

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council enacts Act 21-484, Financial Exploitation of Vulnerable Adults and the Elderly Amendment Act of 2016
- D.C. Council enacts Act 21-487, Incarceration to Incorporation Entrepreneurship Program Act of 2016
- D.C. Council enacts Act 21-488, Fiscal Year 2017 Budget Support Act of 2016
- D.C. Council schedules a public hearing on Bill 21-836, Food, Environmental, and Economic Development in the District of Columbia Amendment Act of 2016
- Department of Energy and Environment solicits input for the DCA Airplane Noise Draft Statement of Work
- Board of Ethics and Government Accountability publishes the 2016 Lobbyist Registrations
- Department of Human Services extends the application deadline for the FY2017 Community-Based Organizations for SNAP Employment and Training Grants
- District Department of Transportation announces funding availability for the Vision Zero Fiscal Year 2017 Safety Grants

DISTRICT OF COLUMBIA REGISTER

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

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MAYOR

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ADMINISTRATOR

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ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-481

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To approve, on an emergency basis, an agreement to enter into a long-term subsidy contract for 15 years in support of the District's Local Rent Supplement Program to fund housing costs associated with affordable housing units for Contract No. 2013-LRSP-04A with Beacon Center Housing, LLC, for Local Rent Supplement Program units at The Beacon Center, located at 6100 and 6104 Georgia Avenue, N.W., and to authorize payment for housing services to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Local Rent Supplement Program Contract No. 2013-LRSP-04A Approval and Payment Authorization Emergency Act of 2016".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the agreement to enter into a long-term subsidy contract with Beacon Center Housing, LLC, for an initial annual subsidy amount of \$103,008 and authorizes payment for services to be received under the contract.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

ENROLLED ORIGINAL

90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-482

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To approve, on an emergency basis, the First Amendment to the Capital Funding Agreement between the Washington Metropolitan Area Transit Authority, the State of Maryland, the District of Columbia, Arlington County, Virginia, Fairfax County, Virginia, the City of Alexandria, Virginia, the City of Fairfax, Virginia, and the City of Falls Church, Virginia to provide additional capital funding for a one-year extension to a capital improvement program for the Washington Metropolitan Area Transit Authority transit system, from July 1, 2016 to June 30, 2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "First Amendment to the Washington Metropolitan Area Transit Authority Multi-Jurisdictional Capital Funding Agreement Emergency Approval Act of 2016".

Sec. 2. (a) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), the Council approves the First Amendment to the Capital Funding Agreement, which was submitted by the Mayor on July 7, 2016, and which is a modification to the multiyear Capital Funding Agreement entered into on July 1, 2010 ("CFA"), between the Washington Metropolitan Area Transit Authority ("WMATA"), the State of Maryland, the District of Columbia, Arlington County, Virginia, Fairfax County, Virginia, the City of Alexandria, Virginia, the City of Fairfax, Virginia, and the City of Falls Church, Virginia ("Contributing Jurisdictions"), to provide additional capital funding for a one-year extension to a capital improvement program for the WMATA transit system, from July 1, 2016, to June 30, 2017.

(b) The Council approves the additional not-to-exceed expenditure of \$92.1 million for the District under the First Amendment to the Capital Funding Agreement with WMATA and the Contributing Jurisdictions.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.

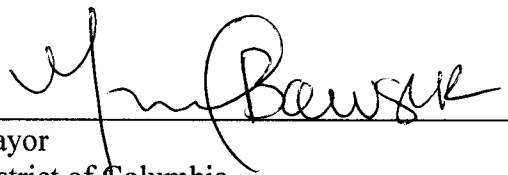
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-483

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To amend, on an emergency basis, the Rental Housing Act of 1985 to limit the amount of a hardship petition conditional rent increase to 5% of the rent charged, and to require that a rent adjustment be repaid by a housing provider to a tenant within 21 days of a conditional increase being amended.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Rent Control Hardship Petition Limitation Emergency Amendment Act of 2016".

Sec. 2. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501 *et seq.*), is amended as follows:

(a) Section 206(c) (D.C. Official Code § 42-3502.06(c)) is amended to read as follows:

"(c)(1) At the housing provider's election, instead of any adjustment authorized by subsection (b) of this section, the rent charged for an accommodation may be adjusted through a hardship petition under section 212. The petition shall be clearly identified as an election instead of the general adjustments authorized by subsection (b) of this section. The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

"(2) In the case of any petition filed under this subsection as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

"(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

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“(4) If the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

(b) Section 212(c) (D.C. Official Code § 42-3502.12(c)) is amended to read as follows:

“(c)(1) At the housing provider’s election, instead of any adjustment authorized by section 206(b), the rent charged for an accommodation may be adjusted through a hardship petition under this section. The petition shall be clearly identified as an election instead of the general adjustments authorized by section 206(b). The Rent Administrator shall accord an expedited review process for these petitions and shall issue and publish a final decision within 90 days after the petition has been filed.

“(2) In the case of any petition filed under this section as to which a final decision has not been rendered by the Rent Administrator at the end of 90 days from the date of filing of the petition and as to which the housing provider is not in default in complying with any information request made under section 216, the rent charged adjustment requested in the petition may be conditionally implemented by the housing provider at the end of the 90-day period; provided, that the conditional rent increase for an affected unit shall not exceed 5% of the rent charged.

“(3) A conditional rent charged adjustment shall be subject to subsequent modification by the final decision of the Rent Administrator on the petition. If a hearing has been held on the petition, the Rent Administrator shall, by order served upon the parties at least 10 days before the expiration of the 90 days, make a provisional finding as to the rent charged adjustment justified by the order, if any. Except to the extent modified by this section, the adjustment procedures of section 216 shall apply to any adjustment.

“(4) If the Rent Administrator denies the requested rent increase or approves a rent increase that is less than the amount of the conditional rent increase charged by the housing provider, the housing provider shall refund to the tenant within 21 calendar days of the Rent Administrator’s order any rent paid in excess of the amount approved by the Rent Administrator, except that the tenant may elect within 14 calendar days of the Rent Administrator’s order to apply the amount of the refund as a credit against future rental payments.”.

Sec. 3. Fiscal impact statement.


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

Sec. 4. Effective date.


This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

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90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
August 18, 2016

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AN ACT

D.C. ACT 21-484

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To amend the District of Columbia Theft and White Collar Crimes Act of 1982 to increase the term of imprisonment from 10 to 15 years for theft in the first degree, to repeal enhanced penalties for identity theft and include those penalties in another provision of the act, to change the age of enhanced penalty applicability for crimes against seniors from 60 years to 65 years, and to add the crime of identity theft and financial exploitation of a vulnerable adult or elderly person to the list of crimes committed against seniors that are subject to enhanced penalties; to amend the Criminal Abuse and Neglect of Vulnerable Adults Act of 2000 to criminalize the financial exploitation of a vulnerable adult or elderly person, to modify the definition of the term vulnerable adult, to define the term elderly person, to conform the enhanced penalties for a vulnerable adult or elderly person to the enhanced penalties for theft, to establish civil penalties, and to provide for injunctive relief; and to amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to provide the Attorney General with limited subpoena authority related to seeking relief for a victim of financial exploitation of a vulnerable adult or elderly person.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Financial Exploitation of Vulnerable Adults and the Elderly Amendment Act of 2016”

Sec. 2. The District of Columbia Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-3201 *et seq.*), is amended as follows:

(a) Section 112(c) (D.C. Official Code § 22-3212(c)) is amended by striking the number “10” and inserting the number “15” in its place.

(b) Section 127c(c) (D.C. Official Code § 22-3227.03(c)) is repealed.

(c) Section 201 (D.C. Official Code § 22-3601) is amended as follows:

(1) Subsection (a) is amended by striking the number “60” and inserting the number “65” in its place.

(2) Subsection (b) is amended by striking the phrase “or an attempt or conspiracy” and inserting the phrase “identity theft, financial exploitation of a vulnerable adult or elderly person, or an attempt or conspiracy” in its place.

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(3) Subsection (c) is amended by striking the number “60” and inserting the number “65” in its place.

Sec. 3. The Criminal Abuse and Neglect of Vulnerable Adults Act of 2000, effective June 8, 2001 (D.C. Law 13-301; D.C. Official Code § 22-931 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 22-931) is amended by striking the phrase “Criminal Abuse and Neglect of Vulnerable Adults” and inserting the phrase “Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly” in its place.

(b) Section 202 (D.C. Official Code § 22-932) is amended to read as follows:

“Sec. 202. Definitions.

“For the purposes of this title, the term:

“(1) “Attorney General” means the Attorney General for the District of Columbia.

“(2) “Court” means the Superior Court of the District of Columbia.

“(3) “Elderly person” means a person who is 65 years of age or older.

“(4) “United States Attorney” means the United States Attorney for the District of Columbia.

“(5) “Vulnerable adult” means a person who is 18 years of age or older and has one or more physical or mental limitations that substantially impair the person’s ability to independently provide for his or her daily needs or safeguard his or her person, property, or legal interests.”.

(c) Section 203 (D.C. Official Code § 22-933) is amended by striking the phrase in the lead-in language “a vulnerable adult” and inserting the phrase “a vulnerable adult or elderly person” in its place.

(d) A new section 203a is added to read as follows:

“Sec. 203a. Financial exploitation of a vulnerable adult or elderly person.

“(a) A person is guilty of financial exploitation of a vulnerable adult or elderly person if the person intentionally and knowingly:

“(1) Uses deception, intimidation, or undue influence to obtain the property, including money, of a vulnerable adult or elderly person, with the intent to deprive the vulnerable adult or elderly person of the property or use it for the advantage of anyone other than the vulnerable adult or elderly person;

“(2) Uses deception, intimidation, or undue influence to cause the vulnerable adult or elderly person to assume a legal obligation on behalf of, or for the benefit of, anyone other than the vulnerable adult or elderly person; or

“(3) Violates any provision of law proscribing theft, extortion, forgery, fraud, or identity theft against the vulnerable adult or elderly person, so long as the offense was undertaken to obtain the property, including money, of a vulnerable adult or elderly person, or to cause the vulnerable adult or elderly person to assume a legal obligation on behalf of, or for the benefit of, anyone other than the vulnerable adult or elderly person.

“(b) It is an affirmative defense that the accused knew or reasonably believed the victim was not a vulnerable adult or elderly person at the time of the offense, or could not have known or determined that the victim was a vulnerable adult or elderly person because of the manner in

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which the offense was committed. This defense shall be established by a preponderance of the evidence.

“(c) For the purposes of this section, the term “undue influence” means mental, emotional, or physical coercion that overcomes the free will or judgment of a vulnerable adult or elderly person and causes the vulnerable adult or elderly person to act in a manner that is inconsistent with his or her financial, emotional, mental, or physical well-being.”

(e) Section 204 (D.C. Official Code § 22-934) is amended by striking the phrase “vulnerable adult” both times it appears and inserting the phrase “vulnerable adult or elderly person” in its place.

(f) Section 205 (D.C. Official Code § 22-935) is amended by striking the phrase “vulnerable adult” both times it appears and inserting the phrase “vulnerable adult or elderly person” in its place.

(g) Section 206 (D.C. Official Code § 22-936) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “vulnerable person” and inserting the phrase “vulnerable adult or elderly person” in its place.

(2) Subsection (b) is amended by striking the phrase “vulnerable adult” and inserting the phrase “vulnerable adult or elderly person” in its place.

(3) Subsection (c) is amended by striking the phrase “vulnerable adult” and inserting the phrase “vulnerable adult or elderly person” in its place.

(h) A new section 206a is added to read as follows:

“Sec. 206a. Criminal penalties for financial exploitation of a vulnerable adult or elderly person.

“(a) Any person who commits the offense of financial exploitation of a vulnerable adult or elderly person in violation of section 203a shall be subject to the following criminal penalties:

“(1) When the value of the property or legal obligation is \$1,000 or more, a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisonment for not more than 10 years, or both.

“(2) When the property or legal obligation has some value, a fine of not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisonment for not more than 180 days, or both.

“(3) In addition to the penalties set forth in paragraphs (1) and (2) of this subsection, a person shall make restitution, before the payment of any fines or civil penalties.

“(b) A person convicted of a violation of section 203a who has 2 or more prior convictions for violating section 203a, not committed on the same occasion, shall be fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or imprisoned for not more than 15 years, or both.”

(i) New sections 207 and 208 are added to read as follows:

“Sec. 207. Civil penalties for financial exploitation of a vulnerable adult or elderly person.

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“(a) In addition to other penalties provided by law, a person who violates section 203a shall be subject to the following civil penalties:

“(1) A fine of up to \$5,000 per violation;

“(2) Revocation of all permits, certificates, or licenses issued by the District of Columbia authorizing the person to provide services to vulnerable adults or elderly persons; and

“(3) A temporary or permanent injunction.

“(b) Restitution under section 206a shall be paid before the payment of any fines or civil penalties under this section.

“Sec. 208. Injunctive relief and protections.

“(a) Whenever the Attorney General or the United States Attorney has reason to believe that a person has engaged in financial exploitation of a vulnerable adult or elderly person in violation of section 203a, the Attorney General or the United States Attorney may petition the court, which may be by ex-parte motion and without notice to the person, for one or more of the following:

“(1) A temporary restraining order;

“(2) A temporary injunction;

“(3) An order temporarily freezing the person’s assets; or

“(4) Any other relief the court deems just.

“(b) The court may grant an ex-parte motion authorized by subsection (a) of this section without notice to the person against whom the injunction or order is sought if the court finds that facts offered in support of the motion establish that:

“(1) There is a substantial likelihood that the person committed financial exploitation of a vulnerable adult or elderly person;

“(2) The harm that may result from the injunction or order is clearly outweighed by the risk of harm to the vulnerable adult or elderly person if the injunction or order is not issued; and

“(3) If the Attorney General or the United States Attorney has petitioned for an order temporarily freezing assets, the order is necessary to prevent dissipation of assets obtained in violation of section 203a.

“(c)(1) An order temporarily freezing assets without notice to the person pursuant to subsections (a)(3) and (b) of this section shall expire on a date set by the court, not later than 14 days after the court issues the order unless, before that time, the court extends the order for good cause shown.

“(2) A person whose assets were temporarily frozen under paragraph (1) of this subsection may move to dissolve or modify the order after notice to the Attorney General for the United States Attorney. The court shall hear and decide the motion or application on an expedited basis.

“(d) The court may issue an order temporarily freezing the assets of the vulnerable adult or elderly person to prevent dissipation of assets; provided, that the court also appoints a receiver or conservator for those assets. The order shall allow for the use of assets to continue care for the vulnerable adult or elderly person, and can only be issued upon a showing that a temporary injunction or temporary restraining order authorized by this section would be insufficient to

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safeguard the assets, or with the consent of the vulnerable adult or elderly person or his or her legal representative.”.

Sec. 4. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective May 27, 2010 (D.C. Law 18-160; D.C. Official Code 1-301.81 *et seq.*), is amended by adding a new section 110b to read as follows:

“Sec. 110b. Authority to issue subpoenas in matters involving the financial exploitation of vulnerable adults and the elderly.

“(a) Notwithstanding section 110(a), and subject to the requirements under this section, the Attorney General for the District of Columbia shall have the authority to issue subpoenas for the production of documents and materials or for the attendance and testimony of witnesses under oath, or both, for the purposes of seeking relief under sections 207 and 208 of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-326).

“(b)(1) Subpoena authority established by this section may only be used in furtherance of seeking relief under sections 207 and 208 of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-326).

“(2) Testimony obtained pursuant to this subpoena authority shall not be used in furtherance of a criminal investigation related to a violation of section 203a of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-326), and shall not be admissible in a criminal proceeding against the person who provided the information.

“(c) The Attorney General shall not have the authority to issue a subpoena under this section if an indictment, information, or petition has been filed with the court formally charging the target of the investigation with a violation of section 203a of the Criminal Abuse, Neglect, and Financial Exploitation of Vulnerable Adults and the Elderly Act of 2000, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-326).

“(d) The power to issue subpoenas pursuant to this section shall not be delegated other than to the Chief Deputy Attorney General, a Deputy Attorney General, or an Assistant Deputy Attorney General.

“(e) Subpoenas issued pursuant to this section shall contain the information required in section 110a(b).

“(f) Unless otherwise permitted by the Office of the Attorney General, only attorneys for the Office of the Attorney General and their staff, other people involved in the investigation, the witness under examination, his or her attorney, interpreters when needed, and, for the purpose of taking the evidence, a stenographer or operator of a recording device may be present during the taking of testimony.

“(g) In the case of refusal to obey a subpoena issued under this section, the Attorney General may petition the Superior Court of the District of Columbia for an order requiring compliance. Any failure to obey the order of the court may be treated by the court as contempt.

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“(h) Any person to whom a subpoena has been issued under this section may exercise the privileges enjoyed by all witnesses. A person to whom a subpoena has been issued may move to quash or modify the subpoena in the Superior Court of the District of Columbia on grounds including:

“(1) The Attorney General failed to follow or satisfy the procedures set forth in this section for issuance of a subpoena;

“(2) The Attorney General lacked the authority to issue the subpoena under this section; or

“(3) Any other grounds that exist under statute or common law for quashing or modification of a subpoena.”.

Sec. 5. Fiscal impact statement.

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

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-485

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To establish a minimum work week for building service employees, to prohibit retaliation of the exercise of a right established by this act, to require an employer to post certain notices in the workplace, to authorize the Mayor to verify employer compliance, to establish penalties for a violation of this act, to provide for administrative action by the Mayor and for a hearing before an administrative law judge for violations of this act, and to authorize civil action for violations of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Building Service Employees Minimum Work Week Act of 2016".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Covered employee" or "building services employee" means an individual performing janitorial services, building maintenance services, or other services in or around a covered location to maintain the repair, cleanliness, and overall quality of the covered location.

(2) "Covered employer" means an individual, group of individuals, partnership, association, corporation, business trust, society, firm, company, joint stock company, or other entity that at a covered location:

- (A) Directly employs a covered employee;
- (B) Contracts for the services of a covered employee; or
- (C) Subcontracts for the services of a covered employee.

(3) "Covered leave" means paid or unpaid temporary leave from work taken by a covered employee pursuant to:

- (A) Federal or District law;
- (B) An employee handbook; or
- (C) A written request voluntarily initiated by the covered employee.

(4) "Covered location" means an office building, commonly owned office park, or a commonly owned and managed group of buildings, with over 350,000 square feet of net rentable commercial office space. The term "covered location" excludes property owned or leased by a health-care facility licensed under the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*), and affiliated subsidiaries.

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(5) "Minimum work week" means the minimum number of compensated hours provided to a covered employee in any work week, including weeks in which the covered employee is taking covered leave.

(6) "Office park" means an area where a number of office buildings are together on landscaped grounds, which may include parking lots, parklike surroundings, and restaurants.

(7) "Work week" means a fixed regularly recurring period of 168 hours or 7 consecutive 24-hour periods.

Sec. 3. Minimum work week.

The minimum work week for a building services employee shall be 30 hours; except, that when a covered employee is taking covered leave, the leave shall count towards the 30-hour minimum work week; provided, that at each covered location up to 20% of the work hours scheduled for covered employees engaged in cleaning service may be preserved for part-time covered employees with a minimum shift of 4 hours per night and 20 hours per week per covered employee for up to a total of 10 part-time positions permitted per covered location.

Sec. 4. Prohibited acts.

It shall be a violation of this act for a covered employer to:

(1) Fail to provide a minimum work week as required by this act or a regulation issue pursuant to this act;

(2) Discharge, threaten, penalize, or in any other manner discriminate or retaliate against a covered employee because the covered employee has:

(A) Made, or is believed to have made, a complaint to the covered employer, the Mayor, the Attorney General for the District of Columbia, a federal employee, or District government employee that the covered employer has engaged in conduct that the covered employee, reasonably and in good faith, believes violates this act or a regulation issued pursuant to this act;

(B) Instituted, or will institute, a proceeding alleging a violation of this act;

(C) Provided information related to a possible violation of this act to the Mayor, the Attorney General for the District of Columbia, or a federal or District government employee;

(D) Testified, or will testify, in an investigation or proceeding being conducted pursuant to this act; or

(E) Exercised any other right protected by this act; or

(3) Hinder the Mayor in the enforcement of this act, including by failing to:

(A) Admit the Mayor to a covered location;

(B) Make available any record required to be made or retained by this act;

or

(C) Post a summary or copy of this act and of any applicable regulation, as required by section 5.

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Sec. 5. Posting requirements.

(a)(1) A covered employer shall post and maintain in a conspicuous place a notice, which shall be prescribed by the Mayor and provided to each covered employer, that shall include excerpts or summaries of the pertinent provisions of this act and information about filing of a complaint pursuant to the act.

(2) A covered employer shall post every notice required to be posted by this act in English and all languages spoken by covered employees with limited or no-English proficiency, as defined in section 2 of the Language Access Act of 2004, effective June 19, 2004 (D.C. Law 15-167; D.C. Official Code § 2-1931).

(b) A covered employer who fails to comply with the posting requirements of this section shall be subject to the penalty set forth in section 8.

Sec. 6. Mayor's authority.

The Mayor shall have the authority to:

(1) Investigate and ascertain the minimum work week of a covered employee;

(2) Enter and inspect a covered location of a covered employer to:

(A) Inspect and copy:

(i) Books;

(ii) Registers;

(iii) Payrolls; or

(iv) Other records the Mayor considers necessary or appropriate; or

(B) Question a covered employee to ascertain whether the covered employer is in compliance with the requirements of this act;

(3) Require a covered employer to provide a sworn statement pertaining to the employment of a covered employee regarding:

(A) Wages and hours; and

(B) Any other information pertaining to the employment of the covered employee that the Mayor considers necessary or appropriate to carry out the purposes of this act; and

(4) Following an admission of a violation by a respondent to a complaint, conduct an audit or issue a subpoena to determine if the rights of covered employees other than the complainant have also been violated.

Sec. 7. Confidentiality of reported information.

To encourage reporting and protect personal information received pursuant to this act, the Mayor shall keep confidential, to the maximum extent authorized by law, the name and any other identifying information of a covered employee, or other person, reporting a violation of this act during the course of an investigation; provided, that with the authorization of the covered employee or other person, whichever is applicable, the Mayor may disclose the name of the covered employee or other person and such identifying information as necessary to conduct a hearing and enforce this act or other employee-protection law.

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Sec. 8. Penalties.

(a)(1) Except as provided in paragraph (2) of this subsection, a covered employer who willfully violates the posting requirements of section 5 shall be assessed a civil penalty not to exceed \$100 for each day that the covered employer fails to post the notice; provided, that the total penalty shall not exceed \$500.

(2) No liability for failure to post the notice shall arise under this section if the Mayor has failed to provide the notice required by section 5 to the covered employer.

(b)(1) A covered employer who fails to comply with any of the requirements of this act, other than the posting requirements of section 5, shall be subject to a fine of not more than \$5,000 for each violation for each day that the violation continues.

(2) For the purposes of this subsection, each violation of a covered employee's right provided by this act shall constitute a separate violation of this act.

(c)(1) Except as provided in paragraph (2) of this subsection, the Mayor shall assess an administrative penalty against a covered employer for a violation of this act. In assessing the amount of the fine to be imposed pursuant to the following authorized penalties, the Mayor may consider factors the Mayor determines appropriate, including a covered employer's past history of violations of this act:

(A) For the first violation, a maximum fine of up to \$500; and

(B) For any subsequent violation, a maximum fine of up to \$1,000.

(2) No administrative penalty may be collected unless the Mayor provided a covered employer alleged to have violated this act:

(A) Notification of the violation;

(B) The amount of the administrative penalty that may be imposed; and

(C) An opportunity to request a hearing.

Sec. 9. Administrative action by the Mayor.

(a) Subject to the statute of limitations described in subsection (b) of this section, upon a request by a covered employee for administrative enforcement of this act, the Mayor shall investigate and make an initial determination regarding the alleged violation.

(b)(1) Except as provided in paragraph (3) of this subsection, an aggrieved covered employee ("complainant") shall file a signed complaint against a covered employer for failure to provide a minimum work week with the Mayor no later than 3 years after the last date upon which the alleged violation occurred.

(2) A complainant may recover only those amounts that became lawfully due and payable within the 3-year period before the date the complaint was filed; except, that if the alleged failure to provide a minimum work week is ongoing at the time of the filing of the complaint, the complainant may also seek recovery of those amounts that accrued during the pendency of the claim.

(3) The 3-year statute of limitations shall be tolled during any period that the covered employer had failed to provide the covered employee with actual or constructive notice of the covered employee's rights or on other equitable grounds.

(c) The complaint shall:

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- (1) Set forth the facts upon which it is based with sufficient specificity to determine that an allegation of failure to provide a minimum work week has been made;
- (2) Meet other criteria required in this section, or by regulations issued pursuant to this act;
- (3) Be sworn to as true by the complainant; and
- (4) Include, or be attached thereto, the following information:
 - (A) The complainant's name, address, and telephone number (or alternate address or telephone number if the complainant desires);
 - (B) Sufficient information to enable the Mayor to identify the covered employer through District records, such as the covered employer's:
 - (i) Name;
 - (ii) Business address;
 - (iii) Motor vehicle license plate number; or
 - (iv) Telephone number; and
 - (C) If not set forth in the statement of facts required by paragraph (1) of this subsection, an explanation of the alleged violations, which may include:
 - (i) The approximate or actual dates the violations occurred;
 - (ii) The estimated total amount of unpaid wages; and
 - (iii) An explanation of how the estimated total amount of unpaid wages was calculated.
 - (d) The Mayor may, as the Mayor determines necessary or appropriate, request that the complainant amend a complaint considered insufficient, including to:
 - (A) Cure technical defects or omissions;
 - (B) Clarify or amplify allegations; or
 - (D) More fully or adequately allege the charge set forth in the original complaint.
 - (e)(1) The Mayor shall mail the complaint and the written notices described in paragraph (2) of this subsection to the covered employer or, if more than one, to each covered employer ("respondent").
 - (2)(A) Notice to the respondent shall set forth the:
 - (i) Damages, penalties, and other costs for which the respondent may be liable;
 - (ii) Rights and obligations of the parties; and
 - (iii) Process for contesting the complaint.
 - (B) Notice to covered employees shall state that an investigation by the Mayor is being conducted and provide information on how covered employees may participate in the investigation.
 - (f)(1) Upon receipt of the notice required by subsection (e)(2)(B) of this section, the respondent shall post the notice in a conspicuous place for a period of at least 30 days.
 - (2) Within 20 days from the date the complaint and written notices are mailed, the respondent shall:
 - (A) Admit that the allegations in the complaint are true; or

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(B) Deny the allegations in the complaint and request that the Mayor make an initial determination regarding the allegations in the complaint.

(3) If a respondent admits the allegations, the Mayor shall issue an administrative order requiring the respondent to pay the unpaid wages due and, if any, other compensation, liquidated damages, and fine or penalty owed, and to cure the violation.

(4) If a respondent fails to respond to the allegations within 20 days as required by paragraph (2) of this subsection, the allegations in the complaint shall be deemed admitted and the Mayor shall issue an initial determination requiring the respondent to pay unpaid wages due and, if any, compensation, liquidated damages, and fine or penalty owed, and to cure the violation.

(5)(A) The Mayor shall issue an initial determination within 120 days after the date the complaint is received. The initial determination shall contain:

(i) A brief summary of the evidence considered;
(ii) The findings of fact;
(iii) The conclusions of law;
(iv) An order detailing the amount owed by the respondent or other relief, if any;

(v) The process by which to appeal the Mayor's determination or to seek other relief; and

(vi) A preliminary determination as to whether the complainant is entitled to additional unpaid earned wages due to other District laws, including the:

(I) Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*);

(II) Living Wage Act of 2006, effective June 8, 2006 (D.C. Law 16-118; D. C. Official Code § 2-220.01 *et seq.*);

(III) Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1001 *et seq.*); and

(IV) An Act To provide for the payment and collection of wages in the District of Columbia, approved August 3, 1956 (70 Stat. 976; D.C. Official Code § 32-1301 *et seq.*).

(B) The initial determination shall be provided to both parties.

(C) If the Mayor fails to issue an initial determination within 120 days after the date the complaint is received, the complainant shall have a right to request a formal hearing before an administrative law judge.

Sec. 10. Conciliation of dispute.

(a) The Mayor shall work with the parties in an attempt to conciliate a dispute pursuant to this act; provided, that any conciliation agreement entered into shall be between the respondent and the complainant, which shall be reproduced by the Mayor as an administrative order ("CAO").

(b) If the CAO is breached, the Mayor or the complainant may enforce the CAO pursuant to section 12.

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Sec. 11. Hearing before administrative law judge.

(a) Within 30 days after the issuance of the initial determination or administrative order, other than an administrative order issued pursuant to section 10, either party may file for a formal hearing before an administrative law judge.

(b)(1) An administrative law judge shall:

(A) Except as provided in paragraph (2) of this subsection, schedule a hearing within 30 days after the date a request for the hearing was filed;

(B) Provide notice to the parties of the time and place of the hearing;
and

(C) Upon conclusion of the hearing, issue an order based on the findings.

(2) The administrative law judge may grant each party one discretionary continuance due to hardship or a scheduling conflict of up to 15 days, and any other request for good cause only.

(c)(1) If a respondent does not appear after having received notice of the hearing pursuant to this section, the administrative law judge shall proceed to hear proof of the complaint and render judgment accordingly.

(2) If a complainant does not appear after having received notice of the hearing pursuant to this section, the administrative law judge shall dismiss the complaint without prejudice.

(d)(1) The parties may:

(A) Appear at the hearing with or without counsel;

(B) Submit evidence;

(C) Cross-examine witnesses;

(D) Obtain the issuance of subpoenas; and

(E) Otherwise be heard.

(2) Testimony taken at the hearing, or given and received by telephone, shall be under oath, and a transcript shall be made available at cost to any individual, unless the case is sealed.

(3) The burden of proof by a preponderance of the evidence shall rest upon the complainant, but shall shift to the respondent if:

(A) A respondent failed to keep records of a covered employee's schedule of hours and hours worked, or records of the covered employee's compensation provided to the covered employee are:

(i) Imprecise;

(ii) Inadequate;

(iii) Missing;

(iv) Fraudulently prepared or presented; or

(v) Substantially incomplete; and

(B) A complainant presents evidence to show, as a matter of just and reasonable inference, as determined by the judge, the hours the complainant was scheduled and amount of work done.

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(4)(A) If the burden of proof shifts to the respondent pursuant to paragraph 3 of this subsection, the respondent shall present compelling evidence:

(i) Of an exemption from applicability of the minimum work week required by this act; and

(ii) To negate the reasonableness of the inferences drawn from the complainant's evidence.

(B) If the respondent fails to meet the burden of proof, as required by subparagraph (A) of this paragraph, the administrative law judge shall award damages to the complainant based on the complainant's evidence and may award approximate damages as necessary.

(e)(1) Within 30 days after the conclusion of the hearing, the administrative law judge shall issue:

(A) A decision setting forth a brief summary of the evidence considered, findings of fact, and conclusions of law; and

(B) An order detailing the determined relief.

(2)(A) Relief may include:

(i) All wages the covered employer would have paid the covered employee had the covered employer complied with this act;

(ii) Compensation;

(iii) Reasonable attorneys' fees and costs; and

(iv) Liquidated damages.

(B) An administrative law judge may award in liquidated damages an amount of up to treble the amount of owed wages.

(3) The decision and order of the administrative law judge shall be a final administrative ruling. It shall be enforceable in a court of competent jurisdiction and reviewable as provided by applicable law.

Sec. 12. Enforcement of administrative order or conciliation agreement..

(a)(1) A respondent shall comply with the provisions of any order or conciliation agreement affording relief and shall furnish proof of compliance to the Mayor.

(2) If a respondent refuses or fails to comply with the administrative order or conciliation agreement, the Mayor or the complainant may record a lien and may sue in the Superior Court of the District of Columbia for a remedy, enforcement, or assessment or collection of a civil penalty; provided, that the Superior Court of the District of Columbia shall have no jurisdiction to adjudicate the merits of the underlying claim but shall be limited to enforcement of the administrative order or conciliation agreement.

(b)(1) The Mayor may, at the request of a covered employee, take an assignment in trust for the assigning covered employee of wages and join in a proceeding or action of such claims against the same covered employer as the Mayor considers appropriate.

(2) The Mayor shall have power to settle and adjust any such claim on the terms the Mayor considers just; provided, that no settlement for an amount less than the amount awarded by the administrative law judge shall be agreed to without the complainant's consent.

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(3) The Mayor shall maintain regular contact with the complainant concerning the procedural status of any legal action brought under the assignment, and the complainant shall have the right to inquire about and receive information regarding the status of the legal action.

(c)(1) If a respondent fails to timely comply with an administrative order or conciliation agreement that has not been stayed, the Mayor shall:

(A) Assess an additional late fee equal to 10% of the total amount owed for each month any portion of the award and accrued late penalty remain unpaid;

(B) Require the respondent to post public notice of its failure to comply, in a form determined by the Mayor; and

(C) Consider any unpaid amount to be owed the District as past due restitution on behalf of a covered employee; and

(D) Suspend any licenses issued to the covered employer to do business in the District as set forth in subsection (d) of this section.

(2)(A) Penalty amounts, including civil penalties and late fees, and any wages, compensation, damages, interest, costs, or other fees awarded to a covered employee, or a representative of the covered employee, shall be a lien upon the real estate and personal property of the person who owes the foregoing.

(B) The lien shall take effect by operation of law on the day immediately following the due date for payment, and, unless dissolved by payment, shall as of that date be considered a tax due and owing to the District, which may be enforced through any procedure available for tax collection.

(d) The Mayor shall:

(1) Deny an application for a license to do business issued by the District if, during the 3-year period before the date of the application, the applicant admitted guilt or liability or had been found guilty or liable in any judicial or administrative proceeding of committing or attempting to commit a willful violation of this act;

(2) Suspend any license to do business issued by the District if the licensee has failed to comply with an administrative order issued or conciliation agreement entered into pursuant to this act; and

(3) Upon learning of a licensee's alleged lack of compliance with an administrative order issued or conciliation agreement entered into pursuant to this act, notify the licensee that its license shall be suspended in 30 days and remain suspended until the licensee provides proof that it is in compliance with the administrative order or conciliation agreement, whichever applies, including any requirements for accelerated payment, interest, or additional damages in the event of a breach; provided, that before a license may be suspended, the Mayor shall provide the licensee the opportunity to have a hearing pursuant to the District of Columbia Administrative Procedure Act, effective October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

Sec. 13. Representation.

Any person may be represented by counsel in any proceeding under this act. Any party, including corporate entities, as an alternative to counsel, may be assisted by a non-attorney

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authorized by that party in accordance with section 2835 of Title 1 of the District of Columbia Municipal Regulations (1 DCMR § 2835), except where such representation is prohibited by law or disallowed by the administrative law judge for good cause.

Sec. 14. Subpoenas; noncompliance.

(a) Any party may request that a subpoena be issued by the administrative law judge.

(b) Witnesses summoned by subpoena shall be entitled to the same witness and mileage fees as are witnesses in proceedings in the Superior Court of the District of Columbia; provided, that fees payable to a witness summoned by subpoena issued at the request of a party shall be paid by that party.

(c) Within 10 days after service of a subpoena upon a person, the person may petition the administrative law judge to quash or modify the subpoena, which the administrative law judge shall grant, if the judge finds that:

(1) The subpoena requires appearance or attendance at an unreasonable time or place;

(2) The subpoena requires production of evidence that does not relate to the matter at issue;

(3) The subpoena does not describe with sufficient particularity the evidence to be produced;

(4) Compliance with the subpoena would be unduly onerous; or

(5) The subpoena fails for other good reason.

