedule and who come within the personnel authority of the Mayor of the District of Columbia, the Board of Trustees of the University of the District of Columbia, and the District of Columbia Board of Library Trustees, except physicians employed by the Department of Human Services and the Department of Corrections and Registered Nurses employed by the Department of Human Services.

*Am. Fed'n of State, Cnty. and Mun. Emp., et al. and Barry, et al.*, 28 D.C. Reg. 1764, Opinion No. 5, PERB Case No. 80-R-08 (1981), modified in PERB Case 95-RC-12, Certification No. 84 (1995).

<sup>6</sup> Also, as relevant here, an ALJ must meet the following qualification requirements to be eligible for appointment: (1) must be a member in good standing of the District of Columbia Bar and remain in good standing throughout his or her tenure as an ALJ; (2) must have at least 5 years of experience in the practice of law, including experience with court, administrative, or arbitration litigation; (3) must possess judicial temperament, expertise, experience, and analytical and other skills necessary and desirable for an ALJ. *See* D.C. Official Code § 2-1831.08 (d). Regarding tenure, ALJs are initially appointed to serve a term of 2 years. ALJs appointed prior to December 6, 2005, were eligible for reappointment to a term of 10 years after their initial 2 year term. ALJs appointed after December 5, 2005, are eligible for reappointment to a term of 6 years after their initial 2 year term. After serving an initial reappointment term of 10 years or 6 years, ALJs are eligible for subsequent reappointment by the COST for 6 year terms. *See* D.C. Official Code § 2-1831.08 (c).

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in the Excepted Service.<sup>7</sup> Moreover, it would be impractical at best to include the OAH ALJs in Compensation Unit 33 since the pay scheme for the OAH ALJs is incongruent with the pay system/parity requirement for non-supervisory attorneys within the Legal Service under Compensation Unit 33, which provides that the “compensation of all [such] Legal Service Attorneys shall be competitive with that provided by the federal government General Schedule for attorneys in the Washington metropolitan area having comparable duties, responsibilities, qualifications, and experience.” D.C. Code § 1-608.58 (a)(2).

Rather, the salary range for OAH ALJs is governed by the OAH Establishment Act, D.C. Official Code § 2-1831.01 *et seq.*, which specifies that the Chief Administrative Law Judge shall “apply a pay scale and retention allowances equivalent to those that are available to Legal Service and Senior Executive Service attorneys in a manner designed to attract highly capable public and private sector attorneys to become Administrative Law Judges in the Office; provided that Administrative Law Judges shall receive a minimum annual compensation at that point on the Excepted Service pay scale that is equivalent to the mid-point of the LX-2 pay scale,” for the Legal Supervisory Service attorneys. D.C. Official Code § 2-1831.05(a)(11). In addition, the Establishment Act sets the maximum salary for OAH ALJs under D.C. Official Code § 2-1831.08(h), which provides that “compensation of an Administrative Law Judge shall not exceed the compensation level available to attorneys of the Senior Executive Attorney Service created by § 1-608.53.” As such, the law governing the OAH ALJs is incompatible with the pay system for non-supervisory attorneys within the Legal Service.

PERB Rule 503.3(d) requires a showing that the proposed compensation unit consists of broad occupational groups, which is consistent with the language under D.C. Code § 1-617.16(b) that in determining the appropriate compensation unit, the Board shall authorize broad units of occupational groups so as to minimize the number of pay systems or schemes. However, PERB has made exceptions for compensation units that consist of a single agency or occupational group where the pay scheme of the occupational group is so unique as to warrant a separate compensation unit determination. *SEIU, Local 722 and DHS/HSB*, 48 DCR 8493, Slip Op. No. 383, PERB Case No. 93-R-01 (1994) (Compensation Unit 30 was

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<sup>7</sup> Compensation Unit No. 33 includes “all attorneys within the Legal Service who come within the personnel authority of the Mayor of the District of Columbia and who are currently represented by labor organizations certified as exclusive bargaining agents for non-compensation bargaining by the Public Employee Relations Board.” *Am. Fed’n of Gov’t Emp., Local 1403 v. D.C. Office of the Corp. Counsel*, 50 D.C. Reg. 2405, Slip Op. No. 694, PERB Case No. 02-CU-01 (2002).

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established for personal care aides employed by the Department of Human Services whose pay schemes resembled independent contractors). As demonstrated above, the OAH Establishment Act has created a unique pay scheme for the OAH ALJs that definitely warrants a separate compensation unit determination. *AFGE 1403 and Public Service Commission of the District of Columbia*, Slip Op. No. 772, PERB Case No. 04-CU-05 (2005) (PERB found it impractical to place the attorneys employed by the Public Service Commission (PSC) in a broad compensation unit for District attorneys in the Legal Service under Compensation Unit 33 and placed PSC attorneys in a separate compensation unit given PSC's independent personnel authority and authority to fix compensation for its attorneys).<sup>8</sup>

Based on the foregoing, Petitioners request that "PERB expeditiously grant the Parties' Joint Petition in its entirety as the Parties wish to submit their compensation agreement to the D.C. Counsel prior to its summer recess starting on July 15, 2016."<sup>9</sup>

In accordance with Petitioners' stipulations and contentions, and because no individuals or labor organizations filed any comments or intervention petitions to challenge the proposed compensation unit, the Board finds that a separate compensation unit for the administrative law judges described in the proposed compensation unit is appropriate.<sup>10</sup> Accordingly, the Board grants Petitioners' Joint Petition for a separate compensation unit consisting of:

All administrative law judges in the District of Columbia Office of Administrative Hearings ("OAH" or "Agency") appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05 (a)(11), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

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<sup>8</sup> Petition at 3-6 (original footnotes from the quoted portions of the Petition have been preserved as footnotes herein).

<sup>9</sup> *Id.* at 6.

<sup>10</sup> See *Am. Fed'n of Gov't Emp., Local 1403 and Pub. Serv. Comm'n of the Dist. of Columbia*, 52 D.C. Reg. 1660, Slip Op. No. 772, PERB Case No. 04-CU-05 (2005) (finding that when special circumstances make it impractical to place a bargaining unit into an existing broad compensation unit, the creation of a separate compensation unit for the employees is appropriate).



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## ORDER

### IT IS HEREBY ORDERED THAT:

1. The Petitioners' Joint Petition for Compensation Unit Determination is granted.
2. The unit of administrative law judges that was found to be appropriate for terms and conditions bargaining in *Int'l Fed'n of Prof'l and Technical Eng'rs and D.C. Office of Admin. Hearings*, 61 D.C. Reg. 9766, Certification No. 158, Slip Op. No. 1483, PERB Case No. 12-RC-03 (2014), is also authorized as a separate unit for the purpose of negotiations concerning compensation, as follows:

Compensation Unit No. 35:

All administrative law judges in the District of Columbia Office of Administrative Hearings ("OAH" or "Agency") appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05 (a)(11), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

### BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas Warshof.

June 14, 2016

Washington, D.C.

Government of the District of Columbia  
Public Employee Relations Board

_____	)	
In the Matter of:	)	
	)	
International Federation of Professional and	)	PERB Case No. 16-CU-03
Technical Engineers,	)	
	)	
Petitioner,	)	
	)	
and	)	
	)	
District of Columbia	)	
Office of Administrative Hearings,	)	
	)	
Respondent.	)	
_____	)	

**AUTHORIZATION**

Pursuant to D.C. Official Code §§ 1-605.02 and 1-617.16, the Public Employee Relations Board has determined that the unit of administrative law judges that was found to be appropriate for terms and conditions bargaining in *Int'l Fed'n of Prof'l and Technical Eng'rs and D.C. Office of Admin. Hearings*, 61 D.C. Reg. 9766, Certification No. 158, Slip Op. No. 1483, PERB Case No. 12-RC-03 (2014), shall constitute a unit for the purpose of compensation bargaining, as follows:

COMPENSATION UNIT No. 35:

All administrative law judges in the District of Columbia Office of Administrative Hearings (“OAH” or “Agency”) appointed pursuant to D.C. Official Code §§ 2-1831.06 and 2-1831.08, and compensated pursuant to § 2-1831.05 (a)(11), excluding all management officials, supervisors, confidential employees, employees engaged in personnel work other than in a purely clerical capacity, and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

**BY AUTHORITY OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
Washington, D.C.**

June \_\_\_\_\_, 2016

\_\_\_\_\_  
Clarene Phyllis Martin  
Executive Director

**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 16-CU-03, Op. No. 1583 was sent by File and ServeXpress to the following parties on this the 30th day of June, 2016.