(d) In the case of a refusal to obey a subpoena, the administrative law judge or any party may seek enforcement of a subpoena issued under the authority of this act by filing a petition for enforcement in a court of competent jurisdiction. In the enforcement proceeding, the court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the enforcement order.

(e) A person who fails or neglects to attend a proceeding to which the person was duly called to testify or refuses to answer any lawful inquiry or demand to produce records, documents, or other evidence, without good cause, may be fined by a court of competent jurisdiction not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01) ("Criminal Fine Proportionality Act") or imprisoned not more than 60 days, or both.

(f) A person who makes or causes to be made a false entry or false statement of fact in any report, account, record, or other document submitted to an administrative law judge pursuant to a subpoena or other order or who willfully mutilates, alters, or by any other means falsifies any documentary evidence may be fined by a court of competent jurisdiction not more than the amount set forth in the Criminal Fine Proportionality Act or imprisoned not more than 60 days, or both.

Sec. 15. Costs and attorney's fees.

(a) In any action brought under this act, the administrative law judge shall allow a

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prevailing plaintiff to recover the costs of the action from the defendant, including costs or fees of any nature and reasonable attorney's fees.

(b) In an administrative order in favor of a covered employee and in any proceeding to enforce an administrative order, the court shall award to each attorney for the covered employee an additional judgment for costs, including reasonable attorney's fees.

(c) If fees remain unpaid to the attorney at the time of any subsequent review, supplementation, or reconsideration of the fee award, the administrative law judge shall update the award to reflect the hours actually expended and the market rates in effect at that time. No reduction shall be made from this rate, or from the hours actually expended, except upon clear and convincing evidence that the reduction will serve the remedial purposes of this law.

(d) Costs shall also include expert witness fees, depositions fees, witness fees, juror fees, filing fees, certification fees, the costs of collecting and presenting evidence, and any other costs incurred in connection with obtaining, preserving, or enforcing the administrative order.

(e) The Mayor shall not be required to pay the filing fee or other costs or fees of any nature or to file bond or other security of any nature in connection with any action or proceeding under this act.

Sec. 16. Civil action.

(a) A covered employee aggrieved by a violation of this act may bring a civil action in the Superior Court of the District of Columbia and may be awarded such legal or equitable relief as may be appropriate to effectuate the purposes of this act, including without limitation:

(1) Reinstatement;

(2) Payment of lost wages totaling not less than the hourly rate of pay due to the covered employee but for the violation multiplied by the number of hours below the minimum work week that the covered employee was provided each work week during which a violation occurred;

(3) Actual medical costs incurred by the covered employee as a result of the violation;

(4) Liquidated damages in the amount of \$100 per day for each day the violation continued; and

(5) Reasonable attorney's fees and costs of the action to be paid by the defendant to a prevailing plaintiff.

(b) (1) An action to recover damages under this act may be maintained in the Superior Court of the District of Columbia by one or more covered employees aggrieved by a violation of this act or on behalf of a covered employee or covered employees who are similarly situated as long as at least one of the covered employees has exhausted all administrative remedies.

(2)(A) For the purposes of this subsection, 2 or more covered employees are similarly situated if they:

(i) Are or were employed by the same covered employer, whether concurrently or otherwise, at some point during the applicable statute of limitations period;

(ii) Allege one or more violations that raise similar questions as to

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liability; and

(iii) Seek similar forms of relief.

(B) Covered employees alleging violations of this act shall not be considered dissimilar under this subsection solely because their claims seek damages that differ in amount or their job titles, or other means of classifying them differ in ways that are unrelated to their claims.

(c)(1) Except as provided in paragraph (2) of this subsection, an action commenced for a violation of this act on or after the applicability of this act shall be commenced within 3 years after the cause of action accrued or of the last occurrence if the cause of action is continuous, whichever is later, or the cause of action shall be forever barred.

(2) The 3-year statute of limitations shall be tolled:

(A) From the date the covered employee files an administrative complaint with the Mayor until the Mayor notifies the covered employee in writing that the administrative complaint has been resolved or the administrative complaint is withdrawn by the covered employee;

(B) During any period that the covered employer has failed to provide the covered employee with actual or constructive notice of the covered employee's rights; or

(C) On other equitable grounds.

Sec. 17. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

Sec. 18. Applicability.

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

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

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

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

Sec. 19. Fiscal impact statement.

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

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Sec. 20. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 18, 2016

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AN ACT

D.C. ACT 21-486

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 23, 2016

To amend the District of Columbia Government Quick Payment Act of 1984 to require a change order clause in contracts, and to establish a minimum interest penalty and faster review of claims by contracting officers; to amend the Procurement Practices Reform Act of 2010 to clarify the authority of the Chief Procurement Officer to review contracts of all agencies, allow procurement of facilities maintenance services for certain District-owned buildings, require additional transparency in Council contract summaries, amend requirements for the solicitation and award of privatization contracts, establish restrictions on the performance of inherently governmental functions by contractors, establish an Agency Ombudsman for Contracting and Procurement at District agencies, allow the District to reduce payments to vendors to recoup minor delinquent tax amounts, prohibit certain contacts during source selection, establish contractor past performance as an evaluation criteria during source selection, require a government cost estimate for construction projects, modify surety requirements for construction contracts and non-construction service contracts, require entry into project labor agreements as a condition of a contractor or subcontractor performing work under certain construction contracts, clarify the scope of the Contract Appeals Board's review of procurements with regard to business judgment, modify requirements for posting contract information on the Internet, and clarify the rulemaking authority of the Chief Procurement Officer and the Department of General Services; and to amend the Department of General Services Establishment Act of 2011 to clarify the authority of the Department of General Services with regard to the representative program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Procurement Integrity, Transparency, and Accountability Amendment Act of 2016".

Sec. 2. The District of Columbia Government Quick Payment Act of 1984, effective March 15, 1985 (D.C. Law 5-164; D.C. Official Code § 2-221.01 *et seq.*), is amended as follows:

(a) Section 3(d) (D.C. Official Code § 2-221.02(d)) is amended by adding a new paragraph (4) to read as follows:

“(4) A change order clause that:

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“(A) Prohibits the District or a prime contractor from requiring a prime contractor or a subcontractor to undertake any work that is determined to be beyond the original scope of the prime contractor’s or a subcontractor’s contract or subcontract, including work under a District-issued change order, when the additional work increases the contract price beyond the not-to-exceed price or negotiated maximum price of the underlying contract, unless the contracting officer:

“(i) Agrees with the prime contractor and, if applicable, the subcontractor on a price for the additional work;

“(ii) Obtains a certification from the Chief Financial Officer that there are sufficient funds to compensate the prime contractor and, if applicable, the subcontractor for the additional work;

“(iii) Has made a written, binding commitment with the prime contractor to pay for the additional work within 30 days after the prime contractor submits a proper invoice for the additional work to the contracting officer; and

“(iv) Gives written notice of the funding certification from the Chief Financial Officer to the prime contractor;

“(B) Requires a prime contractor to include in its subcontracts a clause that requires the prime contractor to:

“(i) Within 5 business days of receipt of the notice required under subparagraph (A)(iv) of this paragraph, provide the subcontractor with notice of the approved amount to be paid to the subcontractor based on the portion of the additional work to be completed by the subcontractor;

“(ii) Pay the subcontractor any undisputed amount to which the subcontractor is entitled for any additional work within 10 days of receipt of payment for the additional work from the District; and

“(iii) If the prime contractor withholds payment from a subcontractor, notify the subcontractor in writing and state the reason why payment is being withheld and provide a copy of the notice to the contracting officer; and

“(C) Prohibits the District, a prime contractor, or a subcontractor from declaring another party to the contract to be in default or assessing, claiming, or pursuing damages for delays in the completion of the construction due to the inability of the parties to agree on a price for the additional work.”.

(b) Section 4(b) (D.C. Official Code § 2-221.03(b)) is amended by striking the phrase “shall pay an interest penalty” and inserting the phrase “shall pay an interest penalty of at least 1.5%” in its place.

(c) Section 5(a)(2) (D.C. Official Code § 2-221.04(a)(2)) is amended by striking the phrase “60 days” and inserting the phrase “30 days” in its place.

Sec. 3. The Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 2-351.04) is amended as follows:

(1) A new paragraph (34A) is added to read as follows:

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“(34A) “Function closely associated with an inherently governmental function” means a function that is not an inherently governmental function, but is similar to an inherently governmental function because of the nature of the function, the manner in which the contractor performs the function, or the manner in which the government administers the contractor’s performance of the function, as determined by application of the criteria set forth under section 205a.”.

(2) A new paragraph (37B) is added to read as follows:

“(37B) “Inherently governmental function” means a function that is so intimately related to the public interest as to require performance by District government employees, as determined by application of the criteria set forth under section 205a.”.

(3) A new paragraph (38A) is added to read as follows:

“(38A) “Labor organization” shall have the same meaning as provided in section 102(15) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(15)).”.

(4) A new paragraph (53A) is added to read as follows:

“(53A) “Restricted period” means the period of time commencing with the earliest written notice, advertisement, or solicitation of a request for proposal, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract with the District, and ending with either the execution of the final contract and its approval by the District or submission of the contract to the Council for its review when such submission is required pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51).”.

(b) Section 105(c)(13) (D.C. Official Code § 2-351.05(c)(13)) is amended to read as follows:

“(13) The procurement of services for the design, development, construction, and maintenance of a facility on real property that has been disposed of pursuant to District law or on District-owned real property adjacent to a disposed-of property; provided, that the construction of the facility be required by a Land Disposition Agreement, or similar agreement, governing the disposition of the real property;”.

(c) Section 201 (D.C. Official Code § 2-352.01) is amended as follows:

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

“(d) Except regarding agencies exempted in section 105(c) and 201(b) and roads, bridges, other transportation systems, and facilities and structures appurtenant to roads, bridges, and other transportation systems, the Department of General Services shall have procurement authority for:

“(1) Construction and related services under Title VI of this act; and

“(2) Facilities maintenance and operation services, real estate asset management services, utility contracts, and security services, as set forth in section 1023(5) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.02(5)).”.

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

“(e) Except as otherwise provided in section 105(b), the CPO may review and monitor procurements, including for construction and related services under Title VI of this act, by any

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agency, instrumentality, employee, or official exempt under this act or authorized to procure independently of OCP.”.

(d) Section 202 (D.C. Official Code § 2-352.02) is amended as follows:

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

“(a)(1) Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C Official Code § 1-204.51), before the award of a multiyear contract or a contract in excess of \$1 million during a 12-month period, the Mayor or executive independent agency or instrumentality shall submit the proposed contract to the Council for review and approval in accordance with the criteria established in this section.

“(2) For a contract modification to exercise an option period when the exercise of the option period does not result in a material change in the terms of the underlying contract, submission of the modification to exercise the option period shall constitute submission of the contract pursuant to this subsection.”.

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

(A) Paragraph (1) is amended by striking the phrase “and type of contract;” and inserting the phrase “type of contract, and the source selection method;” in its place.

(B) New paragraphs (1A) and (1B) are added to read as follows:

“(1A) For a contract containing option periods, the contract amount for the base period and for each option period and, if the contract amount for one or more of the option periods differs from the contract amount for the base period, an explanation of the reason or reasons for that difference;

“(1B) If the contract definitizes a letter contract or replaces a contract awarded through an emergency procurement pursuant to section 405:

“(A) The date, or dates, on which the letter contract or emergency awarded through an emergency procurement was executed;

“(B) The number of times the letter contract or contract awarded through an emergency procurement has been extended; and

“(C) The value of the goods and services provided to date under the letter contract or contract awarded through an emergency procurement, including under each extension of the letter contract or contract awarded through an emergency procurement.”.

(C) Paragraph (3) is amended to read as follows:

“(3)(A) The selection process, including the number of offerors, the evaluation criteria, and the evaluation results, including price, technical or quality, and past-performance components.

“(B) If the contract was awarded on a sole-source basis, the date on which a competitive procurement for the goods or services to be provided under the contract was last conducted, the date of the resulting award, and a detailed explanation of why a competitive procurement is not feasible;”.

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

“(3A) A description of any bid protest related to the award of the contract, including whether the protest was resolved through litigation, withdrawal of the protest by the

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protestor, or voluntary corrective action by the District. Each such description shall include the identity of the protestor, the grounds alleged in the protest, and any deficiencies identified by the District as a result of the protest;”.

(E) Paragraph (4) is amended by striking the phrase “prior performance on contracts with the District government;” and inserting the phrase “performance on past or current government or private-sector contracts with requirements similar to those of the proposed contract;” in its place.

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

“(4A) A summary of the subcontracting plan required under section 2346 of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.46), to include a certification by the District that the subcontracting plan meets the minimum requirements of the Small, Local, and Disadvantaged Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*), and the dollar volume of the portion of the contract to be subcontracted, expressed both in total dollars and as a percentage of the total contract amount;”.

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

“(5A) The amount and date of any expenditure of funds by the District pursuant to the contract before its submission to the Council for approval;”.

(H) Paragraph (8) is amended to read as follows:

“(8)(A) A certification that the Citywide Clean Hands Database indicates that the proposed contractor is current with its District taxes.

“(B) If the Citywide Clean Hands Database indicates that the proposed contractor is not current with its District taxes:

“(i) A certification that the contractor has worked out and is current with a payment schedule approved by the District; or

“(ii) A certification that the contractor will be current with its District taxes after the District recovers any outstanding debt as provided under section 301(9);”.

(I) A new paragraph (8A) is added to read as follows:

“(8A) A certification from the proposed contractor that it is current with its federal taxes, or has worked out and is current with a payment schedule approved by the federal government.”.

(J) Paragraph (11) is amended by striking the phrase “debarment; and” and inserting the phrase “debarment;” in its place.

(K) A new paragraph (11A) is added to read as follows:

“(11A) Any determination and findings issued in relation to the contract’s formation, including any determination and findings made under section 205;”.

(L) Paragraph (12) is amended to read as follows:

“(12) Where the contract, and any amendments or modifications, if executed, will be made available online; and”.

(M) A new paragraph (13) is added to read as follows:

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“(13) Where the original solicitation, and any amendments or modifications, will be made available online.”.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) A proposed change to the scope or amount of a contract, including the exercise of an option period, a modification, a change order, or any similar change that is submitted to the Council pursuant to this section and seeks from the Council retroactive approval of an action or authorization for payment, shall include the summary required under subsection (c) of this section and also shall include:

“(1) The period of performance associated with the proposed change, including the date as of which the proposed change is to be made effective;

“(2) The value of any work or services performed pursuant to a proposed change for which the Council has not provided approval, disaggregated by each proposed change if more than one proposed change has been aggregated for Council review;

“(3) The aggregate dollar value of the proposed change as compared with the amount of the contract as awarded;

“(4) The date on which the contracting officer was notified of the proposed change;

“(5) The reason why the proposed change was sent to the Council for approval after it is intended to take effect;

“(6) The reason for the proposed change; and

“(7) The legal, regulatory, or contractual authority for the proposed change.

“(c-2) Any proposed change submitted to the Council for its review in accordance with subsection (c-1) of this section shall be referred to the Inspector General who may examine the contract for possible corruption, mismanagement, waste, fraud, or abuse pursuant to section 208(a-1)(2) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a-1)(2)).

“(c-3) The proposed exercise of an option period pursuant to subsection (a)(2) of this section may be submitted electronically and shall contain a summary, including the following:

“(1) The proposed contractor, contract amount, contract term, and contract type;

“(2) The identifying number of the underlying contract, including the identifiers assigned to the underlying contract by the Council for the base period of the contract and any subsequent option periods;

“(3) A statement indicating that the contracting officer determined through the Citywide Clean Hands Database that the contractor is current with its District taxes or has worked out and is current with a payment schedule approved by the District, or that the contracting officer will offset any outstanding amount pursuant to section 301(9); and

“(4) A statement indicating that the proposed contract is within the appropriated budget authority for the fiscal year and is consistent with the financial plan and budget adopted in accordance with D.C. Official Code §§ 47-392.01 and 47-392.02.”.

(4) Subsection (e) is amended by striking the phrase “contained therein.” and inserting the phrase “contained therein; provided, that a copy of the underlying letter contract be transmitted to the Council with the definitive contract.” in its place.

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(e) Section 205 (D.C. Official Code § 2-352.05) is amended to read as follows:

“Sec. 205. Privatization contracts.

“(a) A privatization contract shall meet the following requirements:

“(1) Except as provided in subsection (d) of this section, a privatization contract shall not cause the displacement of District government employees including by layoff, demotion, involuntary transfer to a new class, involuntary transfer to a new location requiring a change of residence, or time base reductions. For the purposes of this paragraph, the term “displacement” does not include changes in shifts or days off, nor does it include reassignment to other positions within the same class and general location.

“(2) The privatization contract shall provide the District with an economic advantage, as demonstrated by the determination and findings issued pursuant to subsection (b) of this section.

“(3) The economic advantage of the privatization contract shall not be outweighed by the public’s interest in having a particular function performed directly by District employees, as demonstrated in the determination and findings issued pursuant to subsection (b) of this section.

“(4) The privatization contract shall be awarded through a publicized, competitive procurement process pursuant to Title IV of this act.

“(5) The privatization contract shall include specific provisions establishing the minimum qualifications for the employees of the contractor who will perform the work under the contract and an affirmation by the contractor that the contractor’s hiring practices meet applicable District standards.

“(b) Before issuing a solicitation for a privatization contract, the Mayor, instrumentality, or independent agency shall:

“(1) Issue a draft determination and findings demonstrating that the cost of having the contracted-for service provided by a contractor will be at least 5% less than if the service were to be provided by employees of the District or its instrumentality or independent agency. The draft determination and findings shall include, at a minimum, the following:

“(A) The estimated cost of having a contractor provide the service contrasted with the costs that would be directly associated with having employees of the District or its instrumentality or independent agency continue performance;

“(B) Personal services costs attributable to having a contractor provide the service contrasted with the personal services costs that would result from having employees of the District or its instrumentality or independent agency continue performance, including salary and fringe benefits;

“(C) Non-personal services costs attributable to having a contractor provide the service contrasted with the non-personal services costs that would result from having employees of the District or its instrumentality or independent agency continue performance, including rent, equipment, and utilities;

“(D) Any additional costs that would be built into a privatization contract, including expected costs related to the administration, oversight, and supervision by District government personnel of a privatization contract;

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“(E) A description of the expected impact of a privatization contract on the quality of goods or services provided to or on behalf of the District government;

“(F) The number of employees of the District or its instrumentality or independent agency that are necessary to perform the service proposed to be the subject of a privatization contract; and

“(G) The number of employees of the District or its instrumentality or independent agency that would be displaced by the contract within the meaning of subsection (a)(1) of this section;

“(2) Request an analysis by the Chief Financial Officer of whether the costs in the draft determination and findings can be substantiated;

“(3) Share the draft determination and findings with employees who could be displaced within the meaning of subsection (a)(1) of this section as a result of the privatization contract and any labor unions or groups representing those employees to solicit their comments; and

“(4) Issue a final determination and findings that incorporate the full analysis by the Chief Financial Officer, and a summary of comments provided pursuant to paragraph (3) of this subsection. Each final determination and findings shall be made publicly available online before any solicitation for a privatization contract based on the final determination and findings is issued.

“(c)(1) If the Mayor, instrumentality, or independent agency issues a solicitation for a privatization contract that would displace employees of the District or its instrumentality or independent agency, those employees or a person or entity representing those employees may submit a bid or proposal to perform the services as a private entity; provided, that the employees agree to resign their employment with the District or its instrumentality or independent agency upon selection as the awardee of the contract after final approval of the contract.

“(2) The Mayor, instrumentality, or independent agency shall consider any employee bid or proposal submitted pursuant to paragraph (1) of this subsection on the same basis as any other bid or proposal.

“(3) The Mayor shall make available reasonable resources, up to \$35,000 per instance, to assist employees of the District or its instrumentality or independent agency, or an entity representing such employees, in formulating a bid or proposal pursuant to paragraph (1) of this subsection; provided, that standards for determining the resources to be made available and whether they are reasonable shall be determined by rulemaking; provided further, that the Mayor may increase the \$35,000 limit by rulemaking.

“(4) A solicitation for a privatization contract shall include information describing how displaced employees of the District or its instrumentality or independent agency may exercise their right to compete for the contract pursuant to this subsection.

“(d) A privatization contract that causes employees of the District or its instrumentality or independent agency to be displaced within the meaning of subsection (a)(1) of this section may be awarded; provided, that:

“(1) The contractor shall offer to each displaced employee a right of first refusal to employment by the contractor, in a comparable available position for which the employee is

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qualified, for at least a 6-month period during which the employee shall not be discharged by the contractor without cause;

“(2) Any District employee who is displaced as a result of a privatization contract and is hired by the contractor who was awarded the contract, shall be entitled to the benefits provided by the Service Contract Act of 1965, approved October 22, 1965 (79 Stat. 1034; 41 U.S.C. § 6701 *et seq.*);

“(3) If the employee's performance during the 6-month transitional employment period described in paragraph (1) of this subsection is satisfactory, the contractor shall offer the employee continued employment under terms and conditions established by the contractor; and

“(4) The Mayor, instrumentality, or the independent agency head shall make efforts to assist employees of the District or its instrumentality or independent agency who would be affected by the privatization contract and to promote employment opportunities for District residents with the contractor. These efforts shall include:

“(A) Consulting with union representatives and employees of the District or its instrumentality or independent agency who would be affected by the privatization contract;

“(B) Providing prior notification of at least 30 days of any adverse impact of a privatization contract to employees of the District or its instrumentality or independent agency who would be affected by the contract, including notification to a labor organization certified as the exclusive representative of employees affected by the contract;

“(C) Providing alternative employment in the District government to displaced employees if there are unfilled positions for which those employees are qualified; and

“(D) Encouraging the contractor to offer employment to qualified District residents before offering employment to qualified nonresidents.

“(e)(1) Any privatization contract shall incorporate specific performance standards and targets including for productivity and cost savings to be achieved under the contract.

“(2) The contractor shall submit reports, as required by the contract, to the District government contracting officer and the Chief Financial Officer on the contractor's compliance with the specific performance criteria.

“(3) The contract may be canceled without prejudice to the District if the contractor fails to comply with the performance criteria set out in the contract.

“(f) An agency or instrumentality shall not attempt to circumvent the requirements of this section by eliminating the provision of services by its own employees before procuring substantially the same services from a person who is not employed by that agency or instrumentality.

“(g)(1) Each year the District of Columbia Auditor shall review a selection of privatization contracts, which shall be chosen by the Auditor based on the dollar value and scope of the contracts, their potential impact on the health and safety of District residents, their potential impact on economic development and employment opportunities in the District, and other factors deemed appropriate by the Auditor.

“(2) The Auditor shall issue an annual report to the Mayor and the Council on the contracts reviewed pursuant to paragraph (1) of this subsection, analyzing for each contract whether it is achieving:

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“(A) The minimum 5% cost-savings requirement set forth in subsection (b)(1) of this section; and

“(B) The performance standards and targets incorporated into the contracts as required under subsection (e) of this section.

“(3) The Auditor may report that the cost and performance data for the selected contracts are inconclusive, but if the District has failed to collect, maintain, or provide cost or performance data, the Auditor reasonably may conclude that the cost savings or performance standards and targets are not being met.

“(4) If the Auditor finds in the report issued pursuant to paragraph (2) of this subsection that a privatization contract has not met the cost savings or performance standards and targets, the Mayor or instrumentality or independent agency head shall review the merits of canceling the privatization contract and performing the work with District employees and shall report to the Council on the results of the review.

“(h) The requirements of this section shall not apply to:

“(1) A contract for a new function for which the Council has specifically mandated or authorized the performance of the work by independent contractors;

“(2) Services that cannot be performed satisfactorily by District government employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability, are not available through District employees, as determined by the Mayor;

“(3) Contracts for staff augmentation services to be provided pursuant to a contract with a term of less than one year that does not contain options to extend the performance period;

“(4) Contracts for services that are incidental to a contract for the purchase or lease of real or personal property such as contracts to maintain office equipment or computers that are leased or rented;

“(5) Contracts that are necessary to protect against a conflict of interest or to insure independent and unbiased findings in cases in which there is a clear need for an unbiased and objective outside perspective, as determined by the Mayor;

“(6) Contracts entered into pursuant to section 201(c);

“(7) Contracts that will provide equipment, materials, facilities, or support services that could not be provided feasibly by the District in the location where the services are to be performed, as determined by the Mayor;

“(8) Contracts to provide training for which appropriately qualified District employees are not available, as determined by the Mayor; and

“(9) Contracts for services that are of such an urgent, temporary, or occasional nature that the delay incumbent in their formation under this section would frustrate their very purpose, as determined by the Mayor.

“(i) The CPO shall promulgate rules, pursuant to section 1106, with detailed procedures to implement the provisions of this section.”

(f) A new section 205a is added to read as follows:

“Sec. 205a. Inherently governmental functions.

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“(a) The District shall not award a contract to provide any service that is an inherently governmental function.

“(b) The District may enter into a contract for the performance of a function closely associated with an inherently governmental function only if the head of an agency benefited by the performance of the contract:

“(1) Finds that appropriate District government employees cannot reasonably perform the function at issue;

“(2) Ensures that appropriate District government employees supervise contractor performance of the contract and perform all inherently governmental functions associated with the contract; and

“(3) Addresses any potential organizational conflicts of interest of the contractor in the performance of the functions closely associated with an inherently governmental function under the contract.

“(c) An inherently governmental function involves, among other things, the interpretation and execution of the laws of the District to:

“(1) Bind the District to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;

“(2) Appoint, direct, or control officials or employees of the District;

“(3) Exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the District, including the control, or disbursement of, appropriated and other District funds.

“(4) With respect to contracts to procure goods or services for the District:

“(A) Determine what supplies or services are to be acquired by the District, and at what prices; provided, that the Mayor or the Mayor’s designee may give a contractor authority to acquire supplies for the District at prices within specified ranges and subject to other reasonable conditions considered appropriate;

“(B) Participate as a voting member on any source-selection board, unless the contractor has:

“(i) Been hired by the District for its specific technical expertise;

“(ii) No conflict of interest exists with regard to the contract or vendors under consideration by the source-selection board;

“(C) Approve any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria;

“(D) Award contracts;

“(E) Administer contracts, including ordering changes in contract performance or contract quantities, taking action based on evaluations of contractor performance, and accepting or rejecting contractor products or services;

“(F) Terminate contracts;

“(G) Determine whether contract costs are reasonable, allocable, or allowable; and

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“(H) Evaluate a contractor’s performance when the evaluation is to be used to determine whether payment should be made to the contractor and in what amount.

“(d) The CPO shall issue rules pursuant to section 1106, consistent with this section, containing guidance on further defining an inherently governmental function and a function closely related to an inherently governmental function and including categories of functions and specific functions meeting these definitions.

“(e) The Mayor may waive compliance with any of the requirements of this section for any contract in effect upon the effective date of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-334)(“Procurement Act”), and for any option period exercised under such contract, so long as the option period was provided for in the contract as of the effective date of the Procurement Act.

“(f) Notwithstanding subsection (e) of this section, the requirements of this section shall apply to any contract or option period in effect 5 years after the effective date of the Procurement Act.”.

(g) A new section 207 is added to read as follows:

“Sec. 207. Ombudsman for contracting and procurement.

“(a) There is established within the Office of Contracting and Procurement an Office of Ombudsman for Contracting and Procurement which shall be headed by an ombudsman with purview over contracts under the authority of the CPO.

“(b) Each District agency with independent procurement authority pursuant to section 201 shall designate an Agency Ombudsman for Contracting and Procurement.

“(c) Each ombudsman designated pursuant to this section shall:

“(1) Serve as a vehicle for contractors and subcontractors performing work or providing services under a District contract to communicate their complaints and concerns regarding contracting, procurement, or a specific contract, through a single entity;

“(2) Respond to complaints and concerns in a timely fashion with accurate and helpful information;

“(3) Determine the validity of any complaint quickly and professionally;

“(4) Generate options for a response by the agency or instrumentality and offer a recommendation from among the options;

“(5) Except when the parties are involved in legal or administrative proceedings, attempt informally to facilitate a resolution of a dispute between the contracting officer, the prime contractor, and the subcontractor, as appropriate; and

“(6) Identify systemic concerns and recommend to the CPO and the Council policy changes, and strategies to improve the contracting and procurement process.”.

(h) Section 301 (D.C. Official Code § 2-353.01) is amended as follows:

(1) The lead-in language is designated as subsection (a).

(2) Paragraph (9) is amended by striking the phrase “delinquent status” and inserting the phrase “delinquent status of more than the greater of \$1,000 or 1% of the contract value, up to \$25,000” in its place.

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

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“(b) If the District awards a contract to a prospective contractor that has an outstanding debt with the District in a delinquent status that is in an amount less than the amount required to disqualify the prospective contractor pursuant to subsection (a)(9) of this section, the District shall recoup the outstanding debt by offsetting it against any payment due to the contractor under the contract.”

(i) Section 401(b) (D.C. Official Code § 2-354.01(b)) is repealed.

(j) A new section 401a is added to read as follows:

“Sec. 401a. Prohibited contacts during source selection.

“(a) Except for members of a technical advisory group, no District employee or official shall contact any contracting officer or contracting staff in an attempt to influence source selection outside of the processes established in Title IV of this act.

“(b) Before the commencement of a restricted period, the CPO, or the lead contracting official of an agency with procurement authority independent of the CPO, shall designate a person or persons to be the designated contact for offerors or bidders on a given contract during the restricted period.

“(c)(1) During the restricted period, no bidder or offeror shall contact any District employee or official with respect to source selection, except as provided for under subsection (d) of this section.

(2) For the purposes of this section, the term “contact” means any oral, written, or electronic communication.

“(d)(1) During the restricted period, an offeror or bidder may make permissible contact with respect to source selection.

“(2) For the purposes of this section, the term “permissible contact” means that the offeror or bidder shall contact only the individual designated under subsection (b) of this section for a given contract; provided, that the following contacts are exempted from this subsection and do not need to be directed to the individual designated under subsection (b) of this section:

“(A) The submission of written proposals in response to any method for soliciting a response from offerors or bidders intended to result in a contract;

“(B) The submission of written questions through a process set forth in a solicitation, request for proposals, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract, so long as the written questions and responses are to be disseminated to all offerors or bidders who have expressed an interest in the proposed contract;

“(C) Participation in any demonstration, conference, or other means of exchanging information in a setting open to all potential bidders or offerors through a process set forth in a solicitation, request for proposals, invitation for bids, or any other method of soliciting a response from offerors or bidders intended to result in a contract;

“(D) Negotiation with the highest-ranking offeror or bidder regarding the terms of the proposed contract; and

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“(E) Contacts by offerors or bidders with the Contract Appeals Board or any other tribunal or court of competent jurisdiction in connection with a protest, appeal, or dispute before that tribunal or court.

“(e) A bid or offer associated with a violation of this section shall be rejected, unless the CPO determines that it is in the best interest of the District not to reject the bid or offer.

“(f) For the purposes of this section, the term “bidder” or “offeror” shall include any employee, agent, consultant, or person acting on behalf of a bidder or offeror.

“(g) Nothing in this section shall be construed to prevent any contact or communications by any offeror, bidder, or District employee or official with respect to allegations of improper conduct to the Office of the Attorney General, the Office of the Inspector General, the Office of the District of Columbia Auditor, the CPO, the Council of the District of Columbia, or the Contract Appeals Board or any other tribunal or court of competent jurisdiction.”

(k) Section 403 (D.C. Official Code § 2-354.03) is amended as follows:

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

“(d) Each RFP shall include a statement of work or other description of the District’s specific needs, which shall be used as a basis for the evaluation of proposals.”

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

“(d-2)(1) Each RFP shall set forth each evaluation factor and indicate the relative importance of each evaluation factor. At a minimum, the following shall be included as evaluation factors:

“(A) Price or cost to the District government;

“(B) The quality of the product or service as addressed by one or more non-cost evaluation factors; and

“(C) Past performance of the offeror.

“(2) The general approach for evaluating past-performance information shall be described in the RFP, but at a minimum shall include an evaluation of the offeror’s performance under past or current government or private-sector contracts with requirements similar to those of the proposed contract.

“(3) In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

“(4) Notwithstanding any provision of this subsection, any review of past performance shall be evaluated in a manner consistent with the criteria specified in the solicitation and the criteria shall be applied consistently across all offerors.”

(l) A new section 605 is added to read as follows:

“Sec. 605. Estimate of construction costs.

“(a) An estimate of costs shall be prepared by the contracting officer for each proposed contract, contract modification, or change order to be issued in connection with a construction project and anticipated to exceed \$100,000.

“(b) The estimate shall be prepared in detail, as though the District were competing for the contract, and shall not be based solely on the estimates or actual costs of similar construction projects.

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“(c) The estimate shall be made available to the contracting officer for use in preparation of the contract solicitation and in the determination of price reasonableness in awarding a contract.

“(d) Access to materials gathered or created for the estimate, and the overall amount of the estimate, shall be limited to District personnel or agents of the District whose official duties require knowledge regarding the estimate. These materials and the overall amount of the estimate shall not be disclosed, except as otherwise permitted by law.

“(e) Within 90 days of the effective date of the Procurement Integrity, Transparency, and Accountability Amendment Act of 2016, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-334), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section.”.

(m) A new section 606 is added to read as follows:

“Sec. 606. Use of project labor agreements for construction projects.

“(a) The Mayor shall require, as part of a solicitation for a construction contract pursuant to this title, that every contractor and subcontractor that will engage in the construction project agree to negotiate or become a party to a project labor agreement, for that project, with one or more labor organizations if:

“(1) Use of a project labor agreement will advance the District’s interest in producing labor-management stability, and ensuring compliance with laws and regulations governing safety and health, equal employment opportunity, labor and employment standards, and other matters;

“(2) The project will require multiple construction contractors or subcontractors employing workers in multiple crafts or trades; and

“(3) The total cost, not including ongoing operations and maintenance, of the contract to the District is anticipated to be \$75 million or more.

“(b) A project labor agreement agreed to pursuant to subsection (a) of this section shall:

“(1) Bind all contractors and subcontractors engaged in construction on the construction project to comply with the project labor agreement;

“(2) Contain guarantees against strikes, lockouts, and similar job disruptions;

“(3) Set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the term of the project labor agreement;

“(4) Provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

“(5) Include any additional requirements that the CPO considers necessary to promote the District’s interest.

“(c) The Mayor may waive the requirements of this section by issuing a determination and findings, posted on the Internet for at least 10 calendar days before advertising the solicitation, that:

“(1) A project does not meet the criteria set forth in subsection (a) of this section;

or

“(2) A project labor agreement would be contrary to the interests of the District.”.

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(n) Section 702(b) (D.C. Official Code § 2-357.02(b)) is amended to read as follows:

“(b) The CPO may:

“(1) Reduce the amount of performance and payment bonds for construction contracts to 50% of the amounts established in subsection (a) of this section;

“(2) Substitute for a bond required by subsection (a) of this section, a letter of credit in an amount equal to at least 10% of the portion of the contract price that does not include the cost of operation, maintenance, and finance, in cases in which the contractor:

“(A) Is a nonprofit corporation, as defined in D.C. Official Code § 29-401.02(6), or an entity controlled, directly or indirectly, by a nonprofit corporation;

“(B) Had a net worth of at least \$1 million in the preceding fiscal year;

“(C) Is a licensed general contractor; and

“(D) Has done business as a construction contractor for at least 5 years.”.