Kathryn Naylor, Esq.  
Michael D. Levy, Esq.  
D.C. Office of Labor Relations  
and Collective Bargaining  
441 4<sup>th</sup> Street, NW  
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Washington, DC 20001

Jesse Goode  
IFPTE/FALJ  
P.O. Box 75728  
Washington, DC 20013

/s/ Sheryl Harrington  
PERB



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The Board may order preliminary relief ... where the Board finds that the conduct is clear-cut and flagrant; or the effect of the alleged violation is widespread; or the public interest is seriously affected; or the Board's processes are being interfered with, and the Board's ultimate remedy may be inadequate.

The Board has held that preliminary relief is not appropriate in cases where the material facts are in dispute.<sup>3</sup> The Board's authority to grant preliminary relief is discretionary.<sup>4</sup> In determining whether to exercise its discretion under Board Rule 544.15, the Board applies the standard stated in *Automobile Workers v. Nat'l Labor Relations Bd.*, 449 F.2d 1046 (D.C. 1971).<sup>5</sup> In that case, the D.C. Court of Appeals held that irreparable harm need not be shown. However, the supporting evidence must "establish that there is reasonable cause to believe that the [the applicable statute] has been violated, and that the remedial purposes of the law will be served by *pendente lite* relief."<sup>6</sup> The Court further stated that "[i]n those instances where [the Board] has determined that the standard for exercising its discretion has been met, the [basis] for such relief [has] been restricted to the existence of the prescribed circumstances in the provisions of [the Board's Rules]."<sup>7</sup>

Here, Peterson argues that, due to an "apparent squabble" between WTU's President and the WTU Election Committee chairperson over who in the bargaining unit is eligible to vote, WTU's elections are "not on schedule."<sup>8</sup> Peterson urges PERB to grant her motion for preliminary relief and "appoint a monitor to oversee the May 2016 WTU Officer Elections and supervise the WTU Elections Committee's correction of the membership list to eliminate ineligible voters and ensure that the officer elections are held timely...."<sup>9</sup> Peterson contends that preliminary relief is justified because: "the public interest favors the conducting of a timely election"; the failure to hold a timely election widely affects 4,000 WTU members; an untimely election interferes with the Board's processes under D.C. Official Code §§ 1-617.03(b)(1) and (4); and any remedy that PERB may grant in the future would be inadequate because the bargaining unit's members will soon leave on summer break.<sup>10</sup>

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<sup>3</sup> *D.C. Nurses Ass'n v. D.C. Health and Hosp. Pub. Benefit Corp.*, 45 D.C. Reg. 5067, Slip Op. No. 550, PERB Case Nos. 98-U-06 and 98-U-11 (1998) (holding that preliminary relief is not appropriate where material facts are in question).

<sup>4</sup> *Am. Fed'n of State, Cnty. and Mun. Emp., Dist. Council 20, Locals 2091, 2401, 2776, 1808, 877, 709, 2092, 2087, and 1200, et. al. v. D.C. Gov't*, 59 D.C. Reg. 10782, Slip Op. No. 1292, PERB Case No. 10-U-53 (2012); see also *Am. Fed'n of State, Cnty. and Mun. Emp., Dist. Council 20, Local 2091, AFL-CIO v. D.C. Pub. Sch., et al.*, 42 D.C. Reg. 3430, Slip Op. No. 330, PERB Case No. 92-U-24 (1992).

<sup>5</sup> *AFSCME, et al. v. D.C. Gov't*, Slip Op. No. 1292, PERB Case No. 10-U-53.

<sup>6</sup> *Automobile Workers v. Nat'l Labor Review Bd.*, 449 F.2d 1046

<sup>7</sup> *Id.* (citing *Clarence Mack, Shirley Simmons, Hazel Lee and Joseph Ott v. Fraternal Order of Police/Department of Corrections Labor Committee, et al.*, 45 D.C. Reg. 4762, Slip Op. No. 516 at p. 3, PERB Case Nos. 97-S-01, 97-S-02 and 95-S-03 (1997)).

<sup>8</sup> Motion for Preliminary Relief at 8.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Id.* at 8-9.