(o) A new section 702a is added to read as follows:

“Sec. 702a. Security in non-construction service contracts.

“The CPO shall issue rules pursuant to section 1106 to require performance bonds, payment bonds, letters of credit, or other forms of security for non-construction service contract prime contractors in cases in which such security may be effective in furthering the District’s interests or such security may assist subcontractors doing business under a prime contract to receive payment for goods or services.”.

(p) Section 1008 (D.C. Official Code § 2-360.08) is amended as follows:

(1) Subsection (d) is amended by striking the phrase “proceeding shall be de novo and the”.

(2) A new subsection (d-1) is added to read as follows:

“(d-1) An agency’s determination of its minimum needs and its determination of the best method of accommodating those minimum needs are business judgments primarily within the agency’s discretion. The Board may not sustain a protest on the basis of either determination unless a protester demonstrates by clear and convincing evidence that the determination lacked a reasonable basis.”.

(q) Section 1104 (D.C. Official Code § 2-361.04) is amended to read as follows:

“Sec. 1104. Transparency in contracting.

“(a) The CPO shall establish and maintain on the Internet a website containing publicly available information regarding District procurement.

“(b) The website established pursuant to subsection (a) of this section shall contain, at a minimum, the following:

“(1) Information regarding the statutes and rules that govern procurement for all District agencies, including those exempt from the authority of the CPO.

“(2) Links to the contract solicitation websites of OCP and all District agencies exempt from the authority of the CPO.

“(3) A database containing information regarding each contract executed by the District for an amount equal to or greater than \$100,000, including each such contract made by a District agency exempt from the authority of the CPO pursuant to section 105. For each contract

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contained in the database, the database shall include a unique identifier and, at a minimum, the following:

“(A) A copy of the executed contract;

“(B) All determinations and findings related to the contract;

“(C) All contract modifications, change orders, or amendments associated with the contract;

“(D) All solicitation documents for the contract, including all requests for proposals and invitations for bids, and any amendments of such documents; and

“(E) The contract summary documents for the contract that are submitted to the Council for its review.

“(4) Placeholders identifying any portions of the items set forth in paragraph (3) of this subsection withheld as confidential by the CPO pursuant to section 417.

“(5) A list of each contract executed by the District for an amount less than \$100,000, which shall include, for each contract, the vendor name, a description of the goods or services purchased, and the dollar amount of the contract.

“(6)(A) A list of each payment made by the District to a prime contractor, including the date and the dollar amount of the payment. The list shall be updated not less than once each week.

“(B) Payments not administered through the Procurement Automated Support System shall be exempt from the requirement of subparagraph (A) of this paragraph.

“(c) Agencies not subject to the authority of the CPO shall transmit the information required by this section to the CPO for posting on the Internet.”.

(r) Section 1105 (D.C. Official Code § 2-361.05) is amended as follows:

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

“(a-1) At a minimum, each agency acquisition plan shall contain anticipated procurement needs of the coming fiscal year with specific information on the following:

“(1) Program-level needs;

“(2) Anticipated multiyear procurements;

“(3) Anticipated exercises of option periods of existing contracts;

“(4) Expected major changes in ongoing or planned procurements;

“(5) The guiding principles, overarching goals, and objectives of the agency’s acquisitions of work, goods, and services; and

“(6) Goals and plans for utilization of strategic sourcing.”.

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

“(b) Each agency shall submit to the Council a summary of planned contracts for the upcoming fiscal year no later than the date of submission of the Mayor’s proposed budget to the Council. Each summary, at a minimum, shall list each planned contract and the source of funding for each contract by program code in the budget.”.

(s) Section 1106(a) (D.C. Official Code § 2-361.06(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “act, except Title VI.” and inserting the phrase “act.” in its place.

(2) Paragraph (2) is amended to read as follows:

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“(2) Notwithstanding paragraph (1) of this subsection, the Department of General Services, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of Title VI of this act for contracts within the authority of the Department of General Services.”.

Sec. 4. Section 1028(c) of the Department of General Services Establishment Act of 2011, effective September 14, 2011 (D.C. Law 19-21; D.C. Official Code § 10-551.07(c)), is amended to read as follows:

“(c) The representative shall perform an analysis of all aspects of the proposed contract or real-estate transaction, including the costs and benefits, and shall negotiate on behalf of the District; provided, that the representative shall not bind the District or direct District government employees and the terms of the contract shall be approved by the Director and, if applicable, the Council.”.

Sec. 5. Applicability.

(a) Amendatory sections 205(c)(3), 207(a), and 606 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), within section 3(e), (g), and (m), respectively, each shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect for each provision specified in subsection (a) of this section in an approved budget and financial plan, and provide notice to the Budget Director of the Council of each certification.

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

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

Sec. 6. Fiscal impact statement.


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

Sec. 7. Effective date.

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

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provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia

~~UNSIGNED~~ _____
Mayor
District of Columbia
August 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-487

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To establish the Incarceration to Incorporation Entrepreneurship Program within the Department of Employment Services to educate, train, and assist returning citizens in becoming responsible entrepreneurs, to require the Department of Employment Services and the Department of Small and Local Business Development to operate the program, and to establish the Incarceration to Incorporation Entrepreneurship Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Incarceration to Incorporation Entrepreneurship Program Act of 2016”.

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) “DOES” means the Department of Employment Services.
- (2) “DSLBD” means the Department of Small and Local Business Development.
- (3) “Fund” means the Incarceration to Incorporation Entrepreneurship Fund established by section 4.
- (4) “IIEP” means the Incarceration to Incorporation Entrepreneurship Program established by section 3.

Sec. 3. Incarceration to Incorporation Entrepreneurship Program.

(a) There is established within the Department of Employment Services the Incarceration to Incorporation Entrepreneurship Program, a business development program for returning citizens, which shall be operated by DOES, in conjunction with the Department of Small and Local Business Development, to:

- (1) Invest in for-profit and nonprofit businesses owned, operated, or managed by returning citizens;
- (2) Provide a program to assist a returning citizen in obtaining a general education development diploma;
- (3) Provide classes to improve math, reading, and writing abilities;
- (4) Provide business and microenterprise development training to include:
 - (A) Accounting;
 - (B) Finance;
 - (C) Administration;

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(D) Business planning;

(E) Budgeting;

(F) Marketing;

(G) Business law;

(H) Accessing startup capital, and other business startup topics as identified by the U.S. Small Business Administration and Certified Community Development Financial Institutions;

(I) Training and guidance on the certification process for becoming a certified business enterprise pursuant to the Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-1801.01 *et seq.*); and

(J) Technology training;

(5) Provide educational workshops and seminars on financial literacy;

(6) Provide ongoing mentorship and support;

(7) Place participants in apprenticeships at established businesses;

(8) Provide monthly networking meetings with business leaders, such as:

(A) Business owners;

(B) Angel investors; and

(C) Heads of venture capital and investment firms; and

(9) Provide scholarships or grants for returning citizens to enroll in business classes at the University of the District of Columbia or the University of the District of Columbia Community College.

(b) DOES shall confer with other agencies, organizations, and individuals such as:

(1) The Office of the Deputy Mayor for Greater Economic Opportunity;

(2) The Workforce Investment Council;

(3) The Mayor's Office on Returning Citizen Affairs; and

(4) Any other relevant agency or organization that DOES and DSLBD consider necessary to meet the objectives of this act.

(c) For the purposes of this section, the term "returning citizen" means a resident who was previously incarcerated.

Sec. 4. Incarceration to Incorporation Entrepreneurship Fund.

(a) There is established as a special fund the Incarceration to Incorporation Entrepreneurship Fund, which shall be administered by the Office of the Deputy Mayor for Greater Economic Opportunity in accordance with subsections (c) and (d) of this section.

(b) Up to \$10 million from the following sources shall be deposited into the Fund:

(1) Funds appropriated for the purposes of this act;

(2) Donations from the public;

(3) Donations from private entities; and

(4) Funds provided through a sponsorship agreement.

(c) Money in the Fund shall be used to implement, operate, and administer IIEP.

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(d) Money in the Fund shall not be used for any other purpose other than for the purposes of this act.

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

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

(f) The Fund shall be subject to a yearly audit by the Office of the District of Columbia Auditor and the Office of the Chief Financial Officer.

Sec. 5. Reporting requirements.

(a) Within one year of the applicability date of this act, and by June 1 of every subsequent year, DOES, in consultation with DSLBD, shall submit a report on the operations of the IIEP to the Mayor and the Council.

(b) Subject to subsection (c) of this section, the report shall include, at a minimum:

(1) The profiles of IIEP participants;

(2) Recidivism rates of IIEP participants;

(3) The number of businesses formed and launched by IIEP participants;

(4) The number of businesses formed by IIEP participants that have sustained operations for at least 12 months following their launch; and

(5) Recommendations on how to improve the IIEP and ensure its sustainability.

(c) IIEP participants may expressly authorize that their anonymity be preserved in the report.

Sec. 6. Applicability.

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

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

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

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

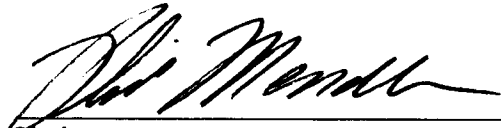
Sec. 7. Fiscal impact statement.

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

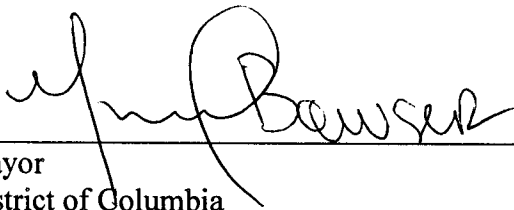
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Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 18, 2016

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AN ACT

D.C. ACT 21-488

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To enact and amend provisions of law necessary to support the Fiscal Year 2017 budget.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Fiscal Year 2017 Budget Support Act of 2016”.

TITLE I. GOVERNMENT DIRECTION AND SUPPORT

SUBTITLE A. BONUS PAY AND SPECIAL AWARDS PAY

Sec. 1001. Short title.

This subtitle may be cited as the “Bonus Pay and Special Awards Pay Act of 2016”.

Sec. 1002. Bonus pay and special awards pay; generally.

(a) Unless authorized pursuant to this subtitle, no funds shall be used to support the categories of bonus pay or special awards pay. The prohibition on the use of funds under this subtitle shall include funds appropriated to any agency, department, unit, or instrumentality of the District of Columbia government, and, unless specifically authorized in a grant agreement, any funds disbursed by the District through a grant.

(b) Notwithstanding subsection (a) of this section, an agency, department, unit, or instrumentality of the District of Columbia government may use funds to support the categories of bonus pay or special awards pay if the agency, department, unit, or instrumentality establishes a Performance Based Rewards Program pursuant to section 1003 and meets the other requirements of this subtitle.

Sec. 1003. Bonus pay and special awards pay; Performance Based Rewards Program.

(a) In order to use funds for bonus pay or special awards pay, a District agency, department, unit, or instrumentality shall establish a Performance Based Rewards Program (“Program”) that is approved by the personnel authority for the relevant agency, department, unit, or instrumentality.

(b) A Program established pursuant to this subtitle shall include detailed regulations for the payment of bonus pay or special awards pay to employees that, at a minimum:

(1) Limit the authorization period for bonus pay and special awards pay to the fourth quarter of the fiscal year;

(2) Limit the issuance of bonus pay or special awards pay to a one-time basis, without any promise or suggestion of continuing payments;

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(3) Limit the issuance of bonus pay or special awards pay to employees on an individual basis, and not to a group or class of employees unless each of the employees in the group or class individually warrants such payment;

(4) Require any issuance of bonus pay or special awards pay to be based on performance, with the employee having exceeded the expectations of the supervisor or employer;

(5) Require that an employee have had a performance evaluation, in writing, no earlier than 90 days before the issuance of a bonus pay or special awards pay;

(6) Require written justification for the bonus pay or special awards pay by the employee's immediate supervisor or the head of the agency, department, unit, or instrumentality;

(7) Cap the amount of bonus pay or special awards pay that can be received at 10% of the employee's base rate of pay or, for an employee paid at an hourly rate, an amount not to exceed 10% of the employee's wages for the 12 months preceding the award; and

(8) Limit the availability of any bonus pay or special awards pay to one payment per calendar year and prohibit an employee from receiving bonus pay and special awards pay within the same calendar year.

(c) Any Program for an Executive branch agency, department, unit, or instrumentality, including an independent agency, shall be approved by the District of Columbia Human Resources Department before its implementation.

Sec. 1004. Bonus pay and special awards pay; reporting requirements.

In addition to any other requirements under this subtitle, any payment of bonus pay or special awards pay made pursuant to section 1002(b) shall be followed, within 60 days of the payment, by notification in writing to the relevant personnel authority of the issuance of the payment and a description of the basis for the payment that includes the employee's name, title, and salary, the payment amount, and a detailed justification for the payment.

Sec. 1005. Bonus pay and special awards pay; subordinate agency heads ineligible.

Any authorization under this subtitle for the use of funds to support the categories of bonus pay or special awards pay shall not extend to a payment to a subordinate agency head in the Executive Service established by Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.51 *et seq.*).

Sec. 1006. Bonus pay and special awards pay; exceptions to prohibition.

(a) Notwithstanding the prohibition in section 1002(a), funds may be used to pay:

(1) Retirement awards;

(2) Hiring bonuses for difficult-to-fill positions;

(3) Additional income allowances for difficult-to-fill positions; provided, that this is not a waiver of section 1005;

(4) Agency awards or bonuses funded by private grants or donations;

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(5) Employee awards pursuant to section 1901 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-619.01);

(6) Safe-driving awards;

(7) Gainsharing incentives in the Department of Public Works;

(8) Suggestion or invention awards;

(9) Quality steps;

(10) Salary incentives negotiated through collective bargaining; or

(11) Any other award or bonus required by an existing contract or collective bargaining agreement that was entered into before the effective date of this subtitle.

(b) Notwithstanding the prohibition in section 1002(a) or any other provision of law, no restrictions on the use of funds to support the categories of special awards pay (comptroller subcategory 0137) or bonus pay (comptroller subcategory 0138) shall apply to employees of the District of Columbia Public Schools who are based at a local school or who provide services directly to individual students.

(c) Notwithstanding the prohibition in section 1002(a) or any other provision of law, the Office of the Attorney General shall pay employees of the Office of the Attorney General all performance allowance payments to which they are entitled or may become entitled under any approved compensation agreement negotiated between and executed by the Mayor and Compensation Unit 33 of the American Federation of Government Employees, Local 1403, AFL-CIO for the period from October 1, 2013, through September 30, 2017. These payments are necessary to satisfy the requirements of section 857 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 20, 1999 (D.C. Law 12-260; D.C. Official Code § 1-608.57), which requires the Attorney General's performance-management system to link pay to performance.

**SUBTITLE B. BEGA LOBBYIST FEE AND NOMINEE REVIEW PERIOD
AMENDMENT**

Sec. 1011. Short title.

This subtitle may be cited as the "BEGA Lobbyist Fee and Nominee Review Period Amendment Act of 2016".

Sec. 1012. The Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1162.01 *et seq.*), is amended as follows:

(a) Section 203 (D.C. Official Code § 1-1162.03) is amended as follows:

(1) Subsection (b)(1) is amended by striking the phrase "45-day" both times it appears and inserting the phrase "90-day" in its place.

(2) Subsection (c) is amended by striking the phrase "Chairman of the Ethics Board" and inserting the phrase "Chairperson of the Ethics Board" in its place.

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(b) Section 205 (D.C. Official Code § 1-1162.05) is amended by striking the word “Chairman” both times it appears and inserting the word “Chairperson” in its place.

(c) Section 227(b)(2) (D.C. Official Code § 1-1162.27(b)(2)) is amended to read as follows:

“(2) The registration fee for lobbyists who lobby solely for nonprofit organizations shall be \$50. For the purposes of this paragraph, the term “nonprofit organization” means an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, approved October 22, 1986 (68A Stat. 163; 26 U.S.C. § 501(c)(3)).”.

SUBTITLE C. EMPLOYEES’ COMPENSATION FUND AMENDMENT

Sec. 1021. Short title.

This subtitle may be cited as the “Employees’ Compensation Fund Clarification Amendment Act of 2016”.

Sec. 1022. Section 2342 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-623.42), is amended as follows:

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

(1) Paragraph (1) is repealed.

(2) Paragraph (2) is amended by striking the phrase “expenses, except administrative expenses, authorized by this title or any extension or application thereof, except as otherwise provided by this subtitle or other statute.” and inserting the phrase “expenses incurred to implement the provisions of this act.” in its place.

(3) Paragraph (3) is repealed.

(b) Subsection (b) is repealed.

Sec. 1023. Applicability.

Section 1022(a) shall apply as of October 1, 2008.

SUBTITLE D. CAPTIVE INSURANCE AGENCY AMENDMENT

Sec. 1031. Short title.

This subtitle may be cited as the “Captive Insurance Agency Amendment Act of 2016”.

Sec. 1032. The Captive Insurance Agency Establishment Act of 2008, effective July 18, 2008 (D.C. Law 17-196; D.C. Official Code § 1-307.81 *et seq.*), is amended as follows:

(a) Section 3 (D.C. Official Code § 1-307.82) is amended as follows:

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

“(2) Provide insurance for District real property assets and District personal property assets.”.

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

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“(c) The liability of the Agency for medical malpractice liability, property insurance policies, and any other policies provided for pursuant to this act shall be limited to the funds in the Captive Trust Fund.”.

(b) Section 4(a) (D.C. Official Code § 1-307.83(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “By delegation from the Mayor, to exercise” and inserting the word “Exercise” in its place.

(2) Paragraph (4A) is amended by striking the word “property”.

(c) Section 6(i)(2A) (D.C. Official Code § 1-307.85(i)(2A)) is amended by striking the word “property”.

(d) Section 8(b)(4A) (D.C. Official Code § 1-307.87(b)(4A)) is amended to read as follows:

“(4A) Establish procedures for the offering of insurance for District real property assets and District personal property assets;”.

(e) Section 11(a)(2) (D.C. Official Code § 1-307.90(a)(2)) is amended to read as follows:

“(2) Insurance for the benefit of the District for District real property assets and District personal property assets consistent with coverage offered in the market.”.

(f) Section 12(b) (D.C. Official Code § 1-307.91(b)) is amended as follows:

(1) Paragraph (5) is amended by striking the word “and” at the end.

(2) Paragraph (6) is amended by striking the period and inserting the phrase “; and” in its place.

(3) A new paragraph (7) is added to read as follows:

“(7) Beginning with payments made from the Fund on or after December 1, 2014, the purchase of insurance on behalf of the District of Columbia government.”.

(g) Section 13 (D.C. Official Code § 1-307.92) is amended to read as follows:

“Sec. 13. Exemption from certain laws.

“The Agency shall not be subject to the:

“(1) Small and Certified Business Enterprise Development and Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*);

“(2) Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*); or

“(3) District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).”.

Sec. 1033. Section 40 of the Fire and Casualty Act, approved October 9, 1940 (54 Stat. 1080; D.C. Official Code § 31-2502.40), is amended by adding a new subsection (c) to read as follows:

“(c)(1) Each agent or broker engaged by the District of Columbia government to procure insurance on its behalf shall be exempt from the requirement, as set forth in subsection (a) of this section, to pay the 2 per centum of the amount of the gross premiums upon all kinds of policies procured by the agent or broker on behalf of the District of Columbia government.

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“(2) To claim this exemption, the agent or broker shall include a statement identifying, for each item enumerated in the affidavit required by subsection (a) of this section, the portion allocated to policies procured on behalf of the District of Columbia government.

“(3) The exemption provided in this subsection shall not be construed to exempt any agent or broker from any other requirement imposed by this section.”.

SUBTITLE E. PUBLIC-PRIVATE PARTNERSHIPS

Sec. 1041. Short title.

This subtitle may be cited as the “Public-Private Partnerships Amendment Act of 2016”.

Sec. 1042. The Public-Private Partnership Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 *et seq.*), is amended as follows:

(a) Section 105(c) (D.C. Official Code § 2-272.04(c)) is amended by striking the phrase “sections 107 and 109” and inserting the phrase “this act” in its place.

(b) Section 108(f) (D.C. Official Code § 2-273.03(f)) is amended by striking the phrase “response period” and inserting the phrase “evaluation period as part of the report submitted to the Council pursuant to section 114(a)(1)” in its place.

(c) Section 109(b)(2) (D.C. Official Code § 2-273.04(b)(2)) is amended by striking the phrase “the unsolicited proposal” and inserting the phrase “notice of the favorable evaluation of the unsolicited proposal, including a link to where a copy of the proposal may be publicly accessed on the Internet,” in its place.

(d) Section 301(a) (D.C. Official Code § 2-274.01(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “projects; and” and inserting the phrase “projects;” in its place.

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

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

“(3) Rules to address surety and bonding requirements of public-private partnership projects, including consistent baseline requirements across projects.”.

Sec. 1043. Section 105(c)(19) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.05(c)(19)), is amended by striking the phrase “titles VII and X” and inserting the phrase “Title X” in its place.

SUBTITLE F. OIG BUDGET PROCESS CLARIFICATION AMENDMENT

Sec. 1051. Short title.

This subtitle may be cited as the “Office of the Inspector General Budget Process Clarification Amendment Act of 2016”.

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Sec. 1052. Section 208(a)(2)(A) of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 1-301.115a(a)(2)(A)), is amended as follows:

(a) Strike the phrase “without revision but subject to recommendations.” and insert the phrase “without revision but subject to recommendations, including recommendations on reallocating any funds from the Inspector General’s estimates to other items in the District budget.” in its place.

(b) Strike the phrase “Notwithstanding any other provision of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.”.

Sec. 1053. Applicability.

This subtitle shall apply as of March 24, 2016.

SUBTITLE G. USE OF OFFICIAL VEHICLES DURING AN EMERGENCY

Sec. 1061. Short title.

This subtitle may be cited as the “Use of Official Vehicles During an Emergency Amendment Act of 2016”.

Sec. 1062. Section 3602 of the Restrictions on the Use of Official Vehicles Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 50-204), is amended by adding a new subsection (e) to read as follows:

“(e)(1) Notwithstanding any other provision of this section, during an emergency declared pursuant to section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304), the Mayor may authorize an officer or employee of the District of Columbia government to use an official vehicle; provided, that the officer or employee may use the official vehicle only in the performance of the officer’s or employee’s duties, to conduct official business, or to travel between the officer’s or employee’s residence and workplace when the use of an official vehicle is necessary for that officer or employee to assist the District in responding to an emergency.

“(2) Authorization provided pursuant to this subsection shall expire concurrent with the end date of the declared emergency.

“(3) No later than 30 days after the end date of a declared emergency, the Mayor shall submit to the Council a report listing the following information for each officer or employee whom the Mayor authorized to use an official vehicle pursuant to this subsection:

“(A) The officer or employee’s name;

“(B) The officer or employee’s title and agency;

“(C) The length of time for which the officer or employee used an official vehicle; and

“(D) A detailed justification of the necessity for the officer or employee to have access to and use an official vehicle.”.

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SUBTITLE H. BALLOT ACCESS MODERNIZATION

Sec. 1071. Short title.

This subtitle may be cited as the “Ballot Access Modernization Amendment Act of 2016”.

Sec. 1072. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-1001.02) is amended by adding new paragraphs (29) and (30) to read as follows:

“(29) “Mobile application” means specialized software, designed for a mobile device, in which electronic signatures are collected on an electronic petition.

“(30) “Mobile device” means a handheld, portable, wireless computing device, including a tablet computer or mobile phone.”.

(b) Section 5 (D.C. Official Code § 1-1001.05) is amended as follows:

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

(A) Paragraph (17) is amended by striking the word “and”.

(B) Paragraph (18) is amended by striking the period and inserting the phrase “; and” in its place.

(C) A new paragraph (19) is added to read as follows:

“(19)(A) Obtain or develop a mobile application that:

“(i) Connects the user to the Board’s computerized voter registration list to immediately confirm that a petition signer is a registered qualified elector;

“(ii) Maintains an up-to-date count of the number of electronic signatures collected; and

“(iii) Allows signed petitions to be printed out for submission to the Board;

“(B) No later than October 1, 2017, implement a pilot program that provides a limited number, as determined by the Board, of candidates, qualified petition circulators, and proposers with the option to use a mobile application, in addition to the paper circulation process, to gather electronic signatures on a mobile device registered with the Board for the June 2018 Primary Election;

“(C) For the November 2018 General Election, and all subsequent elections, make a mobile application available to all candidates, qualified petition circulators, and proposers to install on a mobile device registered with the Board; and

“(D) Issue rules to implement the use of a mobile application for all elections, including how to register a mobile device with the Board in order to utilize the mobile application; provided, that the rules shall require signed petitions from the mobile application to be printed out and submitted to the Board.”.

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

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“(1) For the purposes of implementing the duties under subsection (a)(19) of this section, the Board may loan a mobile device to a candidate, qualified petition circulator, or proposer to utilize the mobile application. The Board may charge a reasonable refundable deposit for the use of the mobile device.”.

(c) Section 16(g) (D.C. Official Code § 1-1001.16(g)) is amended as follows:

(1) Strike the phrase “same size as the original.” and insert the phrase “same size as the original or shall utilize the mobile application made available under section 5(a)(19).” in its place.

(2) Strike the phrase “ward numbers, and shall have printed on it, in a manner prescribed by the Board, the following:” and insert the phrase “ward numbers.” in its place.

(3) A new sentence is added at the end of the lead-in language to read as follows: “Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:”.

(d) Section 17(e) (D.C. Official Code § 1-1001.17(e)) is amended as follows:

(1) Strike the phrase “as the original” and insert the phrase “as the original or shall utilize the mobile application made available under section 5(a)(19)” in its place.

(2) Strike the phrase “ward numbers, and shall have printed on it the following:” and insert the phrase “ward numbers.” in its place.

(3) A new sentence is added at the end of the lead-in language to read as follows: “Each petition sheet shall have printed on it, and each mobile application shall electronically display, the following information:”.

Sec. 1073. Section 1603.8 of Title 3 of the District of Columbia Municipal Regulations (3 DCMR § 1603.8) is repealed.

SUBTITLE I. DIRECTOR OF THE MAYOR’S OFFICE OF COMMUNITY AFFAIRS GRANT-MAKING

Sec. 1081. Short title.

This subtitle may be cited as the “Mayor’s Office of Community Affairs Limited Grant-making Amendment Act of 2016”.

Sec. 1082. (a) In Fiscal Year 2017, the Director of the Mayor’s Office of Community Affairs (“Director”) shall have grant-making authority for the purpose set forth in subsection (b) of this section.

(b)(1) In Fiscal Year 2017, the Director shall award a grant of up to \$75,405 to provide housing-related assistance to members of the Caribbean population of the District; provided, that the funds shall be used only for research, reports, and outreach that promote housing initiatives for the Caribbean population of need.

(2) Before issuing the grant, the Director shall consult with the Mayor’s Advisory Commission on Caribbean Community Affairs regarding grant solicitation.

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**SUBTITLE J. NEW COLUMBIA STATEHOOD COMMISSION
DISCRETIONARY FUNDING**

Sec. 1091. Short title.

This subtitle may be cited as the “New Columbia Statehood Commission Discretionary Fund Amendment Act of 2016”.

Sec. 1092. The District of Columbia Statehood Constitutional Convention Initiative of 1979, effective May 2, 2015 (D.C. Law 20-271; D.C. Official Code § 1-129.31 *et seq.*), is amended as follows:

(a) Section 32(c) (D.C. Official Code § 1-129.32(c)) is amended as follows:

(1) Designate the existing text as paragraph (1).

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

“(2)(A) Except as provided in subparagraph (B) of this paragraph, the Commission is authorized to provide for the expenditure of up to \$24,000 per year from the Fund for the purposes provided in section 35(a).

“(B) For Fiscal Year 2016, the Commission is authorized to provide for the expenditure of up to \$12,000.”.

(b) Section 35(a) (D.C. Official Code § 1-129.35(a)) is amended to read as follows:

“(a) Except as provided in subsection (b) of this section, a member of the Statehood Delegation shall use New Columbia Statehood Fund monies for:

“(1) Any expense closely and directly related to the operation of his or her office;

or

“(2) Any expense that the Commission deems necessary for appropriate purposes related to the purposes of the Commission; provided, that the Commission’s determination of necessity shall be final and conclusive, and its certificate shall be sufficient voucher for the expenditure of appropriations made pursuant to this section.”.

SUBTITLE K. PDS CREDITABLE SERVICE CLARIFICATION

Sec. 1101. Short title.

This subtitle may be cited as the “Public Defender Service Creditable Service Clarification Amendment Act of 2016”.

Sec. 1102. Section 2604(1) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law 7-27, D.C. Official Code § 1-626.04(1)), is amended by adding a new subparagraph (C) to read as follows:

“(C)(i) For purposes of vesting pursuant to section 2610(b), and notwithstanding any other provision of law or any prior agreement with the Public Defender Service for the District of Columbia, creditable service with the District for employees of the Public Defender Service of the District of Columbia hired on or after October 1, 1987 and before September 16, 1991 shall be calculated to include service beginning as of the commencement of employment.

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“(ii) This subparagraph shall apply as of October 1, 1987.”.

SUBTITLE L. RETIREMENT SURVIVOR EQUITY BENEFIT

Sec. 1111. Short title.

This subtitle may be cited as the “Equity in Survivor Benefits Clarification Amendment Act of 2016”.

Sec. 1112. Section 4 of the District of Columbia Spouse Equity Act of 1988, effective March 16, 1989 (D.C. Law 7-214; D.C. Official Code § 1-529.03), is amended by adding a new subsection (f) to read as follows:

“(f) The Mayor is not obligated to comply with a qualifying court order issued after an employee’s or retiree’s death.”.

SUBTITLE M. ARCHIVES EMINENT DOMAIN AUTHORITY

Sec. 1121. Short title.

This subtitle may be cited as the “Archives Eminent Domain Authority Act of 2016”.

Sec. 1122. Findings.

The Council finds that:

(1) The District of Columbia Office of Public Records and Archives (“the Archives”) is currently headquartered at 1300 Naylor Court, N.W.

(2) The Fiscal Year 2017 Local Budget Act of 2016, enacted on June 15, 2016 (D.C. Act 21-414; 63 DCR 8786), provides funding to allow the Archives to relocate to a site that meets several criteria outlined in a report commissioned by the Department of General Services, which found that the preferred alternative would be a stand-alone, purpose-built, new facility requiring approximately 135,000 gross building square feet.

(2) The Archives building is to be a mix of high-quality, environmentally controlled storage space, and several thousand square feet of space for the public to access the Archives, office space, and meeting space.

(3) The District desires to relocate the Archives to a new facility to be developed on Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 (“W Street Site”) that, combined, comprise approximately 147,000 square feet.

(4) The W Street Site is currently occupied by a private trash transfer station.

(5) The trash transfer station is a blighting factor in Brentwood and its surrounding communities.

(6) Residents of Brentwood and the surrounding communities have concerns regarding the noxious fumes that emanate from the trash transfer station and pervasive vermin, and have complained that there is an increased incidence of health concerns.

(7) The W Street Site trash transfer station continues to operate as an open-air trash transfer station, which allows its pungent odors to reach much farther than they would if the facility were closed.

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(8) Since August 2012, the District Department of the Environment has conducted at least 37 inspections and issued 8 notices of infractions to the W Street Site trash transfer station.

(9) The W Street Site will provide an opportunity to construct and establish a state-of-the-art archival government facility that is centrally located within the District of Columbia and in close proximity to Metrorail and Metrobus service.

Sec. 1123. Exercise of eminent domain.

The Mayor may exercise eminent domain in accordance with the procedures set forth in subchapter II of Chapter 13 of Title 16 of the District of Columbia Official Code to acquire Lots 36, 41, and 802 in Square 3942 and Parcels 0143/107 and 0143/110 for the purposes set forth in section 1122.

SUBTITLE N. ADVISORY NEIGHBORHOOD COMMISSIONS SIGN-LANGUAGE INTERPRETERS PILOT PROGRAM

Sec. 1131. Short title.

This subtitle may be cited as the “Advisory Neighborhood Commissions Access to Sign-Language Interpreters Amendment Act of 2016”.

Sec. 1132. Section 18 of the Advisory Neighborhood Commissions Act of 1975, effective June 27, 2000 (D.C. Law 13-135; D.C. Official Code § 1-309.15), is amended by adding a new subsection (d) to read as follows:

“(d)(1) Beginning October 1, 2016, the Office shall conduct a one-year pilot program to provide sign-language interpreters, upon request, for Commission meetings and subcommittee meetings; provided, that:

“(A) The Office shall establish a procedure for a Commission to submit a request for an interpreter; and

“(B) The provision of an interpreter shall be subject to the availability of funding.

“(2) On April 1, 2017, the Office shall submit a report to the Council that includes the following information, current as of that date, regarding the pilot program:

“(A) The total number of interpreters requested;

“(B) The total number of requests that the Office approved;

“(C) The average length of time for which an interpreter was needed;

“(D) The average hourly cost of an interpreter;

“(E) The total amount spent on the pilot program; and

“(F) An assessment of the effectiveness of the pilot program, including recommendations regarding its future.”.

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SUBTITLE O. CONSTITUENT SERVICES EXPENDITURE LIMIT

Sec. 1141. Short title.

This subtitle may be cited as the “Constituent Services Expenditures Limit Amendment Act of 2016”.

Sec. 1142. Section 338(a) of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code § 1-1163.38(a)), is amended by striking the phrase “expend a maximum of \$40,000” and inserting the phrase “expend a maximum of \$60,000” in its place.

SUBTITLE P. UNIVERSAL PAID LEAVE IMPLEMENTATION FUND

Sec. 1151. Short title.

This subtitle may be cited as the “Universal Paid Leave Implementation Fund Act of 2016”.

Sec. 1152. Universal Paid Leave Implementation Fund.

(a) There is established as a special fund the Universal Paid Leave Implementation Fund (“Fund”), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

(b) There shall be deposited into the Fund \$20,039,000 of local funds in Fiscal Year 2016.

(c) Money in the Fund shall be used to fund the implementation of the Universal Paid Leave Act of 2016, as introduced on October 6, 2015 (Bill 21-415).

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

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

TITLE II. ECONOMIC DEVELOPMENT AND REGULATION**SUBTITLE A. CREATIVE AND OPEN SPACE MODERNIZATION
AMENDMENT**

Sec. 2001. Short title.

This subtitle may be cited as the “Creative and Open Space Modernization Amendment Act of 2016”.

Sec. 2002. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

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(a) The table of contents is amended by striking the phrase “Qualified High Technology Company interior renovation tax rebate” and inserting the phrase “Creative and Open Space Modernization tax rebate” in its place.

(b) Section 47-4665 is amended to read as follows:

“§ 47-4665. Creative and Open Space Modernization tax rebate.

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

“(1) “Directly related entity” means a qualified entity that is closely associated with an occupant, including:

“(A) A subsidiary or parent company of an occupant;

“(B) A special purpose vehicle of an occupant;

“(C) A holding company of an occupant;

“(D) An operating company of an occupant;

“(E) A flow-through entity of an occupant;

“(F) A company otherwise substantially sharing, directly or indirectly, common directors, officers, employees, facilities, or profits with an occupant.