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In its opposition to Peterson's motion for preliminary relief, WTU asserts that while the election process "has not gone as smoothly as would be ideal," it has "nevertheless completed many of the steps needed to conduct elections, and is working towards the final completion of elections."<sup>11</sup> WTU further asserts that all disagreements over who in the bargaining unit is eligible to vote have been resolved, and that WTU is actively working with its parent organization and the organization, TrueBallot, to ensure that ballots are sent to the eligible members soon.<sup>12</sup> Additionally, WTU disputes the factual conclusions that Peterson draws from the evidence she submitted from her motion.<sup>13</sup>

WTU's denials and assertions present material questions of fact that render preliminary relief in this matter inappropriate.<sup>14</sup> Additionally, there is not enough evidence in the record to establish reasonable cause that WTU's alleged delay in conducting the election is a "clear-cut and flagrant" violation of D.C. Official Code §§ 1-617.03(b)(1) and (4). Accordingly, the Board finds that the remedial purposes of the law in this matter would not be served by *pendente lite* relief.<sup>15</sup> Finally, even if, *arguendo*, the Board could grant the relief that Peterson requests, there is no evidence that doing so would ensure that the election process would move along any faster than it already is. Thus, it cannot be reasonably concluded that the Board's ultimate remedy in this matter would be inadequate.<sup>16</sup>

Based on the foregoing, Peterson's Motion for Preliminary Relief is denied.

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<sup>11</sup> Answer and Opposition to Motion for Preliminary Relief at 9.

<sup>12</sup> *Id.* at 6-7.

<sup>13</sup> *Id.* at 9.

<sup>14</sup> *DCNA v. D.C. Health and Hosp. Pub. Benefit Corp.*, 45 D.C. Reg. 5067, Slip Op. No. 550, PERB Case Nos. 98-U-06 and 98-U-11.

<sup>15</sup> PERB Rule 544.15; *AFSCME, et al. v. D.C. Gov't*, Slip Op. No. 1292, PERB Case No. 10-U-53.

<sup>16</sup> PERB Rule 544.15.

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Complainant's Motion for Preliminary Relief is denied; and
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas Warshof.

June 14, 2016

Washington, D.C.

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 16-S-04, Op. No. 1584 was sent by File and ServeXpress to the following parties on this the 30th day of June, 2016.

Johnnie Landon  
4401 A Connecticut Avenue, NW  
#286  
Washington, DC 20008

Daniel M. Rosenthal  
James & Hoffman, P.C.  
1130 Connecticut Avenue, NW  
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Washington, DC 20036

/s/ Sheryl Harrington \_\_\_\_\_

PERB





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FOP member Micheaux Bishop received a letter of proposed termination, dated May 14, 2010. On November 3, 2010, FOP sent a letter to MPD requesting production of specified documents and items to be used in the defense of Officer Bishop at MPD's Adverse Action Panel Hearing ("Panel"). The request for production of documents specifically asked for:

- 1) A clean and un-redacted copy of the transcribed statement of the Complainant.
- 2) A clean and un-redacted copy of the transcribed statement of Tya Ransom.
- 3) A complete and un-redacted copy of the audio recording of Complainant's March 3, 2010 interview with Internal Affairs.
- 4) A complete and un-redacted copy of the audio recording of the November 3, 2009 interview of Sgt. Michael Coligan.
- 5) Complete and un-redacted copies of all email correspondence from October 11, 2009 to the present and continuing, between Cherita Whiting<sup>2</sup> and
  - a. Chief of Police Cathy Lanier;
  - b. Assistant Chief of Police Diane Groomes; and Assistant Chief of Police Michael Anzallo.

That request was subsequently denied. MPD's Adverse Action Panel ("Panel") moved forward and conducted a hearing on November 10, 2010, that continued on December 21, 2010. At its conclusion, the Adverse Action Panel issued a verdict which found Officer Bishop guilty of all three charges.<sup>3</sup> A final notice of adverse action dated February 14, 2011 stated that the Panel unanimously found Officer Bishop guilty of all three charges and specifications, and that her removal from the Metropolitan Police Force would become effective March 25, 2011. On March 4, 2011, Officer Bishop filed an appeal with Chief Lanier. That appeal was subsequently denied.

On March 1, 2011, FOP filed this unfair labor practice complaint alleging that MPD refused to provide relevant and necessary information requested by FOP in connection with the representation of Officer Bishop before a MPD Adverse Action hearing.

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<sup>2</sup> Whiting initiated the investigation into Bishop's behavior by an email to Chief Lanier that disclosed Bishop's relationship with an indicted drug trafficker. Whiting verbally requested that she remain anonymous throughout the Adverse Action process. However, after her identity was mistakenly disclosed to Bishop, Whiting voluntarily testified before the Adverse Action panel and released MPD from the confidentiality agreement.