“(2) “Eligible building” means:

“(A) A nonresidential building; or

“(B) A building used for both residential and nonresidential purposes.

“(3) “Eligible premises” means a nonresidential, interior portion of an eligible building that is used as an office (including ancillary uses) by a qualified entity under a lease, sublease, or purchase and sale agreement.

“(4) “Occupancy commencement” means the date on which an occupant or a directly related entity takes possession of eligible premises or the occupancy date for eligible premises agreed to in a lease, sublease, or purchase and sale agreement by an occupant, whichever occurs first.

“(5) “Occupant” means a qualified entity that executes:

“(A) A lease or sublease for at least 50,000 square feet of net rentable area of eligible premises within the District for a minimum term of 12 years, under which the qualified entity or a directly related entity occupies and uses the eligible premises, or will occupy and use the eligible premises, on or after the commencement date; or

“(B) A purchase and sale agreement for at least 50,000 square feet of net area of eligible premises within the District, under which the qualified entity or a directly related entity occupies and uses the eligible premises, or will occupy and use the eligible premises, on or after the commencement date.

“(6) “Public benefit” means an undertaking by an occupant or a directly related entity that the Mayor, in the Mayor’s sole discretion, determines will have a material, positive impact on the District. The term “public benefit” may include:

“(A) Providing employment or contracting opportunities for District residents and Certified Business Enterprises;

“(B) Providing low-income or underserved individuals or communities in the District with reduced-price or free products, services, or commercial or community space;

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“(C) Providing economic opportunities, training, or jobs for individuals or communities beyond those offered through the normal course of business; or

“(D) Providing innovation-and-technology-related educational, training, or internship opportunities for students in the District.

“(7)(A) “Qualified entity” means an individual or entity:

“(i) Organized for profit and leasing or owning an office in the District;

“(ii) Having 2 or more employees in the District; and

“(iii) Deriving at least 51% of its gross revenues earned in the District from:

“(I) Internet-related services and sales, including website design, maintenance, hosting, or operation; Internet-related training, consulting, advertising, or promotion services; the development, rental, lease, or sale of Internet-related applications, connectivity, or digital content; or products and services that may be considered e-commerce;

“(II) Information and communication technologies, equipment and systems that involve advanced computer software and hardware, data processing, visualization technologies, or human interface technologies, whether deployed on the Internet or other electronic or digital media, including operating and applications software; Internet-related services, including design, strategic planning, deployment, and management services and artificial intelligence; computer modeling and simulation; high-level software languages; neural networks; processor architecture; animation and full-motion video; graphics hardware and software; speech and optical character recognition; high-volume information storage and retrieval; data compression; and multiplexing, digital signal processing, and spectrum technologies;

“(III) Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes, including metal alloys; metal matrix and ceramic composites; advanced polymers; thin films; membranes; superconductors; electronic and photonic materials; bioactive materials; bioprocessing; genetic engineering; catalysts; waste emissions reduction; pharmaceuticals; and waste processing technologies;

“(IV) Engineering, production, biotechnology, and defense technologies that involve knowledge-based control systems and architectures; advanced fabrication and design processes, equipment, and tools; propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments, and equipment, including computer-aided design and engineering; computer-integrated manufacturing; robotics and automated equipment; integrated circuit fabrication and test equipment; sensors; biosensors; signal and image processing; medical and scientific instruments; precision machining and forming; biological and genetic research equipment; environmental analysis, remediation, control, and prevention equipment; defense command and control

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equipment; avionics and controls; guided missile and space vehicle propulsion units; military aircraft; space vehicles; and surveillance, tracking, and defense warning systems;

“(V) Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment and products of electronic distribution with interactive media content, including microprocessors; logic chips; memory chips; lasers; printed circuit board technology; electroluminescent, liquid crystal, plasma, and vacuum fluorescent displays; optical fibers; magnetic and optical information storage; optical instruments, lenses, and filters; simplex and duplex data bases; and solar cells; or

“(VI) The sale or advertising of original media content that the individual or entity transmits digitally and produces within a facility that it leases or owns inside the District that includes permitted production space utilized by the individual or entity specifically for the creation of original media content.

“(B) The term “qualified entity” shall not include:

“(i) An individual or entity that derives 51% or more of its gross revenues from the operation in the District of:

“(I) An on-line or brick and mortar retail store;

“(II) An electronic equipment facility that is primarily occupied, or intended to be occupied, by electronic and computer equipment that provides electronic data switching, transmission, or telecommunication functions between computers, both inside and outside the facility; or

“(III) A building or construction company; or

“(ii) A professional athletic team, as defined in § 47-2002.05(a)(3).

“(8) “Qualified occupant improvement” means an improvement to eligible premises made pursuant to a lease, sublease, or purchase and sale agreement by an occupant or a directly related entity that is substantially completed no later than one year after occupancy commencement.

“(9) “Total value of qualified occupant improvements” means the amount expended by an occupant or a directly related entity to make qualified occupant improvements.

“(b) An occupant that leases, subleases, or executes a purchase and sale agreement for eligible premises taxable under Chapter 8 of this title shall receive, to the extent provided by this section, a rebate of the real property tax paid with respect to the eligible premises for the portion of the tax year that the eligible premises are occupied by the occupant or a directly related entity if:

“(1) The occupant is liable under the lease, sublease, or purchase and sale agreement for its proportionate share of the real property tax for the tax lot on which the eligible building is located;

“(2) The occupant has been certified as eligible for a rebate by the Mayor under subsection (e) of this section;

“(3) The real property tax has been paid for the year during which the rebate is sought;

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“(4) The occupant complies with the requirements of subsection (d) of this section during the tax year for which the rebate is sought; and

“(5) No abatement of the real property tax on the eligible building pursuant to § 47-811.03 has been claimed for the tax year for which the rebate is sought.

“(c)(1) The amount of the rebate provided pursuant to this section to a single occupant or any directly related entity in a single year shall be equal to the least of the following:

“(A) 10% of the total value of any qualified occupant improvements substantially completed during the preceding 5 years, as certified by the Mayor pursuant to subsection (e)(3) of this section;

“(B) The portion of the real property tax paid during the year for which the rebate is sought, either directly or indirectly, by the occupant or by a directly related entity under the occupant’s or directly related entity’s lease, sublease, or purchase and sale agreement; or

“(C) \$1 million.

“(2) The amount of the rebate calculated pursuant to paragraph (1) of this subsection shall be reduced by the amount of any grant received by the occupant or by a directly related entity pursuant to section 3(c)(4) of the H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.172(c)(4)), as certified by the Mayor to the Office of Tax and Revenue.

“(3) No later than December 31 of the year following the tax year for which the taxes to be rebated were paid, payment of the rebate of real property tax shall be made to the person who paid the tax; provided, that the payer is eligible to receive the rebate payment.

“(d) No later than September 15 of the tax year in which the tax was paid as provided under § 47-811, the Mayor shall certify to the Office of Tax and Revenue, in a form and medium specified by the Office of Tax and Revenue, each property or portion thereof eligible to receive the rebate provided by this section and the amount of the rebate. The certification shall be accompanied by a statement from the Mayor specifying the amount of funds available under subsection (f) of this section for real property tax abatement for each property identified in the certification. The rebate paid for any property shall not exceed the amount of tax paid with respect to such property for the tax year, taking into account any other applicable abatements, exemptions, or reductions. Each applicant for a rebate shall furnish to the Mayor:

“(1) A copy of the occupant’s lease, sublease, or purchase and sale agreement including any provisions requiring the occupant to pay a portion of the property tax for the tax lot on which the eligible building is located;

“(2) Documentation that the occupant has paid its proportional share of the real property tax to date, as required under the lease, sublease, or purchase agreement for the eligible premises, to be supplemented by the occupant once it has made its final payment for the calendar year; and

“(3) An itemization of the square footage of the eligible premises actually occupied by the occupant or a directly related entity and the period of such occupancy during the tax year.

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“(e)(1) An occupant who seeks to be considered eligible for a rebate provided under this section shall file with the Mayor on or after June 1, 2016, in a manner and form as the Mayor may prescribe, an eligibility certification application, which shall include:

“(A) The identity of the occupant, including the occupant’s taxpayer identification number, and the identity of any directly related entity that may be occupying all or part of the eligible premises, including the directly related entity’s taxpayer identification number;

“(B) A description of the eligible building, by square and lot, parcel, or reservation number, and of the eligible premises, including floors, location, and square footage;

“(C) The estimated cost of making any qualified occupant improvements to the eligible premises;

“(D) The date of occupancy commencement and the anticipated duration of the lease or sublease or the holding period if purchased;

“(E) A description of the public benefit that the occupant proposes to furnish; and

“(F) Any other information that the Mayor considers necessary.

“(2) The Mayor shall review the occupant’s eligibility certification application. If the Mayor determines that the occupant has proposed to furnish a public benefit and that the tenant is otherwise eligible, the Mayor shall certify the tenant’s eligibility to receive a rebate pursuant to this section. The certification shall be made before the date of occupancy commencement or within 45 days after the eligibility certification application is received, whichever is later in time.

“(3) Within 60 days following substantial completion of qualified occupant improvements, the occupant shall submit to the Mayor an itemization of the total value of qualified occupant improvements, together with supporting documentation. Within 60 days following the receipt of this submission, the Mayor shall review and certify the total value of qualified occupant improvements.

“(4) No later than the date the certification is made as provided in subsection (d) of this section, the Mayor shall certify to the Office of Tax and Revenue whether the tenant has furnished or has made substantial progress toward furnishing a public benefit. If the Mayor certifies that a tenant has not furnished or made substantial progress toward furnishing a public benefit, the Office of Tax and Revenue shall not pay a rebate to the tenant for that calendar year.

“(5) If at any time the Mayor determines that an occupant has become ineligible for a rebate under this section, either for failure to make substantial progress toward furnishing a public benefit or for some other reason, the Mayor immediately shall notify the Office of Tax and Revenue and thereafter the Office of Tax and Revenue shall not pay to the tenant any rebate pursuant to this section.

“(f) Notwithstanding any other provision of this section, the total combined rebate payments per fiscal year for all occupants under this section, beginning in Fiscal Year 2017, shall not exceed \$3 million.”.

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Sec. 2003. Section 301(d-1) of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 14-138; D.C. Official Code § 2-1225.21(d-1)), is amended to read as follows:

“(d-1) In Fiscal Year 2017 and each fiscal year thereafter, up to \$3 million in monies credited to the Account may be used to fund real property tax rebates under D.C. Official Code § 47-4665.”.

SUBTITLE B. INAUGURAL CELEBRATION AMENDMENT

Sec. 2011. Short title.

This subtitle may be cited as the “Inaugural Celebration Amendment Act of 2016”.

Sec. 2012. Section 25-723(e)(1) of the District of Columbia Official Code is amended by striking the phrase “designated “Inaugural Week.”” and inserting the phrase “designated “Inaugural Week””; except, that in 2017, January 14 through January 22 shall be designated “Inaugural Week.”” in its place.

SUBTITLE C. REIMBURSABLE DETAIL SUBSIDY PROGRAM AMENDMENT

Sec. 2021. Short title.

This subtitle may be cited as the “Reimbursable Detail Subsidy Program Amendment Act of 2016”.

Sec. 2022. Section 25-798 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase “or in a group,” and inserting the phrase “or in a group, or a promoter or organizer of a pub crawl event, as defined by rule,” in its place.

(b) Subsection (c) is amended by striking the phrase “the licensee.” and inserting the phrase “the licensee, or licensees, or the promoter or organizer of a pub crawl event.” in its place.

SUBTITLE D. WALTER REED DEVELOPMENT OMNIBUS

Sec. 2031. Short title.

This subtitle may be cited as the “Walter Reed Development Omnibus Amendment Act of 2016”.

Sec. 2032. Section 7(d) of the Walter Reed Development Omnibus Act of 2016, effective May 18, 2016 (D.C. Law 21-119; 63 DCR 4678), is amended to read as follows:

“(d) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Office of the Deputy Mayor for Planning and Economic Development shall have the authority to make grants from the Fund to the Developer for the purposes set forth in subsection (c) of this section.”.

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SUBTITLE E. DMPED GRANT-MAKING AUTHORITY AMENDMENT

Sec. 2041. Short title.

This subtitle may be cited as the “Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Amendment Act of 2016”.

Sec. 2042. Section 2032 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 1-328.04), is amended by adding new subsections (d) and (e) to read as follows:

“(d) Notwithstanding section 1094 of the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.13), the Deputy Mayor shall have grant-making authority for the purpose of providing:

“(1) Funds as may be necessary to implement projects that are part of the New Communities Initiative, as that term is defined in section 3(b)(11)(B) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(b)(11)(B)); provided, that such funds are included in the approved operating budget for the New Communities Initiative program or the approved capital budget for the New Communities Initiative project;

“(2) Funds to the Washington Convention Center Marketing Fund established by section 208a of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.08a), to supplement funds included in an approved budget for marketing-service contracts pursuant to subsections (e) and (e-1) of that section; and

“(3) Funds to the Washington DC Economic Partnership; provided, that such funds are included in an approved budget and designated for the Washington DC Economic Partnership.

“(e) In addition to the grant-making authority provided in subsection (d) of this section, the Deputy Mayor shall have the authority to transfer funds to Events DC pursuant to a Memorandum of Agreement or Memorandum of Understanding between the Deputy Mayor and Events DC.”.

SUBTITLE F. ENTERTAINMENT AND MEDIA PRODUCTION AMENDMENT

Sec. 2051. Short title.

This subtitle may be cited as the “Office of Cable Television, Film, Music, and Entertainment Clarification Amendment Act of 2016”.

Sec. 2052. The Office of Cable Television, Film, Music, and Entertainment Amendment Act of 2015, effective October 9, 2002 (D.C. Law 14-193; D.C. Official Code § 34-1251.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 34-1252.01) is amended as follows:

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

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(A) The lead-in language is amended by striking the phrase “an entertainment industry in the District” and inserting the phrase “a sustainable creative economy and entertainment and media industry in the District” in its place.

(B) Subparagraph (E) is amended by striking the phrase “television shows and films” and inserting the phrase “entertainment industry projects” in its place.

(C) Subparagraph (F) is amended by striking the phrase “, including television shows and films”.

(2) Subsection (e) is amended by striking the word “Programming” and inserting the phrase “Programming, or an equivalent position,” in its place.

(b) Section 202 (D.C. Official Code § 34-1252.02) is amended as follows:

(1) Paragraph (8A) is amended as follows:

(A) The lead-in language is amended by striking the phrase “studios and equipment” and inserting the phrase “studios, facilities, and equipment” in its place.

(B) Subparagraph (A) is amended by striking the phrase “studios or” and inserting the phrase “studios, facilities, or” in its place.

(2) Paragraph (16) is amended by striking the phrase “funds from nonprofit and” and inserting the phrase “funds from private, nonprofit, and” in its place.

(3) Paragraph (19) is amended by striking the word “and”.

(4) Paragraph (20) is amended by striking the period and inserting the phrase “; and” in its place.

(5) A new paragraph (21) is added to read as follows:

“(21) Establish written formal, collaborative arrangements (sometimes called partnerships) with private and nonprofit entities to implement the purposes of this act.”.

(c) Section 203 (D.C. Official Code § 34-1252.03) is amended as follows:

(1) The heading is amended by striking the phrase “Cable Television” and inserting the acronym “OCTFME” in its place.

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

(A) Strike the phrase “Cable Television” both times it appears and insert the acronym “OCTFME” in its place.

(B) Strike the phrase “operation of a cable system” and insert the phrase “operation of the industries under this act” in its place.

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

(A) Paragraph (3) is amended by striking the word “and”.

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

“(3A) Fees derived from film permits applied for or issued pursuant to section 2d of the Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11d);”.

(C) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) All interest earned on all deposits.”.

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Sec. 2053. Section 2e of the Film DC Economic Incentive Act of 2006, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 2-1204.11e), is repealed.

SUBTITLE G. DMPED PROCUREMENT EXEMPTION CLARIFICATION

Sec. 2061. Short title.

This subtitle may be cited as the “DMPED Procurement Exemption Clarification Amendment Act of 2016”.

Sec. 2062. Section 201 of the National Capital Revitalization Corporation and Anacostia Waterfront Corporation Reorganization Act of 2008, effective March 26, 2008 (D.C. Law 17-138; D.C. Official Code § 2-1225.11), is amended by adding a new subsection (b-1) to read as follows:

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

SUBTITLE H. BUSINESS IMPROVEMENT DISTRICTS CHARTER RENEWAL

Sec. 2071. Short title.

This subtitle may be cited as the “Business Improvement Districts Charter Renewal Amendment Act of 2016”.

Sec. 2072. The Business Improvement Districts Act of 1996, effective May 29, 1996 (D.C. Law 11-134; D.C. Official Code § 2-1215.01 *et seq.*), is amended as follows:

(a) Section 19(a)(1)(B) (D.C. Official Code § 2-1215.18(a)(1)(B)), is amended to read as follows:

“(B) The BID submits a plan for the next 5 years of BID operations to the Mayor; and”.

(b) Section 24(b) (D.C. Official Code § 2-1215.01, note) is repealed.

SUBTITLE I. PREGNANT WORKERS’ PROTECTION

Sec. 2081. Short title.

This subtitle may be cited as the “Protecting Pregnant Workers Fairness Amendment Act of 2016”.

Sec. 2082. The Protecting Pregnant Workers Fairness Act of 2014, effective March 3, 2015 (D.C. Law 20-168; D.C. Official Code § 32-1231.01 *et seq.*), is amended as follows:

(a) Section 2(2) (D.C. Official Code § 32-1231.01(2)) is amended as follows:

(1) Subparagraph (F) is amended by striking the word “or”.

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

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

“(H) Time off due to pre-birth complications.”.

(b) Section 4 (D.C. Official Code § 32-1231.03) is amended as follows:

(1) Paragraph (4) is amended by striking the word “or” at the end.

(2) Paragraph (5) is amended by striking the period and inserting the phrase “; or” in its place.

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

“(6) Take an adverse action against an employee who has been absent from work as a result of a pregnancy-related condition, including a pre-birth complication.”.

SUBTITLE J. ACCRUED SICK AND SAFE LEAVE AMENDMENT

Sec. 2091. Short title.

This subtitle may be cited as the “Accrued Sick and Safe Leave Amendment Act of 2016”.

Sec. 2092. The Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01 *et seq.*), is amended as follows:

(a) Section 6(b)(1) (D.C. Official Code § 32-131.05(b)(1)) is amended by striking the phrase “(3); or” and inserting the phrase “(3); and” in its place.

(b) Section 7(b) (D.C. Official Code § 32-131.06(b)) is amended by striking the phrase “agreement.” and inserting the phrase “agreement that expressly waives the requirements in clear and unambiguous terms.” in its place.

SUBTITLE K. ADULT CAREER PATHWAYS IMPLEMENTATION

Sec. 2101. Short title.

This subtitle may be cited as the “Adult Career Pathways Implementation Amendment Act of 2016”.

Sec. 2102. Section 14(d)(2)(D) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 947; D.C. Official Code § 51-114(d)(2)(D)), is amended by striking the phrase “Administrative Fund may be used” and inserting the phrase “Administrative Fund, or other sources of workforce development funding, may be used” in its place.

SUBTITLE L. UNEMPLOYMENT BENEFITS MODERNIZATION

Sec. 2111. Short title.

This subtitle may be cited as the “Unemployment Benefits Modernization Amendment Act of 2016”.

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Sec. 2112. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 1(5) (D.C. Official Code § 51-101(5)) is amended as follows:

(1) Strike the figure “80%” and insert the figure “66%” in its place.

(2) Strike the figure “\$20” and insert the figure “\$50” in its place.

(b) Section 7 (D.C. Official Code § 51-107) is amended as follows:

(1) Subsection (a) is amended by striking the last sentence.

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

“(b)(1) Subject to the limitations set forth in this section, an individual’s weekly benefit amount shall be equal to one twenty-sixth (computed to the next higher multiple of \$1) of the individual’s total wages for insured work paid during the quarter of the individual’s base period in which such total wages were highest.

“(2) Effective October 1, 2016, the maximum weekly benefit amount shall be \$425.

“(3)(A) Effective January 1, 2018, and for each calendar year thereafter, the maximum weekly benefit amount shall be determined by the Director of the Department of Employment Services, subject to subparagraph (C) of this paragraph, by using the Department of Labor State Benefit Financing Model.

“(B) The Director shall consider increasing the maximum weekly benefit amount in proportion to any increase in the Consumer Price Index for Urban Consumers in the Washington Metropolitan Statistical Area, published by the United States Department of Labor’s Bureau of Labor Statistics, in making a determination, but may increase the maximum weekly benefit amount by a lesser amount, or may not increase it, when necessary to preserve an adequate balance in the District Unemployment Compensation Trust Fund through the Financial Plan.

“(C)(i) By September 30, 2017, and by September 30 of each subsequent year, the Director shall recommend to the Mayor the maximum weekly benefit amount, which shall become the maximum weekly benefit amount for the next calendar year, unless the Council passes a resolution disapproving the Director’s recommendation pursuant to sub-subparagraph (ii) of this subparagraph.

“(ii) The Mayor shall promptly submit the recommendation, with a proposed resolution, to the Council for a 45-day period of review. If the Council does not approve or disapprove the recommendation, by resolution, within the 45-day period of review, the recommendation shall be deemed approved.

“(iii) If the Council passes a resolution of disapproval, the maximum weekly benefit amount then in effect shall continue in effect for the next calendar year.”

(3) Subsection (d) is amended by striking the phrase “or 50% of the wages for employment paid to such individual by employers during his base period whichever is the lesser”.

(4) Subsection (e) is amended as follows:

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(A) Strike the figure “\$20” and insert the figure “\$50” in its place.

(B) Strike the figure “80%” and insert the figure “66%” in its place.

(5) Subsection (f) is amended by striking the phrase “this section shall not apply” and inserting the phrase “this subsection shall not apply” in its place.

(c) Section 8 (D.C. Official Code § 51-108) is amended by striking the last sentence and inserting the following sentence in its place:

“All payments of benefits shall be made by the Chief Financial Officer and shall be subject to a post, but not a prior, audit by the Office of the Inspector General.”.

SUBTITLE M. TOPA APPLICATION ASSISTANCE PILOT PROGRAM

Sec. 2121. Short title.

This subtitle may be cited as the “TOPA Application Assistance Pilot Program Amendment Act of 2016”.

Sec. 2122. The Rental Housing Conversion and Sale Act of 1980, effective September 10, 1980 (D.C. Law 3-86; D.C. Official Code § 42-3401.01 *et seq.*), is amended by adding a new section 414 to read as follows:

“Sec. 414. TOPA Application Assistance Pilot Program.

“(a) For Fiscal Year 2017, there is established a TOPA Application Assistance Pilot Program (“Program”) to help tenant organizations prepare their applications to the First Right Purchase Assistance Program described at Chapter 27 of Title 14 of the District of Columbia Municipal Regulations (14 DCMR § 2700 *et seq.*). The Program shall complement the First Right Purchase Assistance Program, and shall include funding for pre-application legal and technical assistance, including assistance with environmental studies.

“(b) A tenant organization in a building of 5 or more units shall be eligible for the Program if the tenant organization meets the eligibility requirements of 14 DCMR § 2701 for tenant associations. A property shall be eligible for the Program if the property meets the eligibility requirements of 14 DCMR § 2703.

“(c) The Mayor shall ensure that the agency administering the Program:

“(1) Approves or denies an application for the Program within 15 days of receiving the completed application from a tenant organization;

“(2) Issues an award letter or denies an application for the First Right Purchase Assistance Program within 30 days of receiving the completed application from a tenant organization;

“(3) Reimburses an invoice received from a tenant organization for Program expenditures or First Right Purchase Assistance Program expenditures within 30 days of receipt; and

“(4) Expeditiously administers the Program and the First Right Purchase Assistance Program in a manner that allows tenant organizations to meet all deadlines required by this title.

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“(d) The maximum amount of pre-application legal and technical assistance that may be awarded to a tenant organization per TOPA offer is as follows:

“(1) Up to \$25,000 for a tenant organization in a building with 5 to 50 units; and

“(2) Up to \$45,000 for a tenant organization in a building with greater than 50 units.

“(e) Funds shall not be used to pay for any costs of litigation.

“(f) If a tenant organization, or the entity to which a tenant organization assigns its rights under this title, successfully purchases a property, the full amount of any assistance provided pursuant to this section shall be repaid to the Program within 30 days of the purchase of the property.

“(g) By November 1, 2016, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this section. The rules shall mandate processes for the application for, and distribution of, funds in a timely manner so as to facilitate successful compliance with the required timelines and purposes of this section.”.

Sec. 2123. Section 2009(c) of the Fiscal Year 2009 Budget Support Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 42-2857.01(c)), is amended as follows:

(a) Paragraph (15) is amended by striking the word “and”.

(b) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(17) To provide funding for the TOPA Application Assistance Pilot Program established by section 414 of the Rental Housing Conversion and Sale Act of 1980, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669); provided, that funding from the Unified Fund for the program shall not exceed the amount available in the Unified Fund.”.

Sec. 2124. Sunset.

This subtitle shall expire on September 30, 2017.

SUBTITLE N. RETAIL PRIORITY AREA AMENDMENT

Sec. 2131. Short title.

This subtitle may be cited as the “Retail Priority Area Amendment Act of 2016”.

Sec. 2132. The H Street, N.E., Retail Priority Area Incentive Act of 2010, effective April 8, 2011 (D.C. Law 18-354; D.C. Official Code § 1-325.171 *et seq.*), is amended as follows:

(a) Section 3(c)(3) (D.C. Official Code § 1-325.172(c)(3)) is amended to read as follows:

“(3) Beginning October 1, 2015, and ending September 30, 2017, make grants to support revitalization programs pursuant to section 4b of the Retail Incentive Act of 2004, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 2-1217.73b). Grants may

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be awarded for revitalization programs within any of the Retail Priority Areas established by or pursuant to section 4 of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.73).”.

(b) Section 4 (D.C. Official Code § 1-325.173) is amended by adding a new subsection (d) to read as follows:

“(d)(1) A grant made available under this section shall be divided into thirds or fourths and disbursed accordingly in allotments to a grantee.

“(2)(A) The Mayor shall request, and a grantee shall furnish, a receipt or receipts for the purpose of confirming that a grantee’s expenditure of grant funds was allowable.

“(B) Notwithstanding subparagraph (A) of this paragraph, unless the grantee fails to provide a receipt or receipts, the grantee’s response shall not delay disbursement of the grantee’s next allotment, except for the final allotment. Funds shall be made available to the grantee as quickly as possible.

“(C) Nothing in this paragraph shall be construed to authorize the expenditure of grant funds inconsistent with their purpose.”.

Sec. 2133. The Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), is amended as follows:

(a) Section 4 (D.C. Official Code § 2-1217.73) is amended as follows:

(1) Subsection (i) is amended by striking the word “Macomb” and inserting the word “Calvert” in its place.

(2) Subsection (n) is amended by striking the phrase “Tenley Circle” and inserting the phrase “R Street” in its place.

(b) Section 4b(b) (D.C. Official Code § 2-1217.73b(b)) is amended by adding a new paragraph (4) to read as follows:

“(4)(A) A grant made available under this section shall be divided into thirds or fourths and disbursed accordingly in allotments to a grantee.

“(B)(i) The Mayor shall request, and a grantee shall furnish, a receipt or receipts for the purpose of confirming that a grantee’s expenditure of grant funds was allowable.

“(ii) Notwithstanding sub-subparagraph (i) of this subparagraph, unless the grantee fails to provide a receipt or receipts, the grantee’s response shall not delay disbursement of the grantee’s next allotment, except for the final allotment. Funds shall be made available to the grantee as quickly as possible.

“(iii) Nothing in this subparagraph shall be construed to authorize the expenditure of grant funds inconsistent with their purpose.”.

SUBTITLE O. WORKFORCE INVESTMENT COUNCIL MEMBERSHIP

Sec. 2141. Short title.

This subtitle may be cited as the “Workforce Investment Council Membership Clarification Amendment Act of 2016”.

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Sec. 2142. Section 4(e) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(e)), is amended to read as follows:

“(e) The Mayor shall appoint members of the Workforce Investment Council in a manner consistent with the requirements of section 101 of the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1440; 29 U.S.C. § 3111); provided, that the Workforce Investment Council shall include 2 members of the Council of the District of Columbia appointed by the Chairman of the Council of the District of Columbia.”.

SUBTITLE P. ARTS AND HUMANITIES COMPETITIVE GRANTS

Sec. 2151. Short title.

This subtitle may be cited as the “Commission on the Arts and Humanities Competitive Grants Act of 2016”.

Sec. 2152. In Fiscal Year 2017, the Commission on the Arts and Humanities shall award, on a competitive basis, grants in an amount totaling \$2.5 million to:

(1) Support the establishment of a children’s museum in the Central Business District, as defined in Title 11 of the District of Columbia Municipal Regulations, in an amount not to exceed \$1 million;

(2) Provide a literary-enrichment program for District of Columbia Public Schools and public charter schools that includes the provision of copies of literature and curricular materials and author visits for literary discussion with students, in an amount not to exceed \$200,000;

(3) Provide orchestral performances with supporting community engagement events, in an amount not to exceed \$50,000;

(4) Provide support for a theatre in the Central Business District that is operated by a nonprofit organization, in an amount not to exceed \$1 million; and

(5) Provide support for an organization dedicated to preserving the history of African-American involvement in the American Civil War, in an amount not to exceed \$250,000.

SUBTITLE Q. WORKERS’ COMPENSATION LIEN RECONCILIATION

Sec. 2161. Short title.

This subtitle may be cited as the “Workers’ Compensation Lien Reconciliation Amendment Act of 2016”.

Sec. 2162. Section 3(f-1) of the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1535(f-1)), is amended by striking the word “settlement” and inserting the phrase “total recovery” in its place.

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SUBTITLE R. NATIONAL CHERRY BLOSSOM FESTIVAL FUNDRAISING MATCH

Sec. 2171. Short title.

This subtitle may be cited as the “National Cherry Blossom Festival Fundraising Match Act of 2016”.

Sec. 2172. In Fiscal Year 2017, of the funds allocated to the Non-Departmental agency, \$300,000 shall be transferred to the Washington Convention and Sports Authority to administer a matching grant program to support the National Cherry Blossom Festival. A matching grant of \$300,000 shall be awarded to a nonprofit organization that organizes and produces an event or events as part of the official, month-long National Cherry Blossom Festival. The grant shall be paid dollar-for-dollar for corporate donations above \$750,000 raised by the nonprofit for the festival by March 31, 2017. Any matching grant awarded under this section shall be in addition to any other grants awarded by the Washington Convention and Sports Authority in support of the National Cherry Blossom Festival.

TITLE III. PUBLIC SAFETY AND JUSTICE**SUBTITLE A. COG PROCUREMENT AUTHORIZATION**

Sec. 3001. Short title.

This subtitle may be cited as the “Placement of Orders with Governmental Entities Amendment Act of 2016”.

Sec. 3002. Section 1 of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C. Official Code § 1-301.01), is amended as follows:

(a) Subsection (j-1)(1) is amended by striking the phrase “for materials” and inserting the phrase “for the provision or receipt of materials” in its place.

(b) A new subsection (j-2) is added to read as follows:

“(j-2) Placement of orders with the Metropolitan Washington Council of Governments – Notwithstanding the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.01 *et seq.*), the Mayor may contract with the Metropolitan Washington Council of Governments for the provision or receipt of materials, supplies, equipment, work, or services of any kind. Contracts executed pursuant to this subsection shall be considered obligations upon appropriations in the same manner as orders or contracts executed pursuant to subsections (j) or (k) of this section.”.

SUBTITLE B. RECIPROCAL AGREEMENTS FOR MUTUAL AID AMENDMENT

Sec. 3011. Short title.

This subtitle may be cited as the “Reciprocal Agreements for Mutual Aid Amendment Act of 2016”.

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Sec. 3012. An Act To provide for a mutual-aid plan for fire protection by and for the District of Columbia and certain adjacent communities in Maryland and Virginia, and for other purposes, approved August 14, 1950 (64 Stat. 441; D.C. Official Code § 5-414), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-414(a)) is amended to read as follows:

“(a) The Mayor is hereby authorized in his or her discretion to enter into and to renew reciprocal agreements, for such period as he or she deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties, Maryland, and Arlington, Fairfax, and Loudon Counties, Virginia, with the City of Alexandria, Virginia, with the City of Fairfax, Virginia, with the City of Falls Church, Virginia, and with incorporated or unincorporated fire departments, fire companies, and organizations of fire personnel in such counties and cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District of Columbia and such counties and cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such counties and cities.”.

(b) Section 2 (D.C. Official Code § 5-414(b)) is amended by striking the phrase “The District of Columbia” and inserting the phrase “The Mayor” in its place.

(c) Section 3 (D.C. Official Code § 5-414(c)) is amended to read as follows:

“(c) The Mayor may make available to the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, and any other local or regional authority or intergovernmental organization, personnel and equipment of the Fire and Emergency Medical Services Department to extinguish fires, and to save lives, on property of the federal government, the Washington Metropolitan Area Transit Authority, the Metropolitan Washington Council of Governments, or another local or regional authority of which the District is a member or intergovernmental organization to which the District or any of its offices or agencies belongs in Prince George's and Montgomery Counties, Maryland; Arlington, Fairfax, and Loudon Counties, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia.”.

(d) Section 4 (D.C. Official Code § 5-414(d)) is amended as follows:

(1) Strike the phrase “Fire Department” wherever it appears and insert the phrase “Fire and Emergency Medical Services Department” in its place.

(2) Strike the word “his” and insert the phrase “his or her” in its place.

SUBTITLE C. PUBLIC SAFETY EXECUTIVE PAY SCHEDULE AMENDMENT

Sec. 3021. Short title.

This subtitle may be cited as the “Executive Service Pay Schedule Amendment Act of 2016”.

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Sec. 3022. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 1052 (D.C. Official Code § 1-610.52) is amended as follows:

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

(A) Paragraph (2) is amended to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of

“(A) \$292,520 for Kaya Henderson, as Chancellor of the District of Columbia Public Schools (“Chancellor”);

“(B) \$197,245 for Tanya A. Royster, MD, as Director of the Department of Behavioral Health, effective August 3, 2015;

“(C) \$200,335 for LaQuandra S. Nesbitt, MD, MPH, as Director of the Department of Health, effective January 26, 2015; and

“(D) \$221,450 for Christopher Weaver, Director of the Department of General Services, effective September 9, 2015.”.

(B) Paragraph (2A) is repealed.

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

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

(ii) The newly designated subparagraph (A) is amended by striking the phrase “levels of compensation as provided in paragraphs (2) and (2A)” and inserting the phrase “level of compensation as provided in paragraph (2)” in its place.

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

“(B)(i) Notwithstanding subparagraph (A) of this paragraph or any other provision of law, the Chancellor may be paid a recognition and renewal bonus of 5% of her annual base salary in 2016 and a performance bonus of up to 10% of her annual base salary for goals achieved by the end of the 2016-17 school year.

“(ii) In addition to such other benefits as the Chancellor may be entitled to receive under existing law and regulation, and notwithstanding subparagraph (A) of this paragraph and section 1058, the Mayor may make:

“(I) A separation payment to the Chancellor of up to 24 weeks of the Chancellor’s base salary if the Chancellor’s contract is terminated for a reason other than criminal conduct, gross dereliction of duty, or gross misconduct; and

“(II) A payment to the Chancellor’s executors, legal representatives, or administrators in the amount of 1/12 of the Chancellor’s annual salary if the Chancellor dies during her term of employment.”.

(D) Paragraph (4) is amended to read as follows:

“(4)(A) The existing level of compensation for the position in paragraph (2)(A) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chancellor, who takes office after February 24, 2012. The Chancellor shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

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“(B) The existing level of compensation for the position in paragraph (2)(B) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of Behavioral Health, who takes office after August 3, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

“(C) The existing level of compensation for the position in paragraph (2)(C) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of Health, who takes office after January 26, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.

“(D) The existing level of compensation for the position in paragraph (2)(D) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Director of the Department of General Services, who takes office after September 9, 2015. The Director shall be subject to compensation within the limits of the DX Schedule, except as provided by this act.”

(2) Subsection (b-1) is repealed.

(b) Section 1052a (D.C. Official Code § 1-610.52a) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “who are required to hold a medical degree or another advanced health-related degree”.

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

“(b)(1) The Mayor shall designate the appropriate pay level for each subordinate agency head within the public safety cluster based on market analyses considering the qualifications and work experience of each individual appointee, and other relevant criteria; provided, that each subordinate agency head within the public safety cluster shall be subject to compensation within the limits of the DX Public Safety Schedule unless otherwise authorized by an act of the Council.

“(2) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of \$253,817 for Cathy Lanier, as Chief of the Metropolitan Police Department.

“(3) The existing level of compensation for the position in paragraph (2) of this subsection shall not be used as the basis for determining the salary of an officeholder in the position of Chief of the Metropolitan Police Department, who takes office after February 24, 2012. The Chief of the Metropolitan Police Department shall be subject to compensation within the limits of the DX Public Safety Schedule, except as provided by this act.

“(4)(A) Notwithstanding paragraph (1) of this subsection, the Council approves a compensation level of:

“(i) \$215,035 for Chris T. Geldart, as Director of the Homeland Security and Emergency Management Agency, retroactive to May 4, 2015; and

“(ii) \$203,425 for Gregory M. Dean, as Chief of the Fire and Emergency Medical Services Department, retroactive to May 4, 2015.

“(B) The level of compensation for the positions as approved in subparagraph (A) of this paragraph shall not be used as the basis for determining the salary of an

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officeholder in the position of Director of the Homeland Security and Emergency Management Agency or the position of Chief of the Fire and Emergency Medical Services Department.”.

Sec. 3023. Section 2903(b) of the Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1402(b)), is amended by striking the phrase “, to be paid at an annual rate of \$206,000,”.

SUBTITLE D. ANATOMICAL BOARD REPEAL

Sec. 3031. Short title.

This subtitle may be cited as the “Anatomical Board Repeal Amendment Act of 2016”.

Sec. 3032. An Act For the promotion of anatomical science and to prevent the desecration of graves in the District of Columbia, approved April 29, 1902 (32 Stat. 173; D.C. Official Code § 3-201 *et seq.*), is repealed.

Sec. 3033. Section 6(h)(4)(C)(i) of the District of Columbia Funeral Services Regulatory Act of 1984, effective May 22, 1984 (D.C. Law 5-84; D.C. Official Code § 3-405(h)(4)(C)(i)), is amended by striking the phrase “The Anatomical Board, human tissue banks, and anatomical gifts;” and inserting the phrase “Human tissue banks and anatomical gifts;” in its place.

SUBTITLE E. FIRE OFFICIALS SERVICE LONGEVITY AMENDMENT

Sec. 3041. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Department Chief Officers Service Longevity Amendment Act of 2016”.

Sec. 3042. Section 401(a)(1) of the District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 484; D.C. Official Code § 5-544.01(a)(1)), is amended by striking the phrase “contained in section 101, an amount computed in accordance with the following table:” and inserting the phrase “contained in section 101, as modified pursuant to section 506a, an amount computed in accordance with the following table; provided, that for each Assistant Fire Chief, Deputy Fire Chief, and Battalion Fire Chief in active service, longevity pay shall be calculated based on the Class and Service Step that the member occupies:” in its place.

SUBTITLE F. FEMS PRESUMPTIVE DISABILITY IMPLEMENTATION

Sec. 3051. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Presumptive Disability Implementation Amendment Act of 2016”.

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Sec. 3052. Subtitle D of the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 *et seq.*), is amended as follows:

(a) Section 651 (D.C. Official Code § 5-651) is amended as follows:

(1) Paragraph (6) is amended by striking the word “Department” and inserting the phrase “Department who is employed by the Department” in its place.

(2) Paragraph (7) is amended to read as follows:

“(7) “Pre-employment physical examination” means the physical examination required under section 721 of the Police and Fire Minimum Standards Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-194; D.C. Official Code § 5-451).”

(b) Section 653 (D.C. Official Code § 5-653) is amended as follows:

(1) Subsection (a)(1) is amended by striking the word “throat” and inserting the word “respiratory” in its place.

(2) Subsection (b)(1) is amended by striking the word “throat” and inserting the word “respiratory” in its place.

(c) New sections 655a, 655b, and 655c are added to read as follows:

“Sec. 655a. Physical examinations; maintaining eligibility.

“(a) In order to be eligible to make a claim under this title that relies on a presumption created by this subtitle, a member shall, in addition to meeting any other requirements as required by this subtitle or rules issued pursuant to section 655c, have undergone a pre-employment physical examination and complied with any subsequent physical examination requirements, such as annual physical examinations, that are, or were during the period of covered service, applicable to all members.

“(b) In order to be eligible to make a claim under this title that relies on a presumption created by this subtitle, an EMS employee shall, in addition to meeting any other requirements as required by this subtitle or rules issued pursuant to section 655c, have undergone a pre-employment physical examination and complied with any subsequent physical examination requirements, such as annual physical examinations, that are, or were during the period of covered service, applicable to all EMS employees.

“(c) For any member or EMS employee hired after May 1, 2013, the District may require additional, appropriate laboratory and other diagnostic studies to be included as part of the pre-employment physical examination; provided, that any such requirements shall be applicable to all members or EMS employees.

“Sec. 655b. Reporting requirements.

“By January 31, 2018, and by January 31 of each subsequent year, the Department, in coordination with the Police and Fire Clinic, shall submit an annual report to the Council that contains the following information from the preceding calendar year:

“(1) The total number of claims made by members in which a presumption was created under section 652;

“(2) The total number of claims made by EMS employees in which a presumption was created under section 652;

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“(3) The total number of claims made by members in which a presumption was created under section 653;

“(4) The total number of claims made by EMS employees in which a presumption was created under section 653;

“(5) The total number of claims made by members in which a presumption was created under section 654; and

“(6) The total number of claims made by EMS employees in which a presumption was created under section 654.

“Sec. 655c. Rules.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.”

(d) Section 656 is amended to read as follows:

“Sec. 656. Applicability.

“(a) Except as provided in subsection (b) of this section, this subtitle shall apply as of October 1, 2016.

“(b)(1) Sections 652 and 654 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

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

“(3)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of these sections.”

SUBTITLE G. FEMS APPARATUS MAINTENANCE

Sec. 3061. Short title.

This subtitle may be cited as the “Fire and Emergency Medical Services Apparatus Maintenance Requirements and Training Program Establishment Amendment Act of 2016”.

Sec. 3062. Section 1 of An Act Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1957, and for other purposes, approved June 29, 1956 (70 Stat. 443; D.C. Official Code § 5-413), is amended as follows:

(a) The existing text is designated as subsection (a).

(b) The newly designated subsection (a) is amended by striking the phrase “Fire Department” and inserting the phrase “Fire and Emergency Medical Services Department (“Department”)” in its place.

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

“(b) The Department shall:

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“(1) Comply with the certification and preventative maintenance requirements of the National Fire Protection Association, NFPA 1911, 2012 edition, or any subsequent edition; and

“(2) Beginning October 1, 2019, maintain qualifications of the fleet maintenance staff through organizational and manufacturing training in accordance with National Fire Protection Association, NFPA 1071, 2016 edition, or any subsequent edition.”

Sec. 3063. The Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982, effective March 9, 1983 (D.C. Law 4-172; codified in various sections of the District of Columbia Official Code), is amended as follows:

(a) A new section 5a is added to read as follows:

“Sec. 5a. Pilot Civilian Technical Services Program.

“(a) The Chief of the Fire and Emergency Medical Services Department (“Chief”) shall establish, in conjunction with the University of the District of Columbia Community College, a Pilot Civilian Technical Services Program (“Program”) for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the technical maintenance of Department apparatus and devices, and the duties, tasks, and responsibilities of serving as an employee in the field infrastructure and inventory management programs within the Department.

“(b) The Program shall include training courses that equip civilian employees with the skills to provide emergency vehicle and facility maintenance, certification, and specialized network management services to the Department.

“(c) A person successfully completing the Program shall be accorded full preference for appointment as a civilian employee of the Department; provided, that the person meets all other requirements pertaining to employment in the Department.

“(d) The Chief shall establish performance measures for the Program.”

(b) Section 6 (D.C. Official Code § 5-109.02) is amended by striking the phrase “and section 2(b)-(d)” and inserting the phrase “, section 2(b)-(d), and section 5a” in its place.

SUBTITLE H. EMS TRANSPORT CONTRACT AUTHORITY

Sec. 3071. Short title.

This subtitle may be cited as the “Emergency Medical Services Transport Contract Authority Amendment Act of 2016”.

Sec. 3072. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended as follows:

(a) Section 1 (D.C. Official Code § 5-401) is amended as follows:

(1) Subsection (a) is amended by striking the word “resolution” and inserting the word “act” in its place.

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

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

(B) The newly designated paragraph (1) is amended by striking the word “resolution” and inserting the word “act” in its place.

(C) New paragraphs (2) and (3) are added to read as follows:

“(2) Notwithstanding paragraph (1) of this subsection, the Department may contract with third parties to provide supplemental pre-hospital medical care and transportation to persons requiring Basic Life Support.

“(3) A contract entered into pursuant to paragraph (2) of this subsection shall include a provision that precludes the District from liability for any claims arising out of the actions of the third-party contractor and also provides full indemnification to ensure that the District shall not be responsible for any amounts owed to others as a result of the third-party contractor’s action or inaction under the contract.”

(3) New subsections (d), (e), (f), (g), and (h) are added to read as follows:

“(d) Each third-party contractor that enters into a contract pursuant to subsection (b)(2) of this section shall provide a quarterly report to the Department and to the Council that includes the following information:

“(1) The number of transports performed;

“(2) The average time between the dispatch of the third-party contractor by the Department and the third-party contractor’s arrival to the patient;

“(3) The location where the third-party contractor meets each patient and the name and location of the healthcare facility to which the patient is transported;

“(4) The average transport time from the location where the third-party contractor meets each patient to the healthcare facility to which the patient is transported;

“(5) The average time that the third-party contractor remains out of service after transporting a patient to a healthcare facility;

“(6) The average time that the third-party contractor remains out of service while waiting to transfer the care of a patient to a healthcare facility;

“(7) The number of third-party contractor ambulances available on a daily basis for Department use;

“(8) The length of the third-party contractor’s personnel shifts;

“(9) The number of employees hired by the third-party contractor and their residency;

“(10) The number of patients who used the third-party contractor’s services twice or more times during the reporting period, including the number of times the patient used the services during the previous 12 months; and

“(11) The number of patient care reports collected, including the number reviewed with the Department.

“(e) Within 4 months after the date of a contract awarded pursuant to subsection (b)(2) of this section, and quarterly thereafter, the Department shall submit a report to the Council that includes the following information:

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“(1) Activity by the Department to educate the public on the proper use of emergency requests for service;

“(2) The number of Department employees hired after a contract award and their residency;

“(3) An evaluation of pre-hospital medical care and transportation fees considering the reasonableness of the fees, the public interest, and the persons required to pay the fee;

“(4) The number of ambulances added to the Department’s frontline and reserve fleet after the date of a contract award, including whether these ambulances are replacing or supplementing the current fleet;

“(5) The number of emergency medical services personnel training hours provided, including all pediatric training conducted pursuant to a memorandum of understanding between the Department and the pediatric training entity;

“(6) The average time that the Department’s ambulances remained out of service while waiting to transfer the care of a patient to a healthcare facility; and

“(7) The number of patients who used the Department’s transport service twice or more during the reporting period, including the number of times the patient used transport services during the previous 12 months.

“(f) Within 4 months after the date of a contract award pursuant to subsection (b)(2) of this section, and quarterly thereafter, the Office of Unified Communications shall submit a report to the Council that includes the following information:

“(1) The number of calls dispatched, and the average dispatch time;

“(2) The average time within which the Department and the third-party contractor’s ambulances reported arriving at a healthcare facility with a patient and returning to service;

“(3) The protocol to reroute non-emergency calls; and

“(4) The average time between the on-scene arrival of the third-party contractor’s ambulance to the time the third-party contractor is at the patient’s side.

“(g) Within one year after the date of a contract award pursuant to subsection (b)(2) of this section, and annually thereafter, until the Department is no longer contracting with a third-party contractor pursuant to subsection (b)(2) of this section, the Department shall submit a report to the Council that evaluates performance under the contract and includes the following information:

“(1) The impact on the Department’s unit availability;

“(2) The impact on the Department’s fleet, including the ability to conduct preventative maintenance and the number of operational and reserve units available;

“(3) The impact on the Department’s training schedule;

“(4) The impact on the Department’s response times and quality of patient care;

“(5) An assessment of the number of units, the number of personnel, the amount of training, and associated costs required to provide pre-hospital medical care and transportation without the use of third parties; and

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“(6) Recommendations for implementing any additional units, personnel, and training identified in paragraph (5) of this subsection.

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

“(1) “Basic Life Support” means a level of medical care provided by pre-hospital emergency medical services at the basic emergency response technician level and in accordance with the national scope of practice for a basic level provider.

“(2) “Patient care report” means a paper or electronic document that details the patient’s pre-hospital status and condition and medication administered by a member of the Department or third-party contractor, from the time of the emergency call to the handover of the patient to a healthcare facility.”.

(b) A new section 1b is added to read as follows:

“Sec. 1b. Public duty doctrine.

“The Council ratifies the interpretation and application of the public duty doctrine by the District of Columbia Court of Appeals up through the decision of September 25, 2014, in *Allen v. District of Columbia*, No. 10-CV-1425, and extends the public duty doctrine to claims against the District for the actions of contractors and their employees providing services pursuant to section 1 to the same extent as it applies to claims against the District for the actions of the District and its employees.”.

Sec. 3073. Sunset.

Section 3072(a)(2)(C) and (3) shall expire on September 30, 2019.

SUBTITLE I. INTEGRATED HEALTH CARE TASK FORCE

Sec. 3081. Short title.

This subtitle may be cited as the “Integrated Health Care Task Force Establishment Amendment Act of 2016”.

Sec. 3082. An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401 *et seq.*), is amended by adding a new section 3b to read as follows:

“Sec. 3b. Integrated Health Care Task Force.

“(a) The Fire and Emergency Medical Services Department shall establish an Integrated Health Care Task Force to study nationally recognized best practices and develop recommendations regarding strategies for reducing EMS call volume, improving EMS delivery, and providing for collaboration between agencies, hospitals, health care organizations, and community-based organizations, as well as strategies to achieve these goals by connecting patients with appropriate health care and social services.

“(b) The Task Force shall:

“(1) Examine the need for, cost of, and implementation of a pilot community paramedicine program (“program”), including:

“(A) Which District agency should manage the program;

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“(B) Whether the program should be a self-sustaining independent entity that links hospitals, practice pharmacies, community health centers, schools, behavioral health services, public health services, nursing homes, and home health services;

“(C) Whether the program should employ case managers who are notified when a patient comes into contact with social service or EMS providers; and

“(D) Whether the program should be staffed with Department civilian EMS employees;

“(2) Determine the usefulness of advice nurses, tele-medicine, and tele-health techniques;

“(3) Examine the need for, cost of, and implementation of transporting EMS patients to destinations other than hospitals;

“(4) Make recommendations on how to best educate the community on medical conditions and resources for non-emergency medical conditions, as well as the proper use of 911;

“(5) Make recommendations on how to connect repeat users of EMS to effective health care and other services while considering the use of technology and data sharing consistent with the Health Insurance Portability and Accountability Act of 1996, approved August 21, 1996 (110 Stat. 1936; 42 U.S.C. § 1320d, *et seq.*) (“Act”), and the regulations issued pursuant to the Act;

“(6) Make recommendations for the District to provide additional health care resources to meet the needs identified by the Task Force, if the Task Force concludes that such resources are necessary;

“(7) Develop reporting requirements, performance measurements, or patient surveys that should be used to evaluate programs recommended by the Task Force; and

“(8) Make recommendations for criteria that will enable the District to train and equip members of the Department to provide pediatric care.

“(c) The Task Force shall be comprised of the following:

“(1) The Department’s Medical Director, who shall chair the Task Force;

“(2) One representative from a District-based college or university;

“(3) Three representatives from organizations for which the primary purpose of the organization is to provide services, education, or outreach to underserved populations with gaps in EMS or health services;

“(4) One representative from the District of Columbia Emergency Medical Services Advisory Committee, established by section 23 of the Emergency Medical Services Act of 2008, effective March 25, 2009 (D.C. Law 17-357; D.C. Official Code § 7-2341.22);

“(5) Two labor representatives, one from each labor organization affiliated with the Department;

“(6) One representative from the Office on Aging;

“(7) One representative from the Department of Health;

“(8) One representative from the Department of Health Care Finance;

“(9) One representative from the Department of Behavioral Health; and

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“(10) One representative from the Office of Unified Communications.

“(d)(1) By June 30, 2017, the Task Force shall submit a report to the Mayor and to the Council that includes the definition of the issues identified in subsection (a) of this section, an analysis of the data supporting the objective assessments, and recommendations completed pursuant to subsection (b) of this section.

“(2) The Task Force shall dissolve after transmitting its report under paragraph (1) of this subsection.

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

“(1) “Department” means the Fire and Emergency Medical Services Department.

“(2) “EMS” means emergency medical services.

“(3) “Practice pharmacies” means pharmacies that optimize health outcomes from drug-related treatments, research safe and effective drug use, and develop practices that maximize patient benefit from medications.

“(4) “Task Force” means the Integrated Health Care Task Force established pursuant to this section.”

SUBTITLE. J. OAG LITIGATION SUPPORT FUND AND AUTHORITY CLARIFICATION

Sec. 3091. Short title.

This subtitle may be cited as the “Office of the Attorney General Litigation Support Fund and Authority Clarification Amendment Act of 2016”.

Sec. 3092. The Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.81 *et seq.*), is amended as follows:

(a) Section 106b(d)(3) (D.C. Official Code § 1-301.86b(d)(3)) is amended by striking the phrase “\$1.5 million” both times it appears and inserting the phrase “\$3 million” in its place.

(b) Section 108b (D.C. Official Code § 1-301.88b) is amended as follows:

(1) Designate the existing text as subsection (a).

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

“(b)(1) The Attorney General shall issue rules to govern the procurement of goods and services for the Office of the Attorney General.

“(2) The rules promulgated pursuant to section 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-361.06), shall apply to procurement of goods and services for the Office of the Attorney General unless the Attorney General has issued a superseding rule or regulation.”

(c) A new section 112 is added to read as follows:

“Sec. 112. Attorney General notification on enforcement of laws.

“(a) An independent agency shall notify the Attorney General of any judicial or administrative proceeding in which the independent agency is a named party when the judicial or administrative proceeding includes a challenge to:

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“(1) The legality of a District or federal statute or regulation;

“(2) The constitutionality of a final agency decision or any action taken by the independent agency; or

“(3) The statutory authority of the independent agency to act.

“(b) An independent agency shall notify the Attorney General before commencing, or filing a pleading seeking leave to participate as a party or *amicus curiae* in, a judicial or administrative proceeding that includes a challenge as described in subsection (a) of this section.

“(c) An independent agency shall provide notice as required by this section as early as practicable, but in no event later than:

“(1) Seven business days after receiving notice of the judicial or administrative proceeding; or

“(2) If a challenge or potential challenge requiring notice under subsection (b) of this section arises during the course of a judicial or administrative proceeding, 3 business days after becoming aware of the challenge or potential challenge.

“(d) For the purposes of this section, the term “independent agency” means any office, department, division, board, commission, or instrumentality of the District of Columbia government with respect to which the Mayor and the Council are not authorized by law to establish administrative procedures, and that is not represented by the Attorney General in a judicial or administrative proceeding in which the office, department, division, board, commission or instrumentality is participating as a named party or *amicus curiae*. The term “independent agency” does not include the Council, the Superior Court of the District of Columbia, or the District of Columbia Court of Appeals.”.

Sec. 3093. Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04), is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) The Attorney General shall issue rules and regulations to implement the provisions of titles VII, VIII, IX, IX-A, XI, XII, XIII, XIII-A, XIV-A, XVI-A, XVII, XIX, XXIV, XXVII, and XXXI of this act for employees under the jurisdiction of the Attorney General.

“(2) The rules and regulations promulgated pursuant to subsection (a) of this section shall apply to employees under the jurisdiction of the Attorney General unless the Attorney General has issued a superseding rule or regulation.”.

Sec. 3094. Section 3(b) of the Prohibition on Government Employee Engagement in Political Activity Act of 2010, effective March 31, 2011 (D.C. Law 18-335; D.C. Official Code § 1-1171.02(b)), is amended as follows:

(a) The lead-in language is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

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

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“(2) Any designation pursuant to this subsection shall be made in writing by the Mayor and the Attorney General to the Secretary of the District of Columbia and by any member of the Council to the Secretary to the Council;”.

(c) Paragraph (4) is amended by striking the word “Mayor” and inserting the phrase “Mayor, the Attorney General,” in its place.

SUBTITLE K. PUBLIC SAFETY TECHNICAL AMENDMENTS

Sec. 3101. Short title.

This subtitle may be cited as the “Public Safety Technical Amendments Amendment Act of 2016”.

Sec. 3102. The Neighborhood Engagement Achieves Results Amendment Act of 2016, enacted on March 26, 2016 (D.C. Act 21-356; 63 DCR 4659), is amended as follows:

(a) Section 102(c) is amended to read as follows:

“(c) Beginning on January 31, 2017, and by January 31 of each year thereafter, the ONSE shall provide a report to the Council that excludes personally identifying information and includes the following information from the reporting period and in the aggregate:

“(1) The number of individuals successfully recruited and engaged;

“(2) The duration of individuals’ participation;

“(3) The status of participants’ progress; and

“(4) The participants’ age, race or ethnicity, gender, and ward of residence.”.

(b) Section 901(a) is amended to read as follows:

“(a) Sections 101, 102, 103, 104(b)(3), 105, and 204 shall apply upon the inclusion of their fiscal effect in an approved budget and financial plan.”.

Sec. 3103. Section 2213.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2213.1) is amended by striking the phrase “front, sides, or back of the vehicle” and inserting the phrase “front or sides of the vehicle” in its place.

Sec. 3104. The Fair Criminal Record Screening Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-152; D.C. Official Code § 32-1341 *et seq.*), is amended by adding a new section 6a to read as follows:

“Sec. 6a. Rules.

“The Director of the Office of Human Rights, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §2-501 *et seq.*), shall issue rules to implement the provisions of this act.”.

SUBTITLE L. CPR EMERGENCY MEDICAL APPLICATION

Sec. 3111. Short title.

This subtitle may be cited as the “Cardiopulmonary Resuscitation Application Establishment Amendment Act of 2016”.

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Sec. 3112. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended by adding a new section 3205a to read as follows:

“Sec. 3205a. Development of emergency medical application.

“(a) The Office shall develop an emergency medical application to aid a trained user in providing cardiopulmonary resuscitation to an individual reported to be exhibiting signs of cardiac arrest while emergency medical service providers are dispatched to the individual’s location. At a minimum, the emergency medical application shall:

“(1) Notify a trained user that he or she is within a certain distance from an individual that is experiencing a cardiac arrest in a public location;

“(2) Notify a trained user of the nearest location of a publicly accessible defibrillator;

“(3) Assist emergency medical service providers in monitoring patients or relaying information to hospital emergency rooms; and

“(4) Allow a trained user to alert the Office if an individual is experiencing a health emergency.

“(b) The Director shall ensure that staff are adequately trained to assist trained users in the use of the emergency medical application.

“(c) Notwithstanding any other law, a trained user shall have the same protections as provided in section 1 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, approved November 8, 1965 (79 Stat. 1302; D.C. Official Code § 7-401), and shall not be subject to criminal or, in the absence of gross negligence, civil liability for administering cardiopulmonary resuscitation or using an automated external defibrillator pursuant to this subtitle:

“(1) In good faith to treat a person who he or she reasonably believes is experiencing a cardiac arrest;

“(2) Outside of a hospital or medical office; and

“(3) Without the expectation of receiving or intending to seek compensation for such service or acts.

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

“(1) “Emergency medical application” means a website or mobile platform where trained users can interact with the Office during medical emergencies.

“(2) “Trained user” means a District resident or visitor using an emergency medical application who has been trained by an organization recognized by the Department of Health to provide cardiopulmonary resuscitation to a victim of a cardiac arrest.”.

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**SUBTITLE M. ESTABLISHMENT OF CRIMINAL CODE REFORM
COMMISSION**

Sec. 3121. Short title.

This subtitle may be cited as the “Criminal Code Reform Commission Establishment Act of 2016”.

Part 1. Establishment of Criminal Code Reform Commission

Sec. 3122. Establishment of the Criminal Code Reform Commission.

(a) The Criminal Code Reform Commission (“Commission”) is established as an independent agency within the District of Columbia government, consistent with the meaning of the term “independent agency” as provided in section 301(13) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(13)).

(b) The Commission shall be composed of the Executive Director and such staff as necessary to complete the work of the Commission.

(c)(1) Except as provided in paragraph (2) of this subsection, the Executive Director shall be appointed by the Chairman of the Council, subject to the approval of the majority of the Council. The Executive Director shall serve for a term of 3 years, or until the Commission is dissolved pursuant to section 3127, and shall be paid a rate of compensation as may be established from time to time by the Council.

(2) Notwithstanding paragraph (1) of this subsection, as of the effective date of this subtitle, the Criminal Code Revision Project Director of the District of Columbia Sentencing and Criminal Code Revision Commission shall be the Executive Director of the Commission.

(d) The Executive Director shall:

- (1) Be a member in good standing of the District of Columbia Bar;
- (2) Be responsible for and oversee the daily operations of the Commission;
- (3) Supervise Commission staff; and
- (4) Develop and institute internal policies, procedures, and processes to ensure efficient operations.

(e)(1) Except as provided in paragraph (2) of this subsection, all employees of the Commission shall be, or shall become within 180 days after hire, a resident of the District of Columbia

(2) Notwithstanding paragraph (1) of this subsection, the Executive Director as of the effective date of this subtitle shall be exempt from the residency requirement in paragraph (1) of this subsection.

Sec. 3123. Recommendations for comprehensive criminal code reform.

(a) By October 1, 2018, the Commission shall submit to the Mayor and the Council comprehensive criminal code reform recommendations that revise the language of the District’s criminal statutes to:

- (1) Use clear and plain language;

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- (2) Apply consistent, clearly articulated definitions;
 - (3) Describe all elements, including mental states, that must be proven;
 - (4) Reduce unnecessary overlap and gaps between criminal offenses;
 - (5) Eliminate archaic and unused offenses;
 - (6) Adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties;
 - (7) Organize existing criminal statutes in a logical order;
 - (8) Identify any crimes defined in common law that should be codified, and propose recommended language for codification, as appropriate;
 - (9) Identify criminal statutes that have been held to be unconstitutional and recommend their removal or amendment;
 - (10) Propose such other amendments as the Commission believes are necessary;
- and
- (11) Enable the adoption of Title 22 as an enacted title of the District of Columbia Official Code.
- (b) The comprehensive criminal code reform recommendations required by subsection (a) of this section shall be in the form of a report that:
- (1) Includes draft legislation or other specific steps for implementing the recommendations;
 - (2) Includes charging, sentencing, and other relevant statistics regarding the offenses affected by the recommendations; and
 - (3) Explains how and why the recommendations change existing District law.
- (c) In preparing the comprehensive criminal code reform recommendations required by subsection (a) of this section, the Commission shall:
- (1) Consult with the Code Revision Advisory Group established pursuant to section 3124; and
 - (2) Review criminal code reforms in other jurisdictions, recommend changes to criminal offenses by the American Law Institute, and survey best practices recommended by criminal law experts.
- (d) The Commission shall provide, upon request by the Council, a legal analysis of proposed legislation concerning criminal offenses, including information on existing District law, the laws of other jurisdictions, and model legislation.
- (e) The Commission may consult with other District of Columbia, federal, and state agencies, conduct community outreach, perform trainings, and engage in other activities regarding criminal code reform to advance the Commission's statutory duties.
- (f) The Commission may request such information as may be necessary to fulfill its statutory responsibilities. Each department, agency, instrumentality, or independent agency of the District of Columbia is authorized and directed, to the extent permitted by law, to furnish the Commission with such requested information.

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Sec. 3124. Code Revision Advisory Group.

(a) The Commission shall establish a Code Revision Advisory Group (“Advisory Group”) to review and provide information and suggestions on proposals prepared by the Commission related to the comprehensive criminal code reform recommendations required by section 3123. The Advisory Group shall consist of 5 voting members and 2 nonvoting members as follows:

(1) The voting members of the Advisory Group shall consist of the following:

(A) The United States Attorney for the District of Columbia or his or her designee;

(B) The Director of the Public Defender Service for the District of Columbia or his or her designee;

(C) The Attorney General for the District of Columbia or his or her designee; and

(D) Two professionals from established organizations, including institutions of higher education, devoted to the research and analysis of criminal justice issues, appointed by the Council;

(2) The non-voting members of the Commission shall consist of the following:

(A) The Chairperson of the Council committee with jurisdiction over the Commission or his or her designee; and

(B) The Deputy Mayor for Public Safety and Justice or his or her designee.

(b) Meetings of the Advisory Group shall be conducted by the Commission’s Executive Director, with meetings scheduled by the Executive Director as necessary to fulfill the statutory responsibilities of the Commission.

(c) The Commission shall provide drafts of its recommended reforms to criminal statutes to the Advisory Group in the form of reports. Advisory Group members may provide to the Commission written comments in response to those recommendations within a reasonable period of time, to be determined by the Executive Director, but not less than one month.

(d) The Commission shall consider all written comments that are timely received from Advisory Group members under subsection (c) of this section and propose all final recommendations to the Council based on the comments received.

(e) The voting members of the Advisory Group shall vote to approve the final recommendations proposed by the Commission, with a majority of voting members necessary to approve the recommendations, before their submittal to the Council and the Mayor under section 3123(a).

(f) The Commission shall compile and make publicly available a record of all written comments received from Advisory Group members under subsection (c) of this section.

Sec. 3125. Reporting requirements.

(a) The Commission shall file quarterly reports with the Council that provide a summary of activities during the prior quarter.

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(b) The Commission shall file an annual report with the Council before March 31 of each year that includes:

- (1) A summary and copy of all recommendations for reforms to criminal statutes developed by the Commission during the previous calendar year;
- (2) A summary and copy of comments received from the Advisory Group during the previous calendar year and their disposition;
- (3) A summary of other Commission activities during the previous calendar year;
- (4) A description of any problems discovered with prior Commission work or changes to prior work that are necessary due to legislative changes or court rulings;
- (5) A description of any issues that could delay or prevent the Commission from timely fulfilling its statutory duties; and
- (6) A work plan and schedule, or revisions to an existing work plan and schedule, for carrying out the responsibilities of the Commission to meet statutory requirements.

Sec. 3126. Transition from District of Columbia Sentencing and Criminal Code Revision Commission.

(a) All functions, authority, programs, positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Criminal Code Revision Project previously established pursuant to section 2a of the Advisory Commission on Sentencing Establishment Act of 1998, effective June 16, 2006 (D.C. Law 16-126; D.C. Official Code § 3-101.01), are transferred to the Criminal Code Revision Commission.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Criminal Code Revision Project transferred to the Criminal Code Revision Commission under subsection (a) of this section shall continue in effect according to their terms until lawfully amended, repealed, or modified.

Sec. 3127. Sunset.

This part shall expire on October 1, 2018.

Part 2. Conforming Amendments

Sec. 3128. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

- (1) The section heading is amended by striking the phrase “and Criminal Code Revision”.
- (2) Subsection (a) is amended by striking the phrase “and Criminal Code Revision”.
- (3) Subsection (b) is amended by striking the phrase “In addition to the duties required under section 2a, the” and inserting the word “The” in its place.

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(b) Section 2a (D.C. Official Code § 3-101.01) is repealed.

(c) Section 3(a) (D.C. Official Code § 3-102(a)) is amended as follows:

(1) The lead-in language is amended by striking the number “15” and inserting the number “12” in its place.

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

(A) Subparagraph (H) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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

(C) Subparagraph (J) is repealed.

(d) Section 4(c) (D.C. Official Code § 3-103(c)) is amended by striking the number “8” and inserting the number “7” in its place.

Sec. 3129. Section 406(b) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)), is amended as follows:

(1) Paragraph (19) is amended to read as follows:

“(19) For employees of the District of Columbia Sentencing Commission, the personnel authority is the District of Columbia Sentencing Commission;”.

(2) Paragraph (23) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(3) Paragraph (24) is amended by striking the period and inserting the phrase “; and” in its place.

(4) A new paragraph (25) is added to read as follows:

“(25) For employees of the Criminal Code Reform Commission, the personnel authority is the Criminal Code Reform Commission.”.

SUBTITLE N. DOC INMATE AND RETURNING CITIZEN ASSISTANCE

Sec. 3131. Short title.

This subtitle may be cited as the “Department of Corrections Inmate and Returning Citizen Assistance Act of 2016”.

Sec. 3132. Department of Corrections inmate and returning citizen assistance grant.

(a) In Fiscal Year 2017 and each fiscal year thereafter, of the annual funds available to the Office of Justice Grants Administration (“Office”), no less than \$125,000 shall be awarded to an organization that assists individuals currently in the custody of or recently released from the District of Columbia Jail or the Correctional Treatment Facility.

(b) The Office shall award the grant funds provided under subsection (a) of this section in their entirety as early in the fiscal year as is feasible. The Office shall not provide the grant funds on a reimbursement basis.

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SUBTITLE O. PUBLIC SAFETY TELECOMMUNICATOR AND DISTRICT SCHOOL CPR AND AED TRAINING

Sec. 3141. Short title.

“This subtitle may be cited as the “Public Safety Telecommunicator and District School CPR and AED Training Amendment Act of 2016”.

Sec. 3142. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended as follows:

(a) Section 3206 (D.C. Official Code § 1-327.55) is amended as follows:

(1) The lead-in language is amended by striking the number “4” and inserting the number “5” in its place.

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

“(5) The Division of Development and Standards shall include the staff needed to implement a robust program of training for all employees of the Office. The training program shall be described in a training plan published by the Office that:

“(A) Establishes the required minimum number of hours of annual training and the certifications required for public safety telecommunicators and public safety communications training officers;

“(B) Aligns with standards established by national public safety associations recognized by the Office;

“(C) Includes training on the following topics for public safety telecommunicators:

“(i) Cardiopulmonary resuscitation;

“(ii) Telecommunications devices for deaf individuals, including teletype; and

“(iii) Stress management;

“(D) Includes formalized quality assurance to identify areas in which future training would be beneficial and to ensure that existing training is effectively implemented; and

“(E) Incorporates examinations for public safety telecommunicators designed to demonstrate the public safety telecommunicators’ ability to utilize existing communication tools or available technologies to meet operational needs in both normal and back-up modes.”.