<sup>3</sup> The Panel recommended discharge for Charge No. 1 ("Conduct unbecoming an officer...", i.e. maintaining a close interpersonal relationship with an individual who was under federal indictment for the distribution of illegal drugs.). The Panel also found Officer Bishop guilty of charge No. 2 (disclosing the name of a complainant who wished to remain anonymous to non-law enforcement persons), and recommended that Officer Bishop be suspended for 10 days. Finally, the panel found Officer Bishop guilty of charge No. 3 specification No. 1 ("Willfully and knowingly making an untruthful statement of any kind in any verbal or written report pertaining to his/her official duties as a Metropolitan Police Officer to, or in the presence of, any superior officer, or intended for the information of any superior officer, or making an untruthful statement before any court or any hearing."), and determined that she should be terminated for this offense.

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## II. Hearing Examiner's Recommendation

### A. Jurisdiction over individuals

MPD argued that Chief Lanier and Inspector Eldridge should not have been named as respondents because any acts they committed in this case were done in their official capacity. The Hearing Examiner found there was nothing presented on the record to merit the imposition of individual liability on Chief Lanier and/or Inspector Eldridge. She concluded there was no “preponderance of evidence presented on the record for the Examiner to find personal or individual acts on the parts of Chief Lanier or Inspector Eldridge that rose to the level of violations of the statute.”<sup>4</sup>

### B. Subject matter jurisdiction

The Hearing Examiner observed that MPD raised the same jurisdictional arguments at the hearing and in its post hearing brief that PERB lacked jurisdiction and should defer to Article 10 of the collective bargaining agreement (“CBA”) that describes how matters relating to requests for release of information should be handled. The Hearing Examiner stated that PERB “distinguishes between those obligations that are statutorily imposed under the CMPA and those that are contractually agreed upon between the parties.”<sup>5</sup> The Hearing Examiner concluded that the Board previously decided that it has jurisdiction in this case and MPD did not present any new arguments or information not previously considered by the Board during its deliberations over MPD’s Answer/Motion to Dismiss and Motion to Reconsider.<sup>6</sup>

### C. Unfair Labor Practice

The Hearing Examiner found that the information requested by FOP was relevant and necessary to FOP being able “to fairly and adequately represent the employee-member.”<sup>7</sup> The Respondent argued that FOP’s justification for the requested information does not meet the 3-pronged standard required to sustain an unfair labor practice complaint, namely that the requested information will be used (1) to process a grievance, (2) in an arbitration proceeding, or (3) to engage in collective bargaining.<sup>8</sup> Respondent stated, “In this case a grievance had not been filed, the parties were not engaged in arbitration and the parties were not at the table negotiating an agreement.”<sup>9</sup>

MPD asserted also that the Board lacks jurisdiction over this matter because this is a contractual issue. The Hearing Examiner cited *Fraternal Order of Police/Metro. Police Dep’t Labor*

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<sup>4</sup> HE R&R at 28-29, 43.

<sup>5</sup> *Am. Fed’n of Gov’t Employees, Local 2741 v. Dist. of Columbia Dep’t of Recreation and Parks*, 50 D.C. Reg. 5049, Slip Op. No. 697, PERB Case No. 00-U-22 (2002).

<sup>6</sup> HE R&R p.30. See *Fraternal Order of Police/Metro. Police Dep’t Labor Committee v. Dist.t of Columbia Metro. Police Dep’t*, 59 D.C. Reg. 6552 (2012), Slip Op. No. 1114, PERB Case No. 11-U-24 (Motion to Dismiss) (August 15, 2011) and Slip Op. No. 1114, PERB Case No. 11-U-24 (Motion for Reconsideration) (October 7, 2011).

<sup>7</sup> HE R&R at 32.

<sup>8</sup> MPD cited *Fraternal Order of Police/Metro. Police Dep’t Labor Committee v. Dist. of Columbia Metro. Police Dep’t*, 59 D.C. Reg. 6781 (2012), Slip Op. No. 1131, PERB Case No. 09-U-59 (2011).

<sup>9</sup> HE R&R at 31.

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*Committee v. Dist. of Columbia Metro. Police Dep't*,<sup>10</sup> for its analysis of whether an allegation is contractual in nature. The Hearing Examiner concluded that this matter can be resolved under the CMPA so the Board has jurisdiction to hear it.