(b) Section 3207 (D.C. Official Code § 1-327.56) is amended as follows:

(1) Designate the existing text as subsection (a).

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

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“(b) The Office shall coordinate with the Fire and Emergency Medical Services Department to cross-train, on an annual basis, public safety telecommunicators with firefighters, and emergency medical service providers.”.

Sec. 3143. Section 1 of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) The Department shall establish a community cardiopulmonary resuscitation program to conduct cardiopulmonary resuscitation training and emergency medical application training for District residents and employees within the following District facilities:

“(1) District of Columbia Public Schools;

“(2) District of Columbia Public Charter Schools;

“(3) District of Columbia Department of Parks and Recreation facilities; and

“(4) Any other District of Columbia government buildings.”.

Sec. 3144. The Public Access to Automated External Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 44-231) is amended as follows:

(1) New paragraphs (2A), (2B), and (2C) are added to read as follows:

“(2A) "CPR" means cardiopulmonary resuscitation.

“(2B) "CPR and AED program" means a training course on CPR and the operation and use of an AED that has been approved by the Mayor pursuant to section 3c.

“(2C) "Facility AED Coordinator" means the person who acquires the AED for a facility, or his or her designee.”.

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

“(5) "School" means a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, or a parochial school.”.

(b) Section 3 (D.C. Official Code § 44-232) is amended as follows:

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

(A) Paragraph (1) is amended by striking the phrase “Expected AED users receive training from and be certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course,” and inserting the phrase “The Facility AED Coordinator receives training from or is certified by the American Heart Association, the American Red Cross, or an equivalent state or nationally recognized course, such as the Heart Saver CPR AED course,” in its place.

(B) Paragraph (3) is amended by striking the phrase “; and” and inserting the phrase “; provided, that a physician is not required if a person or entity enters into an agreement with the Department pursuant to which the Department provides the equipment, training, and oversight required by this subsection; and” in its place.

(2) Subsection (b) is repealed

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

“(c) Any person or entity who acquires an AED shall notify the Chief of the Fire and Emergency Medical Services Department (“Chief of the Department”) or his or her designee and the call center, as defined in section 3202(a)(2) of the Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51(a)(2)), of the AED and the location and type of the AED. If an AED is removed, the Chief of the Department shall be notified. The Chief of the Department may issue a citation if the requirements of this subsection are not followed; provided, that the Chief of the Department has adopted regulations governing the issuance of the citations.”.

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

“Sec. 3c. CPR and AED program.

“(a) Within 120 days after the effective date of the Public Safety Telecommunicator and District School CPR and AED Training Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), each school shall meet the requirements of section 3 and:

“(1) Establish procedures for responding to a medical emergency involving cardiac arrest, including the appropriate use of CPR and an AED;

“(2) Have at least one AED on-site at the school;

“(3) Have, in coordination with the Department of General Services, a maintenance schedule established for each AED that is in accordance with the manufacturer’s guidelines and includes:

“(A) Periodic testing;

“(B) Periodic inspection; and

“(C) Annual maintenance;

“(4) Ensure that each AED at the school is appropriate for use on children and adults;

“(5) Have had the following individuals successfully complete a CPR and AED program; provided, that individuals newly hired for the following positions shall be required to successfully complete a CPR and AED program within 60 days after their hire date:

“(A) Athletic coach, coaching assistant, and athletic trainer;

“(B) Athletic director;

“(C) Team or game physician;

“(D) School nurse; and

“(E) Every anticipated AED user employed by the school, as designated by the school;

“(6) Require that at least one individual trained in a CPR and AED program be present during the school's hours of operation and during any athletic activity; and

“(7) Inform all school employees, at least annually, of the location of each AED in the school.

“(b)(1) The Mayor shall:

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“(A) Establish baseline requirements and guidelines for a CPR and AED program;

“(B) Approve each existing CPR and AED program that the Mayor determines meets or exceeds the baseline requirements and guidelines for a CPR and AED program, and any new CPR and AED programs established pursuant to this act; provided, that the Mayor shall approve the existing programs listed in section 3(a)(1) and the program offered by the Fire and Emergency Medical Services Department pursuant to section 1(b-1) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), as meeting the requirements of this section;

“(C) Require each school to maintain a written record of the periodic testing, inspection, and maintenance of each AED; and

“(D) Require the successful completion of a CPR and AED program by each employee in a position listed in subsection (a)(5) of this section.

“(2) A CPR and AED program may be conducted by a private or public entity.”.

Sec. 3145. Section 402 of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-824.02), is amended by adding a new subsection (b-1) to read as follows:

“(b-1) Public schools and public charter schools shall provide instruction in cardiopulmonary resuscitation to students in Grades 9 through 12 as follows:

“(1) Beginning with the 2016-2017 school year, instruction in cardiopulmonary resuscitation shall be included in at least one health class necessary for graduation.

“(2) The instruction required by this subsection shall:

“(A) Be an instructional program developed by the American Heart Association or the American Red Cross or be nationally recognized and based on the most current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation;

“(B) Include appropriate use of an automated external defibrillator, which may be taught by video; and

“(C) Incorporate hands-on practice in addition to cognitive learning.

“(3) The instruction required by this section may be provided by the public school or charter school directly or the public school or charter school may arrange for the instruction to be provided by available community-based providers.

“(4) The instruction required by this subsection is not required to be provided by a teacher.

“(5) A teacher providing the instruction under this subsection is not required to be a certified trainer of cardiopulmonary resuscitation.

“(6) A student is not required to earn certification in cardiopulmonary resuscitation to successfully complete the instruction for the purposes of this subsection.

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“(7) The instruction offered by the Fire and Emergency Medical Services Department pursuant to section 1(b-1) of An Act To classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-401), shall be deemed to meet the requirements of this subsection.”.

TITLE IV. PUBLIC EDUCATION

SUBTITLE A. UNIFORM PER STUDENT FUNDING FORMULA FOR PUBLIC SCHOOLS AND PUBLIC CHARTER SCHOOLS AMENDMENT

Sec. 4001. Short title.

This subtitle may be cited as the “Funding for Public Schools and Public Charter Schools Amendment Act of 2016”.

Sec. 4002. The Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2901 *et seq.*), is amended as follows:

(a) Section 104 (D.C. Official Code § 38-2903) is amended by striking the phrase “\$9,492 per student for fiscal year 2015” and inserting the phrase “\$9,682 per student for Fiscal Year 2017” in its place.

(b) Section 105 (D.C. Official Code § 38-2904) is amended by striking the tabular array and inserting the following tabular array in its place:

“Grade Level	Weighting	Per Pupil Allocation in FY 2017
“Pre-Kindergarten 3	1.34	\$12,974
“Pre-Kindergarten 4	1.30	\$12,587
“Kindergarten	1.30	\$12,587
“Grades 1-5	1.00	\$9,682
“Grades 6-8	1.08	\$10,457
“Grades 9-12	1.22	\$11,812
“Alternative program	1.44	\$13,942
“Special education school	1.17	\$11,328
“Adult	0.89	\$8,617

(c) Section 106(c) (D.C. Official Code § 38-2905(c)) is amended to read as follows:

“(c) The supplemental allocations shall be calculated by applying weightings to the foundation level as follows:

“Special Education Add-ons:

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"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
"Level 1: Special Education	Eight hours or less per week of specialized services	0.97	\$9,392
"Level 2: Special Education	More than 8 hours and less than or equal to 16 hours per school week of specialized services	1.20	\$11,618
"Level 3: Special Education	More than 16 hours and less than or equal to 24 hours per school week of specialized services	1.97	\$19,074
"Level 4: Special Education	More than 24 hours per week of specialized services which may include instruction in a self-contained (dedicated) special education school other than residential placement	3.49	\$33,790
"Blackman Jones Compliance	Weighting provided in addition to special education level add-on weightings on a per- student basis for Blackman Jones compliance.	0.069	\$668
"Attorney's Fees Supplement	Weighting provided in addition to special education level add-on weightings on a per- student basis for attorney's fees.	0.089	\$862

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"Residential	D.C. Public School or public charter school that provides students with room and board in a residential setting, in addition to their instructional program	1.67	\$16,169
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"General Education Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
"ELL	Additional funding for English Language Learners.	0.49	\$4,744
"At-risk	Additional funding for students in foster care, who are homeless, on TANF or SNAP, or behind grade level.	0.219	\$2,120

"Residential Add-ons:

"Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
"Level 1: Special Education - Residential	Additional funding to support the after-hours level 1 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting	0.368	\$3,563

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<p>“Level 2: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 2 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>1.337</p>	<p>\$12,945</p>
<p>“Level 3: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 3 special education needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>2.891</p>	<p>\$27,991</p>
<p>“Level 4: Special Education - Residential</p>	<p>Additional funding to support the after-hours level 4 special education needs of limited and non-English proficient students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>2.891</p>	<p>\$27,991</p>
<p>“LEP/NEP - Residential</p>	<p>Additional funding to support the after-hours limited and non-English proficiency needs of students living in a D.C. Public School or public charter school that provides students with room and board in a residential setting</p>	<p>0.668</p>	<p>\$6,468</p>

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“Special Education Add-ons for Students with Extended School Year (“ESY”) Indicated in Their Individualized Education Programs (“IEPs”):

“Level/ Program	Definition	Weighting	Per Pupil Supplemental Allocation FY 2017
“Special Education Level 1 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs.	0.063	\$610
“Special Education Level 2 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.227	\$2,198
“Special Education Level 3 ESY	Additional funding to support the summer school or program need for students who require ESY services in their IEPs	0.491	\$4,754
“Special Education Level 4 ESY	Additional funding to support the summer school or program need for students who ESY services in their IEPs	0.491	\$4,754

”

(d) Section 115 (D.C. Official Code § 38-2913) is amended as follows:

- (1) Strike the phrase “Fiscal Year 2017” and insert the phrase “Fiscal Year 2020” in its place.
- (2) Strike the word “equal” and insert the word “equitable” in its place.

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**SUBTITLE B. DCPS CONTRACTING AND SPENDING FLEXIBILITY
AMENDMENT**

Sec. 4011. Short title.

This subtitle may be cited as the “DCPS Contracting and Spending Flexibility Amendment Act of 2016”.

Sec. 4012. Reallocation and use of District of Columbia Public Schools funds.

(a) Pursuant to rules promulgated by the Chief Financial Officer, each school in the District of Columbia Public Schools (“DCPS”) may reallocate funds between object classes within the school’s non-personal services object category in the aggregate not-to-exceed amount of \$10,000 within each fiscal year.

(b) DCPS is authorized to spend appropriated funds to pay for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities in accordance with rules promulgated by the Chancellor pursuant to section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)); provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement.

(c) For the purposes of this section, the terms “object category” and “object class” shall have the same meanings as provided in D.C. Official Code § 47-361(9) and (10), respectively.

Sec. 4013. Section 105(c)(5) of the District of Columbia Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-174(c)(5)), is amended by striking the semicolon and inserting the phrase “, including rules and regulations governing the use of DCPS funds for DCPS-sponsored student travel, including the cost of transportation, lodging, meals, and admission fees for students and adult chaperones, to locations and venues outside DCPS facilities; provided, that such travel be related to the students’ curriculum or for the purpose of rewarding student curricular or extra-curricular achievement;” in its place.

SUBTITLE C. CLASSROOM ANIMAL FOR EDUCATIONAL PURPOSES

Sec. 4021. Short title.

This subtitle may be cited as the “Classroom Animal for Educational Purposes Amendment Act of 2016”.

Sec. 4022. Section 9(h) of the Animal Control Act of 1979, effective October 18, 1979 (D.C. Law 3-30; D.C. Official Code § 8-1808(h)), is amended by adding a new paragraph (6) to read as follows:

“(6) Paragraph (1) of this subsection shall not apply to educational institutions that possess animals for educational and instructional purposes and that otherwise comply with humane, sanitary, and safe treatment requirements, as set forth in section 502 of the Animal

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Protection Amendment Act of 2008, effective December 5, 2008 (D. C. Law 17-281; D.C. Official Code § 8-1851.02), and permitting requirements promulgated by the Mayor.”.

SUBTITLE D. HEALTHY TOTS ACT AMENDMENTS

Sec. 4031. Short title.

This subtitle may be cited as the “Healthy Tots Amendment Act of 2016”.

Sec. 4032. The Healthy Tots Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-281 *et seq.*), is amended as follows:

(a) Section 4073(c)(1)(B) (D.C. Official Code § 38-282(c)(1)(B)) is amended as follows:

(1) Strike the word “breakfasts” both times it appears and insert the word “meals” in its place.

(2) Strike the phrase “to receive free or reduced meals” and insert the phrase “for subsidized child care” in its place.

(b) Section 4073a (D.C. Official Code § 38-282.01) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “to participate in the CACF Program, the facility shall participate in the program” and inserting the phrase “for subsidized child care, the facility shall participate in the CACF Program” in its place.

(2) Subsection (c) is amended by striking the date “September 30, 2016” and inserting the date “September 30, 2017” in its place.

SUBTITLE E. NATIONAL EXTERNAL DIPLOMA PROGRAM

Sec. 4041. Short title.

This subtitle may be cited as the “National External Diploma Program Amendment Act of 2016”.

Sec. 4042. Section 7b of the State Education Office Establishment Act of 2000, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2608), is amended by adding a new subsection (g) to read as follows:

“(g) OSSE shall deem valid all diplomas awarded to residents who completed the requirements of the National External Diploma Program at any time from January 1, 1980, through February 5, 2016, in the District of Columbia.”.

SUBTITLE F. FOSTER CARE EXTENDED ELIGIBILITY

Sec. 4051. Short title.

This subtitle may be cited as the “Foster Care Extended Eligibility Amendment Act of 2016”.

Sec. 4052. Section 5a(a) of the Day Care Policy Act of 1979, effective April 13, 1999 (D.C. Law 12-216; D.C. Official Code § 4-404.01(a)), is amended as follows:

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(a) Paragraph (4) is amended by striking the phrase "services; and" and inserting the phrase "services;" in its place.

(b) Paragraph (5) is amended by striking the phrase "child." and inserting the phrase "child;" in its place.

(c) New paragraphs (6), (7), and (8) are added to read as follows:

“(6) Children of a teen parent under 21 years of age who is either in foster care or a ward of the District and is either working or enrolled in a verified job training or education program;

“(7) Children in foster care placement when the foster care provider is not working but receives some form of verifiable income, such as social security or disability, and the child care services are in the best interest of the child; and

“(8) Children in foster care placement when the foster care provider is not working but enrolled in a verified job training or education program, and the child care services are in the best interest of the child.”.

SUBTITLE G. PUBLIC CHARTER SCHOOL ADVANCE PAYMENT ADJUSTMENT

Sec. 4061. Short title.

This subtitle may be cited as the "Public Charter School Advance Payment Adjustment Amendment Act of 2016".

Sec. 4062. Section 107b(b) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02(b)), is amended as follows:

(a) Paragraph (1) is amended by striking the phrase “and shall be 30% of the school’s entitlement” and inserting the phrase “and shall be 35% of an existing school's entitlement, and 45% of the entitlement for a newly chartered school in its first school year of operation” in its place.

(b) Paragraph (2) is amended by striking the phrase “and shall be equal to 55% of the school’s entitlement less amounts paid in July” and inserting the phrase “and shall be equal to 60% of an existing school's entitlement and 70% of the entitlement for a newly chartered school in its first school year of operation, less amounts paid in July” in its place.

(c) Paragraph (3) is amended by striking the phrase “and shall be equal to 80% of the school’s entitlement less amounts paid in July and October” and inserting the phrase “and shall be equal to 80% of an existing school's entitlement and 85% of the entitlement for a newly chartered school in its first school year of operation, less amounts paid in July and October” in its place.

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SUBTITLE H. MY SCHOOL DC EDFEST SPONSORSHIP AND ADVERTISING AND COMMON LOTTERY BOARD AMENDMENT

Sec. 4071. Short title.

This subtitle may be cited as the "My School DC EdFest Sponsorship and Advertising and Common Lottery Board Amendment Act of 2016".

Sec. 4072. Section 4122 of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

(a) Subsection (f) is amended by striking the date "December 31st" and inserting the date "April 30" in its place.

(b) A new subsection (g) is added to read as follows:

“(g) The Chief Financial Officer shall deposit all cash proceeds received from advertisements and sponsorships pursuant to this section into the Common Lottery Board Fund established pursuant to section 206 of the Department of Education Establishment Act of 2007, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-195).”.

Sec. 4073. Section 206 of the Department of Education Establishment Act of 2007, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 38-195), is amended as follows:

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

(1) Paragraph (3) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (4) is amended by striking the period and inserting the phrase “; and” in its place.

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

“(5) Cash proceeds for DC EdFest deposited pursuant to section 4122(g) of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905).”.

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

“(c)(1) Except as provided in paragraph (2) of this subsection, money in the Fund shall be used for the continued development and improvement of the common lottery system.

“(2) Cash proceeds deposited pursuant to section 4122(g) of the My School DC EdFest Sponsorship and Advertising Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), shall first be used to fund My School DC EdFest. Any excess funds shall be used in accordance with paragraph (1) of this subsection.”.

SUBTITLE I. SCHOOL IMMUNIZATION REQUIREMENTS ENFORCEMENT PERIOD AMENDMENT

Sec. 4081. Short title.

This subtitle may be cited as the “School Immunization Requirements Enforcement Period Amendment Act of 2016”.

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Sec. 4082. Section 6 of the Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-505), is amended by striking the phrase “ten (10) days” wherever it appears and inserting the phrase “20 school days” in its place.

SUBTITLE J. PUBLIC CHARTER SCHOOL AT-RISK AND LIMITED ENGLISH PROFICIENT PAYMENT AMENDMENT

Sec. 4091. Short title.

This subtitle may be cited as the “Public Charter At-Risk and Limited English Proficient Payment Amendment Act of 2016”.

Sec. 4092. Section 107b of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective April 13, 2005 (D.C. Law 15-348; D.C. Official Code § 38-2906.02), is amended as follows:

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

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

(2) The newly designated subparagraph (A) is amended to read as follows:

“(A) Payments for special education, limited English proficient students, at-risk students, and other add-on components of the Funding Formula shall be included in the quarterly payments to public charter schools.”.

(3) New subparagraphs (B) and (C) are added to read as follows:

“(B) Payments shall reflect one-quarter of the annual per student amount for each add-on; provided, that add-ons for special education students shall be added on a pro-rata basis from the date on which a public charter school begins to provide add-on services for such students, as set forth in subsection (g)(1) of this section.

“(C) Charter schools shall receive the full annual per-pupil payment for at-risk or limited English proficient students who are enrolled by October 5, but who are not designated as at-risk or limited English proficient students until after October 5.”.

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

“(g)(1) Charter schools may receive payment on a pro-rata basis from the date on which the school begins providing special education services to students enrolled by October 5, who are identified as requiring an individualized education program (“IEP”) or as needing an increased IEP after October 5.

“(2) Upon application to and at the discretion of the Chief Financial Officer, the supplemental payments for the special education students available pursuant to paragraph (1) of this subsection shall be disbursed in addition to the quarterly payments made pursuant to subsection (a) of this section.”.

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SUBTITLE K. HIGHER EDUCATION LICENSURE COMMISSION**CLARIFICATION**

Sec. 4101. Short title.

This subtitle may be cited as the “Higher Education Licensure Commission Clarification Amendment Act of 2016”.

Sec. 4102. The Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C. Law 1-104; D.C. Official Code § 38-1301 *et seq.*), is amended as follows:

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

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

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

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

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

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

“Sec. 7. Higher Education Licensure Commission — Functions.

“In addition to those duties specified in other sections of this act, the Commission shall:

“(1) Advise the Mayor and the Council with respect to the postsecondary educational needs of the District of Columbia;

“(2) File with the Mayor and the Council quarterly reports relating to:

“(A) The educational institutions granted or denied licenses under this act during the reporting period; and

“(B) Other matters that come under the Commission’s purview;

“(3) Receive, and cause to be maintained, copies of student academic records in conformity with the following provisions:

“(A) If an educational institution operating in the District, or any educational institution licensed under this act operating outside of the District, proposes to discontinue its operation and has no other repository for its records, the chief administrative officer, by whatever title designated, of the institution shall cause to be filed with the Commission the original or legible true copies of all records of the institution specified by the Commission. The records shall include, at a minimum, the academic records of each former student;

“(B) The Commission shall maintain and dispose of the records in accordance with the provisions of the District of Columbia Public Records Management Act of 1985, effective September 5, 1985 (D.C. Law 6-19; D.C. Official Code § 2-1701 *et seq.*). Academic records shall be maintained for at least 50 years from the date the student attended the institution; and

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“(C) The Commission may charge an institution for all costs involved in the transfer of records;

“(4)(A) If it appears to the Commission that the records of an institution discontinuing its operations are in danger of being destroyed, secreted, mislaid, or otherwise made unavailable to the Commission, the Commission may apply to the Superior Court of the District of Columbia for an order authorizing the Commission to seize and take possession of the records;

“(B) Any chief officer or member of a governing board of an institution who willfully fails to comply with the provisions of this subsection or willfully aids and abets any person in a scheme to avoid the requirements of this subsection may be held personally liable for all costs and damages resulting from the conduct, in addition to other penalties provided by this act.

“(5) Have the authority to enter into reciprocity agreements with other jurisdictions that relate to the authorization of postsecondary educational institutions that provide degree-granting or non-degree-granting online instruction to residents of the District; and

“(6) Have the authority to enter into agreements with degree-granting educational institutions operating in the District of Columbia that are otherwise conditionally exempt pursuant to section 10 for the purpose of ensuring consistent consumer protection in interstate distance education delivery of higher education.”.

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

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

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

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

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

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

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

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

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

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

SUBTITLE L. TRAFFIC CONTROL INVESTIGATIONS FOR NEW SCHOOLS AMENDMENT

Sec. 4111. Short title.

This subtitle may be cited as the “Traffic Control Investigations for New Schools Amendment Act of 2016”.

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Sec. 4112. Section 2 of the School Proximity Traffic Calming Act of 2000, effective May 23, 2000 (D.C. Law 13-111; D.C. Official Code § 38-3101), is amended as follows:

(a) Subsection (a) is amended by striking the word “Mayor” and inserting the phrase “District Department of Transportation (“DDOT”)” in its place.

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

“(a-1)(1) Beginning July 31, 2016, the DDOT shall complete the investigation required in subsection (a) of this section for a new school no later than 60 days after the first day on which students begin classes at the school.

“(2) The District of Columbia Public Schools and the Public Charter School Board shall notify the DDOT of a new school no later than 90 days before the first day on which students will begin classes at the school.

“(3) For the purposes of this subsection, the term “new school” means:

“(A) A school located in a never-before-occupied structure, except for a structure erected in an existing school zone; or

“(B) A school located in a preexisting structure that has not been used as a District of Columbia public school or public charter school within the last 5 years.”.

(c) Subsections (b), (c), (d), and (e)(2) are amended by striking the word “Mayor” wherever it appears and inserting the acronym “DDOT” in its place.

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

“(d-1) A public charter school shall coordinate with the Metropolitan Police Department to provide the DDOT with the information in subsection (c)(1) and (2) of this section no later than 15 days after the date of the request.”.

(e) Subsection (f) is amended by striking the phrase “District Department of Transportation” and inserting the acronym “DDOT” in its place.

(f) Subsection (f-1) is amended to read as follows:

“(f-1) The DDOT shall provide, by July 31st of each year, recommendations to the Mayor, the Council, the Chancellor of the District of Columbia Public Schools, the Public Charter School Board, and the Chief of the Metropolitan Police Department on the deployment of school crossing guards, taking into account the impact of school closings and reconfigurations, projected enrollment, traffic conditions, investigations conducted pursuant to subsections (a) and (a-1) of this section, and all other relevant factors.”.

SUBTITLE M. EXCESS SCHOOL FACILITIES EXISTING TENANT PREFERENCE

Sec. 4121. Short title.

This subtitle may be cited as the “Excess School Facilities Existing Tenant Preference Amendment Act of 2016”.

Sec. 4122. Section 2209(b)(1) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1802.09(b)(1)), is amended by adding a new subparagraph (B-i) to read as follows:

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“(B-i) *Existing tenants.* -- For the purposes of this paragraph, an existing tenant of an excess school facility, other than an eligible entity, shall be deemed to be an eligible entity and given the same preference as an eligible entity under subparagraph (A)(ii)(II) of this paragraph if:

“(i) The existing tenant is a nonprofit elementary or secondary school incorporated in the District or a community-based, nonprofit arts education organization incorporated in the District, whose programming includes youth classes; and

“(ii) The existing tenant has continuously occupied all or substantially all of the excess school facility or property since December 30, 2008.”.

**SUBTITLE N. EDUCATION OMBUDSMAN AND OFFICE OF THE STUDENT
ADVOCATE AMENDMENT**

Sec. 4131. Short title.

This subtitle may be cited as the “Education Ombudsman and Office of the Student Advocate Amendment Act of 2016”.

Sec. 4132. Section 604(15) of the Public Education Reform Amendment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-353(15)), is amended as follows:

(a) The lead-in language is amended by striking the number “90” and inserting the number “120” in its place.

(b) Subparagraph (D) is repealed.

(c) Subparagraph (E) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(d) Subparagraph (F) is amended by striking the semicolon and inserting the phrase “; and” in its place.

(e) Subparagraph (G) is repealed.

Sec. 4133. Section 204 of the Parent and Student Empowerment Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-373), is amended as follows:

(a) Paragraph (6) is amended by striking the phrase “s student’s” and inserting the phrase “a student’s” in its place.

(b) Paragraph (9) is amended as follows:

(1) The lead-in language is amended by striking the number “90” and inserting the number “120” in its place.

(2) Subparagraph (C) is amended by striking the word “and”.

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

(4) New subparagraphs (E), (F), and (G) are added to read as follows:

“(E) Students represented through formal or administrative proceedings;

“(F) Information sessions held and trainings conducted by ward; and

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“(G) Complaints, concerns, or other inquiries referred to District agencies, including the name of the agency, office, or organization to which the referral was made; and”.

SUBTITLE O. EDUCATION REPORTING REQUIREMENTS

Sec. 4141. Short title.

This subtitle may be cited as the “Education Reporting Requirements Act of 2016”.

Sec. 4142. Office of the State Superintendent of Education reporting requirements.

(a) By June 15, 2016, the Office of the State Superintendent of Education (“OSSE”) shall submit to the Council a report on the establishment of the Uniform Per Student Funding Formula (“UPSFF”) Working Group pursuant to section 112(c) of the Uniform Per Student Funding Formula for Public Schools and Public Charter Schools Act of 1998, effective March 26, 1999 (D.C. Law 12-207; D.C. Official Code § 38-2911(c)), including a list of members and proposed meeting dates.

(b) By August 15, 2016, and every 2 months thereafter through December 15, 2016, the OSSE shall submit to the Council a report on the status of work conducted by the UPSFF Working Group in the preceding 2 months, including meeting minutes.

(c)(1) By October 1, 2016, and quarterly thereafter through September 30, 2017, the OSSE shall submit to the Council a report on a comprehensive plan and efforts to implement by July 1, 2018, the expansion of the IDEA Part C and the Strong Start: DC Early Intervention Program included in section 7h of the State Education Office Establishment Act of 2000, effective March 10, 2015 (D.C. Law 20-195; D.C. Official Code § 38-2614).

(2) The reports shall include the following:

(A) A timeline for implementation;

(B) The OSSE’s projected capacity needs to accomplish implementation,

with supporting data;

(C) A description of barriers to implementation;

(D) Benchmark goals; and

(E) Steps OSSE intends to take to:

(i) Accomplish needed program enhancements for implementation, including enhancements to service provider capacity, recruiting and retention strategies, and strategies for differentiated models of service for children with 25% to 50% delay in one developmental area; and

(ii) Work with the Department of Healthcare Finance to develop a Medicaid carve-out whereby a portion of money is set aside for early intervention programs through which OSSE can recoup costs.

Sec. 4143. Public Charter School Board reporting requirements.

By October 1, 2016, the Public Charter School Board shall submit to the Council a report on the distribution of at-risk funds to each local education agency (“LEA”) it oversees for students in pre-k through grade 12 for school year 2016-2017. The report shall include, at a

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minimum, the projected allocation of at-risk funds to each LEA and a breakdown of the intended use of the funds, including a description of the programs, initiatives, and the enrichment activities it is being used to support.

Sec. 4144. Deputy Mayor for Education reporting requirements.

By October 1, 2016, the Deputy Mayor for Education shall report to the Council on the following:

(1) An update on the Deputy Mayor's convened Cross Sector Collaboration Task Force's work in Fiscal Year 2016, and the most recent list of recommendations for the Mayor and the Council;

(2) The need for transportation subsidies and assistance for adult learners who are 22 years of age and older and enrolled in publicly funded adult education programs or in University of the District of Columbia Workforce Development and Lifelong Learning programs. This report shall include:

(A) An assessment of what subsidies are currently available to this population through government assistance programs, the usage rates of these resources, and whether local or federal money is used to pay for them;

(B) An assessment of the unmet need for transportation subsidies among adult learners, and the impact of increased transportation costs on attendance and enrollment in adult education programs and the University of the District of Columbia Workforce Development and Lifelong Learning programs;

(C) Recommendations on:

(i) Ways to better leverage and connect qualifying adult learners and transportation providers to existing resources, and the best ways to ensure that federal money is utilized whenever possible; and

(ii) Ways that the government, District of Columbia Public Schools, public charter schools, and the University of the District of Columbia can provide broader access to subsidized transportation opportunities; and

(D) The cost associated with recommendations for delivering transportation assistance, and an assessment of new federal and local funding streams that may be accessed to provide these services; and

(3) A proposed plan for schools where students are suffering from safe passage issues of bullying, violence, or other impediments to getting to and from school and recommendations for best practices for improved safe passage policies that schools can adopt.

Sec. 4145. District of Columbia Public Schools reporting requirements.

By October 1, 2016, the District of Columbia Public Schools shall submit to the Council a report on Student Activity Funds. The report shall include the following:

(1) Information on each existing Student Activity Fund within the control of the District of Columbia Public Schools, including the health of the fund and the date of its last audit;

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(2) The policies and procedures governing Student Activity Funds, including requirements on deposits and any restrictions on items that can be purchased with Student Activity Fund monies; and

(3) A description of the training provided to school-based staff on use of Student Activity Funds.

**SUBTITLE P. UNIVERSITY OF THE DISTRICT OF COLUMBIA
FUNDRAISING MATCH**

Sec. 4151. Short title.

This subtitle may be cited as the “University of the District of Columbia Fundraising Match Act of 2016”.

Sec. 4152. (a) In Fiscal Year 2017, of the funds allocated to the Non-Departmental agency, \$1, up to a maximum of \$1.5 million, shall be transferred to the University of the District of Columbia (“UDC”) for every \$2 that UDC raises from private donations by March 1, 2017.

(b) Of the amount transferred to UDC pursuant to subsection (a) of this section, two-thirds of the funds shall be deposited into UDC’s endowment fund.

TITLE V. HEALTH AND HUMAN SERVICES

**SUBTITLE A. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
AMENDMENT**

Sec. 5001. Short title.

This subtitle may be cited as the “Temporary Assistance for Needy Families Time Limit Exemption and POWER Expansion Amendment Act of 2016”.

Sec. 5002. Section 552(c-3) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52(c-3)), is amended as follows:

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

“(3A) For Fiscal Year 2017, the level of assistance payment shall be equal to the Fiscal Year 2016 amount.”.

(b) Paragraph (4) is amended by striking the phrase “Fiscal Year 2017” and inserting the phrase “Fiscal Year 2018” in its place.

**SUBTITLE B. DHCF AND DDS MEDICAL ASSISTANCE PROGRAM
AMENDMENTS**

Sec. 5011. Short title.

This subtitle may be cited as the “Department of Healthcare Finance and Department of Disability Services Medical Assistance Program Amendment Act of 2016”.

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Sec. 5012. Section 1(a) of 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(a)), is amended by adding a new paragraph (10) to read as follows:

“(10) Review and approval by the Council of the Fiscal Year 2017 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any amendment, modification, or waiver of the state plan required to:

“(A) Implement needed amendments to:

“(i) The Intermediate Care Facilities for Individuals with Developmental Disabilities reimbursement methodology;

“(ii) The payment methodology for hospital services;

“(iii) The payment methodology for nursing homes;

“(iv) The payment methodology for the Disproportionate Share Hospital program;

“(v) The health homes program;

“(vi) Renew and update the Elderly and Individuals with Physical Disabilities waiver program and make conforming changes to the state plan; and

“(vii) The payment methodology for prescription drugs; and

“(B) Increase the number of participants in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program.”.

SUBTITLE C. CONTRIBUTION TO COSTS OF SUPPORTS FUND

Sec. 5021. Short title.

This subtitle may be cited as the “Contribution to Costs of Supports Fund Amendment Act of 2016”.

Sec. 5022. The Developmental Disabilities Service Management Reform Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-264; D.C. Official Code § 7-761.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 7-761.02) is amended by adding new paragraphs (2A) and (2B) to read as follows:

“(2A) “Contribution to costs of supports” means full or partial payment by persons with intellectual disabilities or their estate for the locally funded supports and services provided by the Developmental Disabilities Administration.

“(2B) “Costs of occupancy” means:

“(A) Rent;

“(B) Other personal expenses, including food, clothing, and medical costs;

“(C) Supplies, furnishings, and equipment;

“(D) Communications; and

“(E) Other supports.”.

(b) New sections 105b and 105c are added to read as follows:

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“Sec. 105b. Contribution to costs of supports.

“(a) DDS shall collect the contribution to costs of supports from persons with intellectual disabilities who are:

“(1) Medicaid Program-eligible but not eligible for the maximum Supplement Security Income or Social Security Disability Insurance payments; or

“(2) Not Medicaid Program-eligible but otherwise have been found eligible to receive services from the Developmental Disabilities Administration.

“(b) DDS shall collect the contribution to costs of supports under subsection (a) of this section only to the extent that DDS uses local dollars to fund the costs of occupancy.

“Sec. 105c. Contribution to Costs of Supports Fund.

“(a) There is established as a special fund the Contribution to Costs of Supports Fund (‘Fund’), which shall be administered by DDS in accordance with subsection (c) of this section.

“(b) The Fund shall consist of contributions to costs of supports collected by DDS from persons with intellectual disabilities pursuant to section 105b.

“(c) The Fund shall be used by DDS to pay the costs of occupancy to persons with intellectual disabilities consistent with federal and local law and regulations.

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

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

(c) Section 109 (D.C. Official Code § 7-761.09) is amended by adding a new subsection (a-1) to read as follows:

“(a-1)(1) Within 45 days after the effective date of the Contribution to Costs of Supports Fund Amendment Act of 2016 (‘Act’), passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat.1204; D.C. Official Code §2-501 *et seq.*), shall issue rules to implement the provisions of the Act, including rules establishing who has the ability to pay the contribution to costs of supports, the amount to be collected, the method and timing of payments to DDS for such purposes, and due process protections.

“(2) The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 45-day period of review, the proposed rules shall be deemed approved.”.

SUBTITLE D. PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES RENT INCREASE RELIEF

Sec. 5031. Short title.

This subtitle may be cited as the “Persons with Intellectual and Developmental Disabilities Rent Increase Relief Amendment Act of 2016”.