The crux of MPD's initial refusal to provide FOP with the requested unredacted information about the investigation of Officer Bishop was that the complaining witness, Cherita Whiting, had verbally requested anonymity in the Adverse Action process. She was acquainted with the target of the investigation and her boyfriend and family members and was concerned about retribution. However, after Ms. Whiting learned that her identity had been mistakenly disclosed to Officer Bishop, Whiting voluntarily testified at Officer Bishop's Adverse Action hearing and released MPD from the confidentiality agreement. Although FOP again requested the information after Whiting testified, it was more than a year before FOP received any of the requested information. The Hearing Examiner found that all items requested by FOP were necessary and relevant to mount Officer Bishop's defense, and it was an unfair labor practice to deny access to each of the five specific requests for information after Cherita Whiting testified on November 10, 2010.<sup>11</sup>

MPD argued, further, that the instant dispute about the release of requested information is contractual and not statutory. If that argument were to prevail then the Board would not have jurisdiction to hear this controversy because PERB does not have jurisdiction to interpret collective bargaining agreements between agencies and unions.<sup>12</sup> The Hearing Examiner concluded that, "This is not a matter of contract. Rather it is a matter that violates the Comprehensive Merit Personnel Act, D.C. [Official] Code § 1-617.04(a), which prohibits the District of Columbia, its agents and representatives from interfering, restraining, or coercing any employee in the exercise of rights guaranteed to them under the CMPA, as well as refusing to bargain collectively in good faith with the recognized exclusive representative."<sup>13</sup>

### III. Analysis

#### A. Jurisdiction over individuals

Concerning the naming of individual officials in the complaint, we reach the same conclusion as the Hearing Examiner regarding the imposition of individual liability on Chief Lanier and/or Inspector Eldridge but for a different reason. We do not need to weigh the evidence to determine that the two individuals have not violated the statute. The Board has

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<sup>10</sup> 59 D.C. Reg. 6552 (2012), Slip Op. No. 1114 (Motion to Dismiss), PERB Case No. 11-U-24 (August 15, 2011). In that case, the Board looked to whether the record supports a finding that the alleged violation is contractual in nature by considering if the dispute is (1) restricted to facts involving a dispute over whether a party complied with a contractual obligation, (2) resolution of the dispute requires an interpretation of those contractual obligations, and (3) no dispute can be resolved under the CMPA. See also *Am. Fed'n of Gov't Employees, Local No. 3721 v. Dist. of Columbia Fire Dep't* 39 D.C. Reg. 8599, Slip Op. No. 287 at 5, PERB Case No. 90-U-11 (1991).

<sup>11</sup> HE R&R at p. 37.

<sup>12</sup> It has long been established by the Board that the CMPA contains no provision that a breach of the CBA by the employer or the union is an unfair labor practice. *Carlease Madison Forbes v. Teamsters, Local Union 1714 and Teamsters Joint Council 55*, 36 D.C. Reg 7097, Slip Op. No. 205 at p. 3, PERB Case No. 87-U-11 (October 9, 1991). See also, *Am. Fed'n of Gov't Employees, Local Union 3721 v. D.C. Fire Dep't*, 39 D.C. Reg. 8599 (1992), Slip Op. No. 287, PERB Case No. 90-U-11 (October 9, 1991).

<sup>13</sup> HE R&R at p. 30.

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consistently held that suits against District officials in their official capacities are treated as suits against the District and individual respondents named in their official capacities should be removed from the complaint.<sup>14</sup> Therefore, we grant the Respondents' request to dismiss Chief Cathy Lanier and Inspector Michael Eldridge as Respondents in this matter, and reaffirm the Executive Director's administrative dismissal regarding individuals named in the complaint.<sup>15</sup>

B. Subject matter jurisdiction

The Respondent contends that PERB lacks jurisdiction to consider this matter because it is an issue of contract interpretation and not of statute. The Board "distinguishes between those obligations that are statutorily imposed under the CMPA and those that are contractually agreed upon between the parties."<sup>16</sup>

PERB has jurisdiction where the matter is not purely contractual and may concern a violation of the CMPA. PERB looks to whether the dispute supports a finding that the alleged violation is (a) restricted to facts involving a dispute over whether a party complied with a contractual obligation; (b) resolution of the dispute requires an interpretation of those contractual obligations; and (c) the dispute cannot be resolved under the CMPA.<sup>17</sup> If all three prongs of this test are resolved in the affirmative, the dispute will be considered contractual.