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Sec. 5032. The Rental Housing Act of 1985, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3501.01 *et seq.*), is amended as follows:

(a) Section 103 (D.C. Official Code § 42-3501.03) is amended by adding a new paragraph (13A) to read as follows:

“(13A) “Home and community-based services waiver provider” means an entity that provides residential habilitation or supported living services under the Medicaid Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities program authorized by section 1915(c) of the Social Security Act, approved August 13, 1981 (95 Stat. 809; 42 U.S.C. § 1396n).”.

(b) Section 205(a)(1) (D.C. Official Code § 42-3502.05(a)(1)) is amended by striking the phrase “title III;” and inserting the phrase “Title III, or any unit rented by a home and community-based services waiver provider and occupied by a tenant with a disability without regard to income but otherwise as defined in section 206(f)(2)(A), or co-leased by a home and community-based services waiver provider and occupied by a tenant with a disability without regard to income but otherwise as defined in section 206(f)(2)(A);” in its place.

(c) Section 208(h)(2) (D.C. Official Code § 42-3502.08(h)(2)) is amended by striking the phrase “elderly or disabled tenant” and inserting the phrase “elderly or disabled tenant, including a unit leased or co-leased by a home and community-based services waiver provider,” in its place.

SUBTITLE E. COMMISSION ON HEALTH EQUITY

Sec. 5041. Short title.

This subtitle may be cited as the “Commission on Health Equity Amendment Act of 2016”.

Sec. 5042. The Commission on Health Disparities Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-192; D.C. Official Code § 7-755.01 *et seq.*), is repealed.

Sec. 5043. Establishment of the Commission on Health Equity.

(a) There is established a Commission on Health Equity (“Commission”) to prepare, through the Department of Health’s Office on Violence Prevention and Health Equity, comprehensive recommendations to the Department of Health, the Council, and the Mayor that examine and address health inequities across the District and differing opportunities for healthcare by demographic subpopulations and geographic areas, including in each election ward of the District.

(b) The Commission shall have 9 voting members, who shall be appointed as follows:

(1)(A) Six voting members shall be appointed by the Mayor with the advice and consent of the Council, in accordance with section 2(f) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)).

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(B) The Mayor's initial 6 appointments shall include 3 members appointed to 3-year terms and 3 members appointed to 2-year terms. All subsequent appointments by the Mayor shall be for 3-year terms.

(2)(A) Three voting members shall be appointed by the Council.

(B) The Council's initial 3 appointments shall be for one-year terms. All subsequent appointments by the Council shall be for 3-year terms.

(3) Each voting member shall have expertise in at least one of the following areas:

(A) Health equity, social determinants, and health disparities;

(B) Social and human services and vulnerable populations;

(C) Early learning and education;

(D) Minority communities and population health outcomes and

improvement;

(E) Economic and community development; or

(F) Ecology and the natural and built environment.

(4) The Mayor shall appoint the Chairperson of the Commission from among its voting members.

(c)(1) The Commission shall include the following nonvoting advisory members:

(A) The Chairperson of the Council committee with jurisdiction over the Department of Health, who shall serve as an ex-officio member;

(B) Three community advisory members, one each from Wards 5, 7, and 8, appointed by the Council;

(C) One patient organization representative, appointed by the voting members of the Commission; and

(D) The presidents or chief executive officers of 2 District hospitals and a representative from an insurance company who have access to health outcomes databases, or their designees.

(2) For the purposes of this subsection, the term "patient organization representative" means an individual who works for a national or local healthcare or health promotion organization.

(d) All vacancies on the Commission shall be filled in the same manner in which the initial appointment is made.

(e) All members of the Commission shall be appointed within one year after the effective date of this subtitle.

Sec. 5044. Commission duties and functions.

(a) The Commission shall advise the Department of Health's Office of Violence Prevention and Health Equity on:

(1) The development of a baseline assessment of health equity across the District, and differing opportunities for health by demographic subpopulations and geographic areas, including in each election ward of the District;

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(2) The application of innovative data collection and dissemination strategies to augment the use of evidence-based methods and tools and practices within a community-based participatory research framework; and

(3) Strengthening collaborative partnerships with communities impacted by health inequities to identify and promote health equity strategies.

(b) The Commission shall:

(1) Gather information from public hearings, inquiries, and studies to understand how the District government may work to eliminate health disparities;

(2) Seek federal grants, if available; and

(3) Submit a formal city action plan by March 1 of each year to the Department of Health, the Mayor, and the Council.

(c) The formal city action plan required by subsection (b)(3) of this section shall be a public document and shall include, at a minimum:

(1) A report of the Commission's findings regarding:

(A) Health equity across the District and differing opportunities for healthcare by demographic subpopulations and geographic areas, including in each election ward of the District;

(B) The identification of health indicators studied that highlight the election ward and populations or neighborhoods most affected, possible steps that can be taken by the District government to remedy these issues, and expected outcomes that will result from taking the recommended steps; and

(2) Draft legislation, regulations, amendments to statutes or regulations, or any other specific steps for implementing the recommendations described in paragraph (1) of this subsection.

Sec. 5045. Commission procedure and powers.

(a) The Commission shall meet at least once a quarter to share findings regarding the prevalence and severity of health disparities that exist in each election ward.

(b) The Chairperson of the Commission, or his or her designee, who must be a member of the Commission, shall convene all Commission meetings.

(c) A majority of the voting members appointed to the Commission at any given time shall constitute a quorum for the transaction of official business. Official actions of the Commission shall be taken by a majority vote of the voting members present at the meeting.

(d) The Commission may use space and supplies owned or rented by the District government and use staff loaned from the Council or detailed by the Mayor for purposes consistent with this subtitle as the Commission may determine.

Sec. 5046. Section 2(f)(53) of the of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(f)(53)), is amended to read as follows:

“(53) The Commission on Health Equity.”.

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SUBTITLE F. TEEN PREGNANCY PREVENTION FUND AMENDMENT

Sec. 5051. Short title.

This subtitle may be cited as the “Teen Pregnancy Prevention Fund Amendment Act of 2016”.

Sec. 5052. The Teen Pregnancy Prevention Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.321 *et seq.*), is amended as follows:

(a) Section 5142(2) (D.C. Official Code § 1-325.321(2)) is amended by striking the phrase “the DC Campaign to Prevent Teen Pregnancy, as authorized by section 5146” and inserting the phrase “, for Fiscal Year 2017, the Department of Health, as authorized by section 5146” in its place.

(b) Section 5143 (D.C. Official Code § 1-325.322) is amended as follows:

(1) Subsection (a) is amended by striking the word “subgrants” and inserting the word “grants” in its place.

(2) Subsections (b), (c), and (d) are amended to read as follows:

“(b) Grants from the Fund shall be awarded by the Department of Health to nonprofit organizations for the purpose of implementing the following types of programs, consistent with an evidence-based, community-wide teen pregnancy prevention model:

“(1) Health services for teens;

“(2) Reproductive health education;

“(3) Professional development and training;

“(4) Research and policy development related to teen pregnancy; and

“(5) Public education and awareness on teen pregnancy.

“(c) Grants from the Fund shall be awarded, subject to the availability of funding, as follows:

“(1) All grants shall be awarded on a competitive basis;

“(2) The grant funds shall be used exclusively to serve District of Columbia residents; and

“(3) All grants shall be subject to the Freedom of Information Act of 1976, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq.*).

“(d) The Fund shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).”.

(3) Subsection (e) is repealed.

(c) Section 5144 (D.C. Official Code § 1-325.323) is amended as follows:

(1) Strike the word “subgrant” wherever it appears and insert the word “grant” in its place.

(2) Strike the word “subgrantee” wherever it appears and insert the word “grantee” in its place.

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(3) Subsection (a)(4)(C) is amended by striking the word “subgrantee’s” and inserting the word “grantee’s” in its place.

(d) Section 5145 (D.C. Official Code § 1-325.324) is amended as follows:

(1) Strike the date “December 1, 2014” and insert the date “December 1, 2017” in its place.

(2) Strike the word “bimonthly” and insert the word “semiannual” in its place.

(3) Strike the word “subgrantee” both times it appears and insert the word “grantee” in its place.

(4) Strike the word “subgrant” wherever it appears and insert the word “grant” in its place.

(e) Section 5146 (D.C. Official Code § 1-325.325) is amended to read as follows:

“Sec. 5146. Authorization for grant-managing entity.

“For Fiscal Year 2017, the Department of Health is designated as the grant-managing entity.”

(f) Section 5147 (D.C. Official Code § 1-325.326) is amended to read as follows:

“Sec. 5147. Limitation on duplicative projects.

“The grant-managing entity shall take steps to avoid awarding a grant to a nonprofit that has been awarded or is being awarded funds from another District agency for the same or similar program purposes for which it is applying for funding from the Fund.”

SUBTITLE G. MEDICAID HOSPITAL OUTPATIENT SUPPLEMENTAL PAYMENT

Sec. 5061. Short title.

This subtitle may be cited as the "Medicaid Hospital Outpatient Supplemental Payment Act of 2016".

Sec. 5062. Definitions.

For the purposes of this subtitle, the term:

(1) “Department” means the Department of Health Care Finance.

(2) “Hospital” shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government.

(3) “Hospital system” means any group of hospitals licensed separately, but operated, owned, or maintained by a common entity.

(4) “Medicaid” means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*), and by section 1 of 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), and administered by the Department.

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(5) "Outpatient gross patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals that is reported as the sum of Lines 18 and 19; Column 2; Worksheet G-2 of the Hospital and Hospital Health Care Complex Cost Report (Form CMS 2552-10), filed for the period ending between October 1, 2013, and September 30, 2014.

Sec. 5063. Hospital Provider Fee Fund.

(a) There is established as a special fund the Hospital Provider Fee Fund ("Fund"), which shall be administered by the Department in accordance with subsections (c) and (d) of this section.

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

- (1) Fees collected under this subtitle; and
- (2) Interest and penalties collected under this subtitle.

(c) Money in the Fund may only be used for the following purposes:

- (1) Making Medicaid outpatient hospital access payments to hospitals as required under section 5066;
- (2) Payment of administrative expenses incurred by the Department or its agent in performing the activities authorized by this subtitle in an amount not to exceed \$150,000 annually; and

- (3) Providing refunds to hospitals pursuant to section 5065.

(d) Money in the Fund may not be used to replace money appropriated to the Medicaid program.

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

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

Sec. 5064. Hospital provider fee.

(a) Beginning October 1, 2016, and subject to section 5065, the District may charge each hospital a fee based on its outpatient gross patient revenue. The fee shall be charged at a uniform rate necessary to generate the following:

- (1) An amount equal to the non-federal share of the total available spending room under the Medicaid upper payment limit for private hospitals applicable to District Fiscal Year ("DFY") 2017 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

- (2) An amount equal to the non-federal share of the total available spending room under the Medicaid upper payment limit for District-operated hospitals applicable to DFY 2017 consistent with the federal approval of the authorizing Medicaid State Plan amendment; plus

- (3) An amount equal to the Department's administrative expenses as described in section 5063(c)(2).

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(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

Sec. 5065. Applicability of fees.

(a) The fee imposed by section 5064 shall not be due and payable until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in section 5066.

(b) The fee imposed by section 5064 shall cease to be imposed, and any moneys remaining in the Fund shall be refunded to hospitals in proportion to the amounts paid by them, if:

(1) The Department makes changes in its rules that reduce the hospital inpatient or outpatient Medicaid payment rates, including adjustment to payment rates that are in effect on October 1, 2015; or

(2) The payments to hospitals required under section 5066 are modified in any way other than to secure federal approval of such payments as described in section 5066 or are not eligible for federal matching funds under section 1903(w) of the Social Security Act, approved July 30, 1965 (70 Stat. 349; 42 U.S.C. §1396b(w)) ("Social Security Act").

(c) The fee imposed by section 5064 shall not take effect or shall cease to be imposed if the fee is determined to be an impermissible tax under section 1903(w)(3)(B) of the Social Security Act by the Centers for Medicare and Medicaid Services.

(d) Should the fee imposed by section 5064 not take effect or cease to be imposed, moneys in the Fund derived from the imposed fee shall be disbursed in accordance with section 5066 to the extent federal matching is available. If federal matching is not available due to a determination by the Centers for Medicare and Medicaid Services that the fee is impermissible, any remaining moneys shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5066. Medicaid outpatient hospital access payments.

(a)(1) For visits and services beginning October 1, 2016, quarterly Medicaid outpatient hospital access payments shall be made to each private hospital.

(2) Each payment will be equal to the hospital's DFY 2014 outpatient Medicaid payments divided by the total in District private hospital DFY 2014 outpatient Medicaid payments multiplied by 1/4 of the total outpatient private hospital access payment pool.

(3) The total outpatient private hospital access payment pool is equal to the total available spending room under the private hospital outpatient Medicaid upper payment limit for DFY 2017.

(b)(1) For visits and services beginning October 1, 2016, outpatient hospital access payments shall be made to the United Medical Center.

(2) Each payment will be equal to one quarter of the total outpatient public hospital access payment pool.

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(3) The total outpatient public hospital access payment pool is equal to the total available spending room under the District-operated hospital outpatient Medicaid upper payment limit for DFY 2017.

(c) The quarterly Medicaid outpatient hospital access payments shall be made within 15 business days after the end of each DFY quarter for the Medicaid visits and services rendered during that quarter.

(d) No payments shall be made under this section until such time that the federal Centers for Medicare and Medicaid Services approves the Medicaid State Plan amendment authorizing the Medicaid payments described in this subtitle.

(e) The Medicaid payment methodologies authorized under this subtitle shall not be altered in any way unless such alteration is necessary to gain federal approval from the Centers for Medicare and Medicaid Services.

Sec. 5067. Quarterly notice and collection.

(a) The fee imposed under section 5064, which shall be calculated, due, and payable on a quarterly basis, shall be due and payable by the 15th of the last month of each DFY quarter; provided, that the fee shall not be due and payable until:

(1) The District issues written notice that the payment methodologies for payments to hospitals required under section 5066 have been approved by the federal Centers for Medicare and Medicaid Services; and

(2) The District issues written notice to the hospital informing the hospital of its fee rate, outpatient gross patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period commencing on October 1, 2016, to ensure all applicable fee obligations have been identified.

(b)(1) If a hospital fails to pay the full amount of the fee in accordance with this subtitle, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(c) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5068. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding any other provision in this subtitle, if a hospital system or person ceases to conduct, operate, or maintain a hospital that is subject to a fee under section 5064, as evidenced by the transfer or surrender of the hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5064 by a fraction, the numerator of which is the number of days in the year during which the hospital

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system or person conducted, operated, or maintained the hospital, and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision in this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee computed under section 5064 and subsection (a) of this section in installments on the due date stated in the notice and on the regular installment due dates for the DFY occurring after the due dates of the initial notice.

Sec. 5069. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

Sec. 5070. Sunset.

This subtitle shall expire on September 30, 2017.

SUBTITLE H. MEDICAID HOSPITAL INPATIENT SUPPLEMENTAL PAYMENT

Sec. 5071. Short title.

This subtitle may be cited as the "Medicaid Hospital Inpatient Rate Supplement Act of 2016".

Sec. 5072. Definitions.

For the purposes of this subtitle, the term:

(1) "Department" means the Department of Health Care Finance.

(2) "Hospital" shall have the same meaning as provided in section 2(a)(1) of the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501(a)(1)), but excludes any hospital operated by the federal government and any specialty hospital, as defined by the District of Columbia's Medicaid State Plan ("State Plan"), or a hospital that is reimbursed under a specialty hospital reimbursement methodology under the State Plan.

(3) "Hospital system" means any group of hospitals licensed separately but operated, owned, or maintained by a common entity.

(4) "Inpatient net patient revenue" means the amount calculated in accordance with generally accepted accounting principles for hospitals as derived from each hospital's filed Hospital and Hospital Health Care Complex Cost Report (Form CMS-2552-10), filed for the period ending between October 1, 2013, and September 30, 2014, using the references below:

(A) The sum of: Worksheet G-2; Column 1; Lines 1, 2, 3, 4, 16 and 18;

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(B) Minus: The ratio of the sum of Worksheet G-2; Column 1; Lines 5, 6, and 7 divided by Worksheet G-2; Column 1; Line 17 multiplied by Worksheet G-2; Column 1; Line 18;

(C) Divided by: Worksheet G-2; Column 3; Line 28; and

(D) Multiplied by: Worksheet G-3; Column 1; Line 3.

(5) "Medicaid" means the medical assistance programs authorized by Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 *et seq.*) ("Social Security Act"), and by section 1 of 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), and administered by the Department.

Sec. 5073. Hospital Fund.

(a) There is established as a special fund the Hospital Fund ("Fund"), which shall be administered by the Department in accordance with subsection (c) of this section.

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

(1) Fees collected under this subtitle;

(2) Interest and penalties collected under this subtitle; and

(3) Other amounts collected under this subtitle.

(c) Money in the Fund shall be used solely as set forth in section 5074(a)(2) of this subtitle.

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

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation; provided, that any remaining money in the Fund at the end of each fiscal year shall be refunded to hospitals in proportion to the amounts paid by them.

Sec. 5074. Hospital provider fee.

(a)(1) Beginning October 1, 2016, and except as provided in subsection (b) of this section and section 5077, the District, through the Office of Tax and Revenue, may charge each hospital a fee based on its inpatient net patient revenue.

(2) The fee shall be charged at a uniform rate necessary to generate no more than \$10.4 million. Of this amount, \$1.4 million may be used to support the Medicaid Managed Care Organization rates for inpatient hospitalization. The remaining amount shall be used to support the maintenance of inpatient Medicaid Fee-for-Service rates at the District Fiscal Year ("DFY") 2015 level of 98% of cost to non-specialty hospitals.

(3) The fee collected pursuant to this section shall be deposited in the Hospital Fund, established by section 5073.

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(b) A psychiatric hospital that is an agency or a unit of the District government is exempt from the fee imposed under subsection (a) of this section, unless the exemption is adjudged to be unconstitutional or otherwise invalid, in which case a psychiatric hospital that is an agency or a unit of the District government shall pay the fee imposed by subsection (a) of this section.

(c) If necessary, by August 1, 2016, the Department shall submit a provider tax waiver application to the Center for Medicare and Medicaid Services to ensure the provisions of this subtitle qualify as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act.

Sec. 5075. Quarterly notice and collection.

(a) The fee imposed under section 5074 shall be due and payable by the 15th of the last month of each DFY quarter.

(b) The fee imposed under section 5074 shall be calculated, due, and payable on a quarterly basis, but shall not be due and payable until the District issues written notice to each hospital informing the hospital of its fee rate, inpatient net patient revenue subject to the fee, and the fee amount owed on a quarterly basis, including, in the initial written notice from the District to the hospital, all fee amounts owed beginning with the period October 1, 2016, to ensure all applicable fee obligations have been identified.

(c)(1) If a hospital fails to pay the full amount of its fee by the date required, the unpaid balance shall accrue interest at the rate of 1.5% per month or any fraction thereof, which shall be added to the unpaid balance.

(2) The Chief Financial Officer may arrange a payment plan for the amount of the fee and interest in arrears.

(d) The payment by the hospital of the fee created in this subtitle shall be reported as an allowable cost for purposes of Medicaid hospital reimbursement.

Sec. 5076. Multi-hospital systems, closure, merger, and new hospitals.

(a) If a hospital system conducts, operates, or maintains more than one hospital licensed by the Department of Health, the hospital system shall pay the fee for each hospital separately.

(b)(1) Notwithstanding section 5074, if a hospital system or person that is subject to a fee under section 5074 ceases to conduct, operate, or maintain a hospital, as evidenced by the transfer or surrender of a hospital license, the fee for the DFY in which the cessation occurs shall be adjusted by multiplying the fee computed under section 5074 by a fraction, the numerator of which is the number of days in the year during which the hospital system or person conducts, operates, or maintains the hospital and the denominator of which is 365.

(2) Immediately upon ceasing to conduct, operate, or maintain a hospital, the hospital system or person shall pay the fee for the year as so adjusted, to the extent not previously paid.

(c) Notwithstanding any other provision of this subtitle, a hospital system or person who conducts, operates, or maintains a hospital, upon notice by the Department, shall pay the fee required under 5074 in accordance with subsection (a) of this section on the due date stated in

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the notice and on the regular installment due dates for the DFY occurring after the due date of the initial notice.

Sec. 5077. Federal determinations; suspension and termination of assessment.

(a) If the Centers for Medicare and Medicaid Services determines that an assessment imposed on a hospital pursuant to this subtitle does not satisfy the requirements for federal financial participation set forth in section 1903(w) of the Social Security Act, that determination shall not affect the validity, amount, applicable rate, or any other terms of an assessment on other hospitals imposed by this subtitle.

(b) If the Centers for Medicare and Medicaid Services determines that an exclusion for specialty hospitals under this subtitle would prevent an assessment imposed by this subtitle from qualifying as a broad-based health care related tax, as that term is defined in section 1903(w)(3)(B) of the Social Security Act, the exclusion of specialty hospitals shall not be made.

Sec. 5078. Rules.

The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this subtitle.

Sec. 5079. Sunset.

This subtitle shall expire on September 30, 2017.

SUBTITLE I. PROGRAM ON WORK, EMPLOYMENT, AND RESPONSIBILITY (POWER) AMENDMENT

Sec. 5081. Short title.

This subtitle may be cited as the “Program on Work, Employment, and Responsibility Amendment Act of 2016”.

Sec. 5082. The District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-201.01 *et seq.*), is amended as follows:

(a) Section 572(a) (D.C. Official Code § 4-205.72(a)) is amended by striking the phrase “and sections 573” and inserting the phrase “and sections 572a” in its place.

(b) Section 572a(a)(1A) (D.C. Official Code § 4-205.72a(a)(1A)) is repealed.

SUBTITLE J. YOUTH SERVICES COORDINATION TASK FORCE

Sec. 5091. Short title.

This subtitle may be cited as the “Expansion and Coordination of Youth Services Act of 2016”.

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Sec. 5092. Youth Services Coordination Task Force.

(a) There is established a Youth Services Coordination Task Force (“Task Force”) within the Office of the Deputy Mayor for Health and Human Services, for the purpose of studying the establishment of a single network of service providers for District youth that can provide family counseling, family support services, vocational training, subsidized work experiences, substance abuse counseling and recovery assistance, mentoring, tutoring, GED preparation, community service opportunities, and recreational activities to youth pursuant to Individualized Success Plans developed by each agency.

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

- (1) The Deputy Mayor for Health and Human Services;
- (2) The Director of the Child and Family Service Agency;
- (3) The Director of the Department of Behavioral Health;
- (4) The Director of the Department of Disability Services;
- (5) The Director of the Department of Health;
- (6) The Director of the Department of Human Services;
- (7) The Director of the Department of Youth Rehabilitation Services;
- (8) The Chairperson of the Council committee with jurisdiction over the

Department of Youth Rehabilitation Services;

(9) The Chairperson of the Council committee with jurisdiction over the Department of Health; and

(10) Two representatives from District youth-serving nonprofits, as chosen by the Mayor.

(c) The Task Force may, at the discretion of the Mayor, include the directors of other youth-serving District agencies, or their designees.

(d) The Task Force shall elect a chairperson by a majority vote of the members.

(e) By March 17, 2017, the Task Force shall provide a report to the Mayor, the Council, and the public that includes findings and recommendations on:

(1) How best to establish a single network of service providers, with unified grant-making procedures and reporting requirements, for youth currently served by the Child and Family Services Agency, the Department of Behavioral Health, the Department of Health, the Department of Human Services, the Department of Youth Rehabilitation Services, and other District youth-serving agencies, as considered appropriate by the Task Force; and

(2) The feasibility of providing the services described in subsection (a) of this section in centralized District-owned facilities in each ward.

(f) For the purposes of this section, the term “Individualized Success Plans” includes plans developed by the youth, family members, and agency staff that describe the services the youth needs, such as tutoring, job training, or substance abuse prevention, and the progress the youth needs to make.

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Sec. 5093. Administration and appropriations.

The Office of the Deputy Mayor for Health and Human Services shall provide facilities and other administrative support for the Task Force.

Sec. 5094. Sunset.

This subtitle shall expire on March 17, 2017.

SUBTITLE K. SUPPORTING NORMALCY, EMPOWERING FOSTER CHILDREN, AND ENCOURAGING PLACEMENT WITH SIBLINGS

Sec. 5101. Short title

This subtitle may be cited as the “Supporting Normalcy, Empowering Foster Children, and Encouraging Placement with Siblings Amendment Act of 2016”.

Sec. 5102. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

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

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

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

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

(C) Subparagraph (F)(ii) is amended by striking the phrase "separation of siblings" and inserting the phrase "separation of siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

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

“(16A) “Reasonable and prudent parent standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that should be used when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.”.

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

(1) Subsection (a)(16)(A) is amended as follows:

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

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

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

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

(2) Subsection (a-1)(5) is amended by striking the phrase "siblings," and inserting the phrase "siblings, including individuals who would have been considered siblings of the child but for the termination of parental rights or death of a parent," in its place.

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

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

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

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

Sec. 5103. Section 16-2323(d)(4) of the District of Columbia Official Code is amended as follows:

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

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

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

SUBTITLE L. NOT-FOR-PROFIT HOSPITAL CORPORATION CERTIFICATE OF NEED EXEMPTION AMENDMENT ACT OF 2016

Sec. 5111. Short title.

This subtitle may be cited as the “Not-For-Profit Hospital Corporation Certificate of Need Exemption Amendment Act of 2016”.

Sec. 5112. Section 8(b) of the Health Services Planning Program Re-establishment Act of 1996, effective April 9, 1997 (D.C. Law 11-191; D.C. Official Code § 44-407(b)), is amended as follows:

(a) Paragraph (12) is amended by striking the word “and”.

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(b) Paragraph (13) is amended by striking the period and inserting the phrase “; and” in its place.

(c) A new paragraph (14) is added to read as follows:

“(14) Operation by the Not-For-Profit Hospital Corporation of an ambulatory care clinic in the Bellevue neighborhood of Ward 8. The exemption provided in this paragraph shall expire on September 30, 2017.”

SUBTITLE M. DEPARTMENT OF HEALTH FUNCTIONS CLARIFICATION

Sec. 5121. Short title.

This subtitle may be cited as the “Department of Health Functions Clarification Amendment Act of 2016”.

Sec. 5122. Section 4907a of the Department of Health Functions Clarification Act of 2001, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 7-736.01), is amended by adding new subsections (i), (j), and (k) to read as follows:

“(i) For Fiscal Year 2017, the Director of the Department of Health shall have the authority to issue grants to qualified community organizations for the purpose of providing the following services:

“(1) Programs designed to improve food access:

“(A) Through mobile, vehicle-based farm stands that operate at regularly scheduled stops, provide recipes and cooking demonstrations, and distribute locally produced food to communities in underserved communities, not to exceed \$50,000; and

“(B) By delivering fresh produce to small retailers and corner store owners that operate in underserved communities, not to exceed \$250,000;

“(2) A Farmers Market Subsidy program aimed at establishing healthy dietary habits, providing incentives for farmers to locate in low-income communities, and reducing chronic illness in District residents by providing monetary assistance for the purchase of fresh fruits and vegetables to those receiving federal assistance, not to exceed \$1,200,000;

“(3) Programs designed to support teen peer educators who work to provide sexual health information and condoms to youth, not to exceed \$150,000; and

“(4) Programs designed to promote healthy development in girls attending public and chartered schools in grades 8-12 located in areas of the city possessing the highest rates of teen pregnancy and highest enrollment in state-funded health programs in the District, not to exceed \$500,000.

“(j) For Fiscal Year 2017, the Director of the Department of Health shall issue grants totaling \$100,000 to nonprofit pediatric dental clinics to provide oral health literacy and awareness programming.

“(k)(1) All grants issued pursuant to subsections (i) and (j) of this section shall be administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*).

“(2) The Department of Health shall submit a quarterly report to the Secretary to

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the Council on all grants issued pursuant to the authority granted in subsections (i) and (j) of this section.”.

SUBTITLE N. DCHA REHABILITATION AND MAINTENANCE FUND

Sec. 5131. Short title.

This subtitle may be cited as the “District of Columbia Housing Authority Rehabilitation and Maintenance Fund Amendment Act of 2016”.

Sec. 5132. Section 3 of the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-202), is amended as follows:

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

(1) Strike the phrase “Authority Fund” and insert the phrase “Authority Fund (“Authority Fund”)” in its place.

(2) Strike the phrase “credited to the Fund” and insert the phrase “credited to the Authority Fund” in its place.

(3) Strike the phrase “out of the Fund” and insert the phrase “out of the Authority Fund” in its place.

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

“(c-1)(1) There is established as a special fund the DCHA Rehabilitation and Maintenance Fund (“R&M Fund”), which shall be administered by the Authority in accordance with paragraphs (3) and (4) of this subsection.

“(2) Revenue from the following sources shall be deposited in the R&M Fund:

“(A) \$15 million of one-time resource allocated in Fiscal Year 2016 from existing resources within the Authority;

“(B) Annual appropriations; and

“(C) Any remaining local funds available to the Authority for the Local Rent Supplement Program at the conclusion of each fiscal year.

“(3) Money in the R&M Fund shall be used for the maintenance, repair, and rehabilitation of public housing properties within the District.

“(4) Money in the R&M Fund shall not be used to fund:

“(A) Any major rehabilitation or maintenance on any occupied unit set to be demolished or otherwise removed from the Authority inventory within 9 months, other than to protect the health or safety of tenants; and

“(B) Any repair, maintenance, or rehabilitation of any vacant unit planned to be demolished or otherwise removed from the Authority inventory within 9 months.

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

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

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“(6) By January 1 and by July 1 of each year, the Authority shall submit a report to the Mayor and to each Councilmember that details:

“(A) How the funds in the R&M Fund were used in the prior fiscal year;

“(B) The Authority's planned use of money in the R&M Fund for the succeeding fiscal year, identifying the following:

“(i) The address of each public housing unit to be repaired, rehabilitated, or renovated;

“(ii) The nature of the repair, rehabilitation, or renovation to be undertaken;

“(iii) The number of residents in each unit to be repaired, rehabilitated, or renovated, including adults and children;

“(iv) The estimated cost of the repair, rehabilitation, or renovation to be performed; and

“(v) The share of the estimated cost, if any, to be financed by the federal government.”.

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

(1) Strike the phrase “from the Fund” and insert the phrase “from the Authority Fund” in its place.

(2) Strike the phrase “each fiscal year,” and insert the phrase “each fiscal year, except as provided in subsection (c-1)(2)(C) of this section,” in its place.

SUBTITLE O. LRSP AMENDMENT

Sec. 5141. Short title.

This subtitle may be cited as the "Local Rent Supplement Amendment Act of 2016".

Sec. 5142. Section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), is amended by adding a new subsection (f) to read as follows:

“(f) Agencies within the District government may refer individuals 62 years of age and older to the Authority for eligibility determination for the Local Rent Supplement Program if the individuals are:

“(1) Returning citizens within the meaning of section 2(5) of the Office on Ex-Offender Affairs Commission on Re-Entry and Ex-Offender Affairs Establishment Act of 2006, effective March 8, 2007 (D.C. Law 16-243; D.C. Official Code § 24-1301(5));

“(2) LGBTQ individuals within the meaning of section 2(2) of the Office of Gay, Lesbian, Bisexual, and Transgender Affairs Act of 2006, effective April 4, 2006 (D.C. Law 16-89; D.C. Official Code § 2-1381(2)); or

“(3) Persons with a disability as defined in section 3(1)(A) of the Americans with Disabilities Act of 1990, approved July 26, 1990 (104 Stat. 329; 42 U.S.C. § 12102(1)(A)).”.

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SUBTITLE P. FLEXIBLE RENT SUBSIDY PILOT

Sec. 5151. Short title.

This subtitle may be cited as the “Flexible Rent Subsidy Pilot Establishment Amendment Act of 2016”.

Sec. 5152. 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.*), is amended by adding a new section 31c to read as follows:

“Sec. 31c. Flexible Rent Subsidy Pilot Program.

“(a) The Department shall establish a Flexible Rent Subsidy Pilot Program (“Program”) to subsidize the cost of monthly rent for families receiving, or eligible to receive, Continuum of Care services.

“(b) The Department shall provide the subsidy to each participating family via dedicated account, which shall be used solely to pay the family’s monthly rent.

“(c) The annual subsidy for a participating family shall be less than the maximum annual amount that may be provided to a household by voucher pursuant to section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228).

“(d) No later than 120 days after October 1, 2016, the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subtitle, including rules establishing program eligibility and the dollar amount of the maximum annual subsidy, and rules of program administration.

“(e) This section shall expire on September 30, 2021.”.

SUBTITLE Q. VITAL RECORDS FEES

Sec. 5161. Short title.

This subtitle may be cited as the “Vital Records Fees Amendment Act of 2016”.

Sec. 5162. Section 22 of the Vital Records Act of 1981, effective October 8, 1981 (D.C. Law 4-34; D.C. Official Code § 7-221), is amended as follows:

(a) The section heading is amended to read as follows:

“Sec. 22. Vital records fees and fund.”.

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

“(b)(1) There is established as a lapsing special fund the Vital Records Fees Fund (“Fund”), which shall be administered by the Department of Health (“Department”) in accordance with paragraph (3) of this subsection.

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“(2) Revenue received pursuant to subsection (a) of this section shall be deposited in the Fund.

“(3) Money in the Fund shall be used to support the operations of the Department.”.

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

“(c)(1) Notwithstanding subsection (a) of this section, the fee for a certificate of birth shall be waived for an individual experiencing homelessness.

“(2) For the purposes of this subsection, the term “individual experiencing homelessness” means a person:

“(A) Who is lacking a fixed, regular residence that provides safe housing and the financial means to acquire such a residence immediately; or

“(B) Whose primary night-time residence is:

“(i) A supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or

“(ii) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

“(3) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this subsection.”.

TITLE VI. TRANSPORTATION, PUBLIC WORKS, AND THE ENVIRONMENT**SUBTITLE A. WILDLIFE PROTECTION ENFORCEMENT**

Sec. 6001. Short title.

This subtitle may be cited as the “Wildlife Protection Enforcement Amendment Act of 2016”.

Sec. 6002. The Wildlife Protection Act of 2010, effective March 8, 2011 (D.C. Law 18-289; D.C. Official Code § 8-2201 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 8-2201) is amended by striking the phrase “District Department of the Environment” both times it appears and inserting the phrase “Department of Energy and Environment” in its place.

(b) Section 10(b) (D.C. Official Code § 8-2209(b)) is amended by striking the phrase “inspections, pursuant to section 8” and inserting the phrase “services, including inspections, sample collection, document review, or other reasonable costs or fees incurred in implementing this act, or regulations promulgated pursuant to this act” in its place.

(c) Section 12 (D.C. Official Code § 8-2211) is amended by adding a new subsection (c) to read as follows:

“(c) The Mayor may impose civil infraction penalties, fines, and fees as alternative sanctions for any violation of this act or a regulation promulgated pursuant to this act, pursuant to the procedures set forth in the Department of Consumer and Regulatory Affairs Civil

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Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

SUBTITLE B. AIR QUALITY RULEMAKING AMENDMENT

Sec. 6011. Short title.

This subtitle may be cited as the “Air Quality Rulemaking Amendment Act of 2016”.

Sec. 6012. The District of Columbia Air Pollution Control Act of 1984, effective March 15, 1985 (D.C. Law 5–165; D.C. Official Code § 8-101.01 *et seq.*), is amended as follows:

(a) Section 5(d)(5) (D.C. Official Code § 8-101.05(d)(5)) is amended by striking the phrase “District Department of the Environment’s” and inserting the phrase “Department of Energy and Environment’s” in its place.