Considering the record of this case, the Board determines that the matter is not purely contractual and concerns a violation of the CMPA. First, the case does not involve a dispute over the terms of the parties' CBA but rather whether MPD refused to provide FOP with requested necessary and relevant information. Second, the Board is not required to interpret the parties' CBA to resolve the dispute. The Board may resolve the dispute based upon its interpretation of D.C. Code § 1-617.04(a)(1) and (5), and case law. As we stated in this case previously, "the Board has consistently held that if allegations made in an unfair labor practice complaint do, in fact, concern statutory violations, as in the instant case, then the Board is empowered to decide whether MPD committed an unfair labor practice concerning the Union's

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<sup>14</sup> *Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Metro. Police Dep't*, 60 D.C. Reg. 12080 (2013), Slip Op. No. 1403 at 1, PERB Case No. 08-U-26 (July 29, 2013). See also, *Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Metro. Police Dep't*, 59 D.C. Reg. 6579 (2012), Slip Op. No. 1118 at p. 4-5, PERB Case No. 08-U-19 (August 19, 2011).

<sup>15</sup> *Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Dist. of Columbia Metro. Police Dep't*, Slip Op. No. 1114 p.1 n.1, PERB Case No. 11-U-24 (Motion for Reconsideration, October 7, 2011). By removing these names from the caption, we are not reversing our ruling that the Board has jurisdiction over MPD.

<sup>16</sup> *Am. Fed'n of Gov't Employees, Local 2741 v. Dist. of Columbia Dep.t of Recreation and Parks*.50 D.C. Reg. 5049, Slip Op. No. 697, PERB Case No. OO-U-22 (November 26, 2002) citing *Am. Fed'n of State, County and Mun. Employees, D.C. Council 20, Local 2921*, v. D.C. Pub. Sch., 42 D.C. Reg. 5685 (1995), Slip Op. No. 339, PERB Case No. 92-U-08 (December 4, 1992).

<sup>17</sup> *Am. Fed'n of Gov't Employees, Local Union No. 3721 v. Dist. of Columbia Fire Dep't*.39 D.C. Reg. 8599, Slip Op. No. 287, PERB Case No. 90-U-11 (1991).

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document request, even though the document request was made ... pursuant to a contractual provision.”<sup>18</sup>

### C. Unfair Labor Practice

To establish an unfair labor practice under D.C. Official Code §§ 1-617.04 (a)(1) and (5), the Complainant must prove by a preponderance of evidence that the Respondent interfered with, restrained or coerced an employee in the exercise of rights guaranteed by this subsection, or that the Respondent refused to bargain in good faith with the union. Relying on *Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Dist. of Columbia Metro. Police Dep't*, MPD argued that FOP was not processing a grievance, engaged in an arbitration proceeding or negotiating a collective bargaining agreement and therefore, FOP was not entitled to the requested information.<sup>19</sup> We agree with the Hearing Examiner that MPD's narrow view of this test is not consistent with Board or court decisions about this issue. The Hearing Examiner distinguished that case because there, the Board found that FOP did not make any allegations that, if proven, could establish a violation of the CMPA.<sup>20</sup> As previously stated, the Hearing Examiner in this case found that information requested by FOP was relevant and necessary to its role as the exclusive representative to fairly and adequately represent its employee-member<sup>21</sup>. In *DC Nurses Association v. DC Dep't of Mental Health*,<sup>22</sup> the Board made it clear that a union's role in “collective bargaining” means more than negotiating a collective bargaining agreement. In that case, the Board found that the requested information, relating to retroactive pay increases, was relevant and necessary “to a legitimate collective bargaining function to be performed by the union.”<sup>23</sup> Moreover, the United States Supreme Court has held that an employer's duty to disclose information “unquestionably extends beyond the period of contract negotiation and applies to labor-management relations during the term of the agreement.”<sup>24</sup> Thus, contrary to MPD's assertion, we agree with the findings of the Hearing Examiner that FOP's request was for relevant and necessary information in furtherance of its collective bargaining responsibilities.

## IV. Remedy

We agree with the Hearing Examiner that the complaint should be sustained. FOP asks that MPD be ordered to cease and desist from interfering, restraining, or coercing the FOP in the exercise of its rights guaranteed by CMPA § 1-617.04(a)(1) and (5) by failing or refusing to provide FOP with information relevant and necessary to FOP's collective bargaining duties; to immediately release all the information requested by the FOP in this matter; and, to

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<sup>18</sup> *Fraternal Order of Police/Metro. Police Dep't Labor Committee v. Dist. of Columbia Metro. Police Dep't*, Slip Op. No. 1114, PERB Case No. 11-U-24 (Motion for Reconsideration, October 7, 2011).

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> HE R&R at 32.

<sup>22</sup> 59 DC Reg. 15187 (2012), Slip Op. No. 1336 at p.3, PERB Case No. 09-U-07 (October 19, 2012).

<sup>23</sup> *Id.*

<sup>24</sup> *NLRB v. Acme Industrial Co.*, 385 US 432, 436 (1967).

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conspicuously post no less than two (2) notices of their violations and the Board's Order in each building of the department.

## **V. Conclusion**

We conclude that MPD did violate D.C. Official Code §§ 1-617.04 (a)(1) and (5) of the Comprehensive Merit Personnel Act. The unfair labor practice complaint is upheld. However, the Complaint against Chief Cathy Lanier and Inspector Michael Eldridge is dismissed.

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. Complainant's unfair labor practice complaint is upheld.
2. The District of Columbia Metropolitan Police Department's request to dismiss Chief Cathy Lanier and Inspector Michael Eldridge as Respondents in this matter is granted.
3. The District of Columbia Metropolitan Police Department shall deliver to the Fraternal Order of Police/Metropolitan Police Department Labor Committee, within fourteen (14) days of the date of issuance of this Order, the information FOP requested.
4. The District of Columbia Metropolitan Police Department shall conspicuously post where notices to employees are normally post two (2) notices that the Board will furnish to MPD in each of the department's buildings. The notice shall be posted within fourteen (14) days from MPD's receipt of the notice and shall remain posted for thirty (30) consecutive days.
5. Within fourteen (14) days from the date of the receipt of the notice, MPD shall notify the Public Employee Relations Board in writing that the attached notice has been posted accordingly and on what date they were posted.
6. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairperson Charles Murphy, Member Yvonne Dixon, Member Ann Hoffman, Member Barbara Somson, and Member Douglas Warshof.

Washington, D.C.

June 14, 2016

Washington, D.C.



**CERTIFICATE OF SERVICE**

This is to certify that the attached Decision and Order in PERB Case No. 11-U-24, Opinion No. 1585, was served by File & ServXpress on the following parties on this the 30<sup>th</sup> day of June, 2016.

Marc L. Wilhite Esq.  
PRESSLER & SENFTLE, P.C.  
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Mark T. Viehmeyer, Esq.  
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Metropolitan Police Department  
300 Indiana Avenue, NW, Room 4126  
Washington, DC 20001

/s/ Sheryl Harrington \_\_\_\_\_

PERB

**Government of the District of Columbia  
Public Employee Relations Board**

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In the Matter of:		)
		)
District of Columbia Public Schools,		)
		)
Petitioner,		)
		)
v.		)
		)
Council of School Officers, Local 4, American		)
Federation of School Administrators, AFL-CIO		)
(on behalf of Sharon Wells),		)
		)
Respondent.		)
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PERB Case No. 15-A-05

Motion for Reconsideration

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1.       Whereas the arguments that are raised in the motion for reconsideration filed by Petitioner District of Columbia Public Schools were previously raised by Petitioner in its pleadings and considered and rejected by the Board in both of the Opinions it issued in this case (Opinion Nos. 1540 and 1574), the motion for reconsideration is denied.
  
2.       Pursuant to Board Rule 559.1, this Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**

By unanimous vote of Board Chairman Charles Murphy, and Members Yvonne Dixon, Ann Hoffman, Barbara Somson, and Douglas Warshof.

**June 14, 2016  
Washington, D.C.**

**CERTIFICATE OF SERVICE**

This is to certify that the attached Order in PERB Case No. 15-A-05 was transmitted via File & ServeXpress to the following parties on this the 29th day of June 2016.

Michael Levy  
Kaitlyn A. Girard  
D.C. Office of Labor Relations and  
Collective Bargaining  
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**VIA FILE & SERVEXPRESS**

Mark J. Murphy  
Mooney, Green, Saidon, Murphy & Welch, P.C.  
1920 L Street NW, suite 400  
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**VIA FILE & SERVEXPRESS**

/s/ Sheryl Harrington  
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