(b) Section 5a(d) (D.C. Official Code § 8-101.05a(d)) is amended by striking the phrase “implementing this section and section 5” and inserting the phrase “implementing this act or a regulation promulgated pursuant to this act” in its place.

(c) Section 6 (D.C. Official Code § 8-101.06) is amended as follows:

(1) Subsection (b) is repealed.

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

“(c) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2–501 *et seq.*), may issue rules to implement the provisions of this act, including establishing fines, permit fees, and other fees necessary to support the implementation of this act.”.

SUBTITLE C. ENERGY INNOVATION AND SAVINGS AMENDMENT

Sec. 6021. Short title.

This subtitle may be cited as the “Energy Innovation and Savings Amendment Act of 2016”.

Sec. 6022. The Energy Innovation and Savings Amendment Act of 2012, effective March 19, 2013 (D.C. Law 19-252; D.C. Official Code § 8-1772.01 *et seq.*), is amended as follows:

(a) Section 201 (D.C. Official Code § 8-1772.01) is amended as follows:

(1) Paragraph (2) is repealed.

(2) Paragraph (3) is amended by striking the phrase “; provided, that the term “commercial property” shall not include a small store, hotel, or restaurant.” and inserting a period in its place.

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

“(3A) “DOEE” means the Department of Energy and Environment.”.

(4) Paragraph (5) is repealed.

(b) Section 202 (D.C. Official Code § 8-1772.02) is amended to read as follows:

“Sec. 202. Commercial property energy conservation.

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“(a) A commercial property shall keep exterior doors and windows closed when an air conditioner that cools the adjacent area is in operation, except:

“(1) As needed to permit the ingress and egress of people or the delivery or shipping of goods;

“(2) As needed to permit vehicular access to or for a loading dock; or

“(3) When an emergency situation exists that requires an exterior door or window to be kept open.

“(b) This section shall not apply to exterior doors or windows of hotels and restaurants that adjoin an indoor or outdoor seating area where food or beverages are served during times when the indoor or outdoor seating area is open for use by customers.”.

(c) Section 203(f) (D.C. Official Code § 8-1772.03(f)) is amended by striking the phrase “the Director of the District Department of the Environment” and inserting the acronym “DOEE” in its place.

(d) A new section 204 is added to read as follows:

“Sec. 204. Rules.

“The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), may issue rules to implement the provisions of this title.”.

Sec. 6023. Section 305(b) of the Energy Efficiency Financing Act of 2010, effective May 27, 2010 (D.C. Law 18-183; D.C. Official Code § 8-1778.45(b)), is amended by striking the phrase “until 5 years after the effective date of the initial contract to retain an administrator.” and inserting a period in its place.

SUBTITLE D. PRODUCT STEWARDSHIP PROGRAM AMENDMENT

Sec. 6031. Short title.

This subtitle may be cited as the “Product Stewardship Program Amendment Act of 2016”.

Sec. 6032. The Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-1031.01) is amended as follows:

(1) Paragraph (3) is amended by striking the period and inserting the phrase “and identified on the list of compostable materials described in section 103(b).” in its place.

(2) Paragraph (6) is amended to read as follows:

“(6) “DOEE” means the Department of Energy and Environment.”.

(3) Paragraph (13) is amended by striking the period and inserting the phrase “and identified on the list of recyclable materials described in section 103(b).” in its place.

(b) Section 108 (D.C. Official Code § 8-1031.08) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

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(c) Section 115(8) (D.C. Official Code § 8-1041.01(8)) is amended by striking the word “year” both times it appears and inserting the phrase “calendar year” in its place.

(d) Section 117 (D.C. Official Code § 8-1041.03) is amended as follows:

(1) Strike the phrase “previous year” wherever it appears and insert the phrase “previous calendar year” in its place.

(2) Strike the phrase “program year” both times it appears and insert the phrase “calendar year” in its place.

(3) Subsection (a) is amended by striking the date “January 1, 2016” and inserting the date “June 1, 2017” in its place.

(4) Subsection (b) is amended as follows:

(A) Strike the date “January 1, 2016” and insert the date “December 31, 2016” in its place.

(B) Paragraph (9)(C) is amended by striking the phrase “, including how the organization will take into account the economic value of different types of covered electronic equipment;” and inserting the phrase “; and” in its place.

(e) Section 118 (D.C. Official Code § 8-1041.04) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “previous year” wherever it appears and inserting the phrase “previous calendar year” in its place.

(2) Subsection (b) is amended by striking the phrase “program year” and inserting the phrase “calendar year” in its place.

(f) Section 119 (D.C. Official Code § 8-1041.05) is amended as follows:

(1) Subsection (a) is amended by striking the date “January 1, 2016” and inserting the date “January 1, 2017” in its place.

(2) Subsection (b)(1) is amended as follows:

(A) Subparagraph (A) is repealed.

(B) Subparagraph (D) is amended by striking the phrase “calendar years” and inserting the phrase “reporting years” in its place.

(C) Subparagraph (E) is amended by striking the phrase “previous year” and inserting the phrase “previous reporting year” in its place.

(3) Subsection (e) is amended by striking the date “January 1, 2017” and inserting the date “January 1, 2018” in its place.

(g) Section 124 (D.C. Official Code § 8-1041.10) is amended as follows:

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

(A) Strike the date “March 1, 2017” and insert the date “June 1, 2018” in its place.

(B) Strike the date “April 1” and insert the date “June 1” in its place.

(2) Subsection (b) is amended by striking the date “March 1, 2019” and inserting the date “June 1, 2019” in its place.

(h) Section 126 (D.C. Official Code § 8-1041.12) is amended as follows:

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

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

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“(b) The Mayor may impose civil fines and penalties as sanctions for violations of the provisions of this subtitle or any rules issued under the authority of this subtitle, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)”.

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

“(c) In addition to the enforcement authority provided in subsection (b) of this section, the Mayor may seek injunctive relief or other appropriate remedy in any court of competent jurisdiction to enforce compliance with the provisions of this subtitle.”.

Sec. 6033. Section 3(c) of the Anacostia River Clean Up and Protection Act of 2009, effective September 23, 2009 (D.C. Law 18-55; D.C. Official Code § 8-102.02(c)), is amended as follows:

(a) Paragraph (1) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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

(c) Paragraph (3) is repealed.

Sec. 6034. Section 401 of the Sustainable DC Omnibus Amendment Act of 2014, effective December 17, 2014 (D.C. Law 20-142; D.C. Official Code § 8-1531), is amended as follows:

(a) The existing paragraph (1) is redesignated as paragraph (1A).

(b) A new paragraph (1) is added to read as follows:

“(1) “Compostable” means:

“(A) Made solely of materials that break down into, or otherwise become part of, usable compost in a safe and timely manner in an appropriate program; and

“(B) Once the Mayor has published the list of compostable materials described in section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)), identified on that list;”.

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

“(5) “Recyclable” means made solely of materials that can be recycled using the District’s recycling collection program and identified on the list of recyclable materials described in section 103(b) of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; D.C. Official Code § 8-1031.03(b)).”.

Sec. 6035. Section 2 of the District of Columbia Comprehensive Plan for a Multi-Material Recycling System Act of 1987, effective July 25, 1987 (D.C. Law 7-19; D.C. Official Code § 8-1101), is repealed.

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SUBTITLE E. CLEAN AND AFFORDABLE ENERGY AMENDMENT

Sec. 6041. Short title.

This subtitle may be cited as the “Clean and Affordable Energy Amendment Act of 2016”.

Sec. 6042. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 8-1773.01) is amended as follows:

(1) Paragraph (2) is amended to read as follows:

“(2) “DOEE” means the Department of Energy and Environment.”.

(2) Strike the phrase “the District Department of the Environment” wherever it appears and insert the acronym “DOEE” in its place.

(3) Paragraph (20) is amended by striking the acronym “DDOE” and inserting the acronym “DOEE” in its place.

(b) Section 201 (D.C. Official Code § 8-1774.01) is amended as follows:

(1) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(2) Strike the phrase “the District Department of the Environment” and insert the acronym “DOEE” in its place.

(c) Section 202 (D.C. Official Code § 8-1774.02) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

(d) Section 203 (D.C. Official Code § 8-1774.03) is amended as follows:

(1) Strike the acronym “DDOE” both times it appears and insert the acronym “DOEE” in its place.

(2) Strike the phrase “the Energy Office” both times it appears and insert the acronym “DOEE” in its place.

(e) Section 204 (D.C. Official Code § 8-1774.04) is amended as follows:

(1) Strike the phrase “the Energy Office” and insert the acronym “DOEE” in its place.

(2) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

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

“(g) The Board shall annually prepare and present a report on the progress of the SEU to the Council within 90 days after the conclusion of the independent review of the performance and expenditures of the SEU under section 205(k). DOEE shall make the report available to the public on its website within 10 days after its submission to the Council.”.

(f) Section 205 (D.C. Official Code § 8-1774.05) is amended as follows:

(1) Strike the phrase “District Department of the Environment” and insert the acronym “DOEE” in its place.

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(2) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(g) Section 206 (D.C. Official Code § 8-1774.06) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(h) Section 207 (D.C. Official Code § 8-1774.07) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(i) Section 209 (D.C. Official Code § 8-1774.09) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(j) Section 210 (D.C. Official Code § 8-1774.10) is amended as follows:

(1) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(2) Subsection (c)(10) is amended by striking the phrase “in Fiscal Year 2016” and inserting the phrase “in Fiscal Year 2016 and \$1.2 million in Fiscal Year 2017” in its place.

(k) Section 211(e) (D.C. Official Code § 8-1774.11(e)) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6043. The Renewable Energy Portfolio Standard Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) Section 3(5) (D.C. Official Code § 34-1431(5)) is amended to read as follows:

“(5) “DOEE” means the Department of Energy and Environment.”.

(b) Section 6 (D.C. Official Code § 34-1434) is amended as follows:

(1) Subsection (d) is amended by striking the acronym “DDOE” and inserting the acronym “DOEE” in its place.

(2) Subsection (f) is amended by striking the phrase “District Department of the Environment” and inserting the acronym “DOEE” in its place.

(c) Section 8 (D.C. Official Code § 34-1436) is amended as follows:

(1) Strike the phrase “Energy Office” wherever it appears and insert the acronym “DOEE” in its place.

(2) Strike the acronym “DDOE” and insert the acronym “DOEE” in its place.

(d) Section 9 (D.C. Official Code § 34-1437) is amended by striking the phrase “Energy Office” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6044. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 2(9A) (D.C. Official Code § 6-1451.01(9A)) is amended to read as follows:

“(9A) “DOEE” means the Department of Energy and Environment.”.

(b) Section 3 (D.C. Official Code § 6-1451.02) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(c) Section 4(c)(2) (D.C. Official Code § 6-1451.03(c)(2)) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

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(d) Section 10 (D.C. Official Code § 6-1451.09) is amended by striking the acronym “DDOE” wherever it appears and inserting the acronym “DOEE” in its place.

(e) Section 12(c) (D.C. Official Code § 6-1451.11(c)) is amended by striking the acronym “DDOE” both times it appears and inserting the acronym “DOEE” in its place.

Sec. 6045. The District Department of the Environment Establishment Act of 2005, effective February 15, 2006 (D.C. Law 16-51; D.C. Official Code § 8-151.01 *et seq.*), is amended as follows:

(a) Strike the phrase “District Department of the Environment” wherever it appears and insert the phrase “Department of Energy and Environment” in its place.

(b) Strike the acronym “DDOE” wherever it appears and insert the acronym “DOEE” in its place.

(c) Strike the word “DDOE’s” wherever it appears and insert the word “DOEE’s” in its place.

SUBTITLE F. STREETCAR AUTHORIZATION AMENDMENT

Sec. 6051. Short title.

This subtitle may be cited as the “Streetcar Authorization Amendment Act of 2016”.

Sec. 6052. Section 5 of the District Department of Transportation DC Streetcar Amendment Act of 2012, effective April 20, 2013 (D.C. Law 19-268; D.C. Official Code § 50-921.71, note), is repealed.

Sec. 6053. Section 47-392.02(f)(6) of the District of Columbia Official Code is repealed.

SUBTITLE G. PUBLICATION OF SAFETY ENHANCEMENT**RECOMMENDATIONS**

Sec. 6061. Short title.

This subtitle may be cited as the “Publication of Safety Enhancement Recommendations Amendment Act of 2016”.

Sec. 6062. Section 6103 of the Fiscal Year 2014 Budget Support Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 50-921.01, note), is amended as follows:

(a) The lead-in language is amended by striking the phrase “On or before February 1, 2014” and inserting the phrase “On or before January 1, 2017, and annually thereafter” in its place.

(b) Paragraph (1) is amended by striking the phrase “; and” and inserting a semicolon in its place.

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

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

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“(3) A list of infrastructure and enforcement recommendations to enhance safety at each of the 10 most dangerous intersections identified pursuant to paragraph (2) of this section, and a timeline for the implementation of each recommendation.”.

SUBTITLE H. BID PARKING ABATEMENT FUND AMENDMENT

Sec. 6071. Short title.

This subtitle may be cited as the “BID Parking Abatement Fund Amendment Act of 2016”.

Sec. 6072. Section 6082(b) of the Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-325.341(b)), is amended to read as follows:

“(b) The Fund shall be funded by an annual appropriation in the amount of \$120,000 from the District’s annually approved budget and financial plan.”.

SUBTITLE I. COMMUNITY RENEWABLE ENERGY CREDIT RATE CLARIFICATION AMENDMENT

Sec. 6081. Short title.

This subtitle may be cited as the “Community Renewable Energy Credit Rate Clarification Amendment Act of 2016”.

Sec. 6082. Section 101(12A) of the Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501(12A)), is amended to read as follows:

“(12A) “CREF credit rate” means a credit rate applied to subscribers of community renewable energy facilities, which shall be equal to:

“(A) For residential customer subscribers, the full retail distribution rate, which includes generation, transmission, and distribution charges, for the standard offer service General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon section 118; and

“(B) For commercial customer subscribers, the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon section 118.”.

SUBTITLE J. COMPETITIVE GRANTS

Sec. 6091. Short title.

This subtitle may be cited as the “Competitive Grants Act of 2016”.

Sec. 6092. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$250,000, for a study to evaluate the

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feasibility, costs, and benefits of establishing a municipally owned, public electric utility in the District.

Sec. 6093. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$300,000, to conduct a study on aircraft noise for arriving and departing flights from Ronald Reagan Washington National Airport, including evaluation of the current noise environment, analysis of current noise impact modeling assumptions and inputs, review of current noise abatement programs, and recommendations to reduce noise or mitigate its impact.

Sec. 6094. In Fiscal Year 2017, the Department of Small and Local Business Development shall award a grant, on a competitive basis, in an amount not to exceed \$135,000, to provide clean team services to the following area: Wisconsin Avenue, N.W., from Davis Street, N.W., to R Street, N.W.

Sec. 6095. In Fiscal Year 2017, the Department of Energy and Environment shall award a grant, on a competitive basis, in an amount not to exceed \$200,000, to one or more nonprofit organizations to employ youth in improving and cleaning the Anacostia River and surrounding area.

SUBTITLE K. COMPOST DROP-OFF PROGRAM

Sec. 6101. Short title.

This subtitle may be cited as the “Compost Drop-Off Program Act of 2016”.

Sec. 6102. Compost drop-off program.

(a) The Department of Public Works (“Department”) shall establish a program that allows residents to drop off food waste weekly for compost.

(b) The Department shall establish one drop-off site in each ward to operate year-round.

(c) The Department shall provide the public with instructional materials that describe:

(1) How to collect food waste for compost; and

(2) What food waste is appropriate for compost.

(d) If the Department requires residents to purchase any materials or equipment to participate in the program, the Department shall sell the materials or equipment at cost; provided, that the Department shall provide any required materials or equipment for free to any resident who participates in a federal assistance program.

SUBTITLE L. ENVIRONMENTAL LITERACY PROGRAM AMENDMENT

Sec. 6111. Short title.

This subtitle may be cited as the “Environmental Literacy Program Amendment Act of 2016”.

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Sec. 6112. Section 502(d) of the Healthy Schools Act of 2010, effective July 27, 2010 (D.C. Law 18-209; D.C. Official Code § 38-825.02(d)), is amended to read as follows:

“(d)(1) The Office of the State Superintendent of Education (“OSSE”) shall establish an Environmental Literacy Leadership Cadre (“Cadre”), which shall be comprised of teachers, selected by OSSE, at public schools and public charter schools. Each teacher in the Cadre shall:

“(A) Create, if applicable, and help maintain a garden at the teacher’s school;

“(B) Implement composting and recycling programs at the teacher’s school;

“(C) Implement the June 2012 environmental literacy plan, or a subsequent environmental literacy plan developed pursuant to this section, and other OSSE-approved guidance, at the teacher’s school; and

“(D) Assist other teachers at the teacher’s school with incorporating science standards.

“(2) OSSE shall provide each teacher selected to participate in the Cadre with an appropriate and fair stipend, in addition to the teacher’s salary.

“(3) OSSE shall provide grants to nonprofit and community-based organizations to support the schools represented in the Cadre by providing or coordinating programs and activities related to school-based environmental literacy programs.

“(4) OSSE may create or implement other initiatives or projects that support the Cadre.”.

SUBTITLE M. SELF-SERVICE EXHAUST EMISSIONS TESTING PILOT PROGRAM

Sec. 6141. Short title.

This subtitle may be cited as the “Self-Service Exhaust Emissions Testing Pilot Program Amendment Act of 2016”.

Sec. 6142. An Act To provide for the annual inspection of all motor vehicles in the District of Columbia, approved February 18, 1938 (52 Stat. 78; D.C. Official Code § 50-1101 *et seq.*), is amended by adding a new section 10 to read as follows:

“Sec. 10. Self-service exhaust emissions testing pilot program.

“(a) Within 120 days after the effective date of the Self-Service Exhaust Emissions Testing Pilot Program Amendment Act of 2016, passed on 2nd reading on June 21, 2016 (Enrolled version of Bill 21-669), the Department of Motor Vehicles (“Department”) shall establish a pilot program to provide for the use of one or more self-service kiosks to test motor vehicles for exhaust emissions.

“(b) At a minimum, each kiosk shall allow:

“(1) An individual to test a motor vehicle to determine whether the vehicle complies with the exhaust emissions standards established under this act and regulations issued pursuant to this act; and

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“(2) For testing 24 hours per day, 7 days per week, on a first-come, first-served basis; provided, that the Department may periodically close a kiosk for necessary maintenance.

“(c) The Department shall establish the specifications for the kiosks, the types of motor vehicles that are eligible for self-service exhaust emissions testing, the location of the kiosks, and the cost per test; provided, that the cost per test shall not exceed the cost per test of an exhaust emissions test conducted at a non-self-service inspection station.

“(d) The Department may enter into contracts with one or more vendors for the equipment, operation, and maintenance necessary to conduct the pilot program.

“(e) On or before March 30, 2018, the Department shall submit a written report to the Council that evaluates the pilot program’s operations, including the number of vehicles inspected, a description of issues that arose during the reporting period, and a study of the impact of the pilot program on the number of vehicles inspected and wait times at non-self-service inspection stations.”.

Sec. 6143. Sunset.

This subtitle shall expire on September 30, 2018.

SUBTITLE N. WAIVER OF PUBLIC SPACE PERMIT FEES FOR CIVIC ASSOCIATIONS

Sec. 6161. Short title.

This subtitle may be cited as the “Civic Associations Public Space Permit Fee Waiver Amendment Act of 2016”.

Sec. 6162. Section 603a of the Fiscal Year 1997 Budget Support Act of 1996, effective December 2, 2011 (D.C. Law 19-48; D.C. Official Code § 10-1141.03a), is amended as follows:

(a) Designate the existing text as subsection (a).

(b) The newly designated subsection (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.

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

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

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

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

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

Sec. 6163. Section 225.12 of Title 24 of the District of Columbia Municipal Regulations (24 DCMR § 225.12) is amended as follows:

(a) Designate the existing text as paragraph (a).

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(b) The newly designated paragraph (a)(1) is amended by striking the phrase “Is conducted by a” and inserting the phrase “Is conducted by a civic association or a” in its place.

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

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

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

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

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

SUBTITLE O. KINGMAN ISLAND AND HERITAGE ISLAND STUDY.

Sec. 6171. Short title.

This subtitle may be cited as the “Kingman Island and Heritage Island Planning and Feasibility Study Act of 2016”.

Sec. 6172. (a) By May 1, 2017, the Director of the Department of Energy and Environment (“Director”) shall submit to the Council a proposal for the use of Kingman Island and Heritage Island for recreational, environmental, and educational purposes and a report supporting the proposal.

(b) The report shall assess the feasibility and cost of developing, maintaining, and managing a state-of-the-art nature center and other possible structures consistent with the National Children’s Island Act of 1995, approved July 19, 1996 (110 Stat. 1416; D.C. Official Code § 10-1401 *et seq.*), the Anacostia Waterfront Framework Plan, and the Comprehensive Plan. The report shall include:

(1) A feasibility review of existing architectural drawings for a nature center;

(2) Cost estimates for building any proposed infrastructure or amenities necessary to conduct recreational, environmental, and educational events on Kingman Island and Heritage Island;

(3) Maintenance costs for the nature center, other structures such as a covered pavilion for performances and events, and any infrastructure;

(4) Potential partnerships for recreational, environmental, and educational activities on Kingman Island and Heritage Island; and

(5) Management options for the nature center and related infrastructure.

(c) In developing the proposal and report, the Director shall coordinate with:

(1) The Deputy Mayor for Planning and Economic Development;

(2) The Department of Parks and Recreation;

(3) The District Department of Transportation;

(4) Nonprofit organizations focused on the restoration of the Anacostia River;

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- (5) Nonprofit organizations that provide environmental and educational programs and activities;
- (6) Residents in nearby neighborhoods; and
- (7) Other possible public and private partners for recreational, environmental, and educational activities on Kingman Island and Heritage Island.

SUBTITLE P. LOCAL FOOD ECONOMY STUDY

Sec. 6181. Short title.

This subtitle may be cited as the “Local Food Economy Study Act of 2016”.

Sec. 6182. Local food economy study.

The Office of Planning shall conduct a study of the state of the local food economy. The focus of the study shall include:

- (1) Obstacles and opportunities for new and existing businesses;
- (2) Opportunities for job growth and workforce development;
- (3) Geographic areas in the District that have a well-developed food economy;
- (4) Geographic areas in the District that have a poorly developed food economy;

and

- (5) Opportunities for government investments to improve the local food economy.

SUBTITLE Q. PERSONAL DELIVERY DEVICES PILOT PROGRAM

Sec. 6191. Short title.

This subtitle may be cited as the “Personal Delivery Device Pilot Program Act of 2016”.

Sec. 6192. Definitions.

For the purposes of this subtitle, the term:

(1) “Central Business District” shall have the same meaning as provided in section 9901.1 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 9901.1).

(2) “Crosswalk” means that part of a roadway at an intersection included within the lateral lines connecting sidewalks on opposite sides of the roadway.

(3) “DDOT” means the District Department of Transportation.

(4) “Director” means the Director of the District Department of Transportation.

(5) “Operator” means a person who has the ability to control the operations of a PDD through the use of remote control technology.

(6) “PDD” means a device powered by an electric motor, for use primarily on sidewalks, capable of:

(A) Transporting items with or without an operator directly controlling the device;

(B) Identifying and yielding to:

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- (i) Pedestrians;
- (ii) Bicyclists;
- (iii) Other lawful users of public space; and
- (iv) Property;
- (C) Navigating public thoroughfares; and
- (D) Interpreting traffic signals and signs at crosswalks.
- (7) "Pedestrian" means any person afoot or who is using a wheelchair.
- (8) "Public thoroughfare" means any street, road, alley, or paved public space that is under the jurisdiction of the District of Columbia.

Sec. 6193. Establishment of a personal delivery device pilot program.

DDOT shall implement a pilot program, effective September 15, 2016, through December 31, 2017, for the registration and operation of PDDs in the District. A person or entity registered under this pilot program is authorized to operate up to 5 PDDs in the District in accordance with section 6196.

Sec. 6194. Application.

To register for the pilot program established in section 6193, the applicant shall submit an application to the Director including:

- (1) The applicant's legal name, business address, telephone number, and e-mail address;
- (2) A certification by the applicant that:
 - (A) Each PDD is safe to operate on sidewalks, crosswalks, and public thoroughfares interconnected to sidewalks and crosswalks;
 - (B) Each PDD will comply with the requirements and limitations provided in section 6196;
 - (C) No more than 5 PDDs will be operated by the applicant in the District;
 - (D) The person signing the application has reviewed it and determined that the information provided is true and accurate; and
 - (E) The person signing the application is authorized to sign and file the application;
- (3) The proposed geographic locations within the District where the applicant intends to operate the PDDs; and
- (4) A nonrefundable fee of \$250.

Sec. 6195. Registration and revocation.

(a) An applicant who submits a complete application to the Director in accordance with section 6194 shall be registered for the pilot program within 15 calendar days of submission.

(b) A registration for the pilot program shall be valid for one year from the date of registration, or until December 31, 2017, whichever is first.

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(c) A registrant shall notify the Director within 15 calendar days of any change in the information on the pilot program application as submitted.

(d) The Director may revoke a registration for the pilot program if the Director determines that the registrant has violated a provision of this subtitle.

Sec. 6196. Personal delivery device operation

(a) Except within the Central Business District, a PDD that is registered under section 6195 and complies with subsection (b) of this section may operate on sidewalks and crosswalks under the jurisdiction of the District of Columbia, and transitorily on public thoroughfares interconnected to sidewalks and crosswalks.

(b) To operate in the District, a PDD shall:

(1) Be operated in a safe and non-hazardous manner so as not to endanger:

(A) Pedestrians;

(B) Bicyclists;

(C) Other lawful users of public space; or

(D) Property;

(2) Not operate above 10 miles per hour;

(3) Have a gross weight of less than 50 pounds, excluding cargo;

(4) Not interfere with pedestrian or bicycle traffic;

(5) Yield the right-of-way to all vehicles approaching on a roadway upon entering a crosswalk to the extent necessary to safely cross the roadway, except when crossing pursuant to a crosswalk pedestrian signal;

(6) Have a system that alerts the operator if a technology failure or loss of communication occurs, and when such an alert is given, that:

(A) Requires the operator to assume direct control of the PDD; and

(B) If the operator is unable to assume control of the device, causes the PDD to safely come to an off-roadway stop; and

(7) Obey all traffic and pedestrian control signals and signs.

(c) In the case of a technology failure or other circumstance that causes the PDD to come to a stop in a location other than property owned by the owner of the PDD, the owner of the PDD shall remove the PDD within 24 hours.

TITLE VII. FINANCE AND REVENUE

SUBTITLE A. SUBJECT TO APPROPRIATIONS AMENDMENTS

Sec. 7001. Short title.

This subtitle may be cited as the "Subject to Appropriations Amendment Act of 2016".

Sec. 7002. Section 4 of the Access to Emergency Epinephrine in Schools Amendment Act of 2015, effective March 9, 2016 (D.C. Law 21-77; 63 DCR 756), is repealed.

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Sec. 7003. Section 3 of the Injured Worker Fair Pay Amendment Act of 2015, effective December 15, 2015 (D.C. Law 21-39; 62 DCR 13744), is repealed.

Sec. 7004. Section 4 of the Vault Tax Clarification Amendment Act of 2011, effective January 12, 2012 (D.C. Law 19-78; 58 DCR 10102), is repealed.

Sec. 7005. Section 3 of the Notice Requirements for Historic Properties Amendment Act of 2014, effective April 30, 2015 (D.C. Law 20-249; 62 DCR 1512), is repealed.

Sec. 7006. Section 3 of the Higher Education Tax Exemption Act of 2016, effective May 12, 2016 (D.C. Law 21-113; 63 DCR 4328), is repealed.

Sec. 7007. Section 7 of the Made in DC Program Establishment Act of 2016, enacted on May 3, 2016 (D.C. Act 21-388; 63 DCR 7141), is repealed.

Sec. 7008. Section 14 of the Repeal of Outdated and Unnecessary Audit Mandates Amendment Act of 2016, enacted on May 10, 2016 (D.C. Act 21-392; 63 DCR 7589), is repealed.

Sec. 7009. Section 3 of the Campaign Finance Reform and Transparency Amendment Act of 2013, effective February 22, 2014 (D.C. Law 20-79; 61 DCR 153), is repealed.

Sec. 7010. Section 3 of the Voter Registration Access and Ballot Modernization Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-158; 61 DCR 10730), is repealed.

Sec. 7011. Section 601 of the Transportation Reorganization Amendment Act of 2016, effective June 22, 2016 (D.C. Law 21-124; 63 DCR 7076), is repealed.

Sec. 7012. Section 4(b) of the Tree Canopy Protection Amendment Act of 2015, enacted on May 4, 2016 (D.C. Act 21-386; 63 DCR 7134), is repealed.

Sec. 7013. The Trash Compactor Tax Incentive Amendment Act of 2014, effective March 11, 2015 (D.C. Law 20-223; 62 DCR 227), is amended as follows:

(a) Section 202(b)(1) is amended by adding a new subparagraph (C) to read as follows:

“(C) The total amount of grants for Fiscal Year 2017 shall not exceed \$1 million.”

(b) Section 301(b) is amended to read as follows:

“(b)(1) Title II of this act shall apply as of October 1, 2016.

“(2) After September 30, 2017, Title II of this act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

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

“(4)(A) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

“(B) The date of publication of the notice of the certification shall not affect the applicability of this title.”.

Sec. 7014. Section 3 of the New Issue Bond Program Tax Exemption Amendment Act of 2011, effective December 31, 2011 (D.C. Law 19-60; D.C. Official Code § 42-1102, note), is repealed.

Sec. 7015. Section 502(d) of the Sustainable DC Omnibus Act of 2014, effective December 17, 2014 (D.C. Law 20-142; 61 DCR 8045), is amended to read as follows:

“(d) Title III, Subtitle A, section 302(b) shall apply as of October 1, 2015.”.

Sec. 7016. Section 401 of the Sustainable Solid Waste Management Amendment Act of 2014, effective February 26, 2015 (D.C. Law 20-154; 61 DCR 9971), is repealed.

Sec. 7017. Section 6(b) of the Food Policy Council and Director Establishment Act of 2014, effective March 10, 2015 (D.C. Law 20-191; 61 DCR 12160), is amended to read as follows:

“(b) Section 5 shall apply as of October 1, 2015.”.

Sec. 7018. Section 5 of the Primary Date Alteration Amendment Act of 2014, effective May 2, 2015 (D.C. Law 20-273; 62 DCR 1938), is repealed.

Sec. 7019. The St. Matthews Evangelical Lutheran Church Community Garden Equitable Real Property Tax Relief Act of 2014, effective March 10, 2015 (D.C. Law 20-200; 61 DCR 12563), is amended as follows:

(a) Section 2 is amended by striking the phrase “be refunded, so long as the property is used as a community garden” and inserting the phrase “be refunded.” in its place.

(b) Section 3 is repealed.

SUBTITLE B. OMNIBUS BUDGET SUPPORT CLARIFICATION AMENDMENT

Sec. 7021. Short title.

This subtitle may be cited as the “Omnibus Budget Support Clarification Amendment Act of 2016”.

Sec. 7022. The Fiscal Year 2016 Budget Support Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended as follows:

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(a) Section 1072(a)(1) is amended by striking the date “December 15, 2016” and inserting the date “April 30, 2017” in its place.

(b) Section 6004 is repealed.

(c) Section 6193 is amended by striking the date “September 30, 2016” and inserting the date “September 30, 2017” in its place.

(d) Section 8052 is amended as follows:

(1) Strike the phrase “YY105C” in the tabular array and insert the phrase “YY159C” in its place.

(2) Strike the phrase “PROSPECT ES MODERNIZATION/RENOVATION” in the tabular array and insert the phrase “ELLINGTON MODERNIZATION/RENOVATION” in its place.

Sec. 7023. Section 7154 of the IPW Fund, Destination DC Marketing Fund, and WMATA Momentum Support Fund Establishment Act of 2014, effective February 26, 2015 (D.C. Law 20-155; D.C. Official Code § 1-325.311), is amended to read as follows:

“Sec. 7154. WMATA Operations Support Fund.

“(a) There is established as a special fund the WMATA Operations Support Fund (“Fund”), which shall be administered by the Chief Financial Officer in accordance with subsection (c) of this section.

“(b)(1) Upon affirmance of the trial court’s summary-judgment rulings by the District of Columbia Court of Appeals in *District of Columbia v. Expedia, Inc., et al.*, Nos. 14-CV-308, 14-CV-309, the full amount the District obtains pursuant to the consent judgments entered by the trial court, to include any additional amounts in taxes and interest paid by defendants or accrued during the pendency of that litigation, minus the amounts designated for other purposes in sections 7152 and 7153 and in the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Emergency Act of 2015, effective October 6, 2015 (D.C. Act 21-153; 62 DCR 13178), and the Fiscal Year 2015 and Fiscal Year 2016 Revised Budget Request Adjustment Temporary Act of 2015, enacted on October 22, 2015 (D.C. Act 21-171; 62 DCR 13979), shall be deposited into the Fund.

“(2) The full amount the District obtains pursuant to any and all settlements, judgments, or recoveries in *District of Columbia v. Bank of America, N.A., et al.*, No. 2008 CA 007763 B, to include any additional amounts in taxes and interest paid by defendants or accrued during the pendency of that litigation, shall be deposited into the Fund.

“(c) The monies in the Fund shall be available to fund extraordinary or unanticipated operating or capital needs of the Washington Metropolitan Area Transit Authority (“WMATA”) that arise outside of WMATA’s regular inter-jurisdictional subsidy allocation formulae.

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

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

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Sec. 7024. Section 308(d)(1) of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1160; D.C. Official Code § 10-1103.07(d)(1)), is amended by striking the phrase “For periods beginning after June 30, 2015, interest on unpaid vault rent” and inserting the phrase “Beginning September 15, 2015, interest on any unpaid vault rent for any vault year” in its place.

Sec. 7025. Section 2 of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-131.01), is amended as follows:

(a) Paragraph (2) is amended as follows:

(1) Subparagraph (E) is amended by striking the word “or”.

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

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

“(G) A substitute teacher or a substitute aide who is employed by District of Columbia Public Schools for a period of 30 or fewer consecutive work days.”.

(b) New paragraphs (9) and (10) are added to read as follows:

“(9) “Substitute aide” means an individual who is employed by District of Columbia Public Schools to provide instructional assistance (general, specialized, or concentrated) to students on a temporary basis when the regular instructional aide is unavailable. The term “substitute aide” does not include an individual employed by District of Columbia Public Schools on a term or full-time assignment.

“(10) “Substitute teacher” means an individual who is employed by District of Columbia Public Schools to work as a classroom teacher on a temporary basis when the regular teacher is unavailable. The term “substitute teacher” does not include an individual employed by District of Columbia Public Schools on a term or full-time assignment.”.

Sec. 7026. Section 2(g) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(g)), is amended as follows:

(a) Paragraph (4) is amended by striking the word “outcomes” and inserting the phrase “outcomes as of December 31, 2015,” in its place.

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

“(5) In Fiscal Year 2016, the District of Columbia Auditor shall conduct an evaluation of multiple years of the summer youth jobs program to assess whether the program has met and is meeting program objectives.”.

Sec. 7027. Section 2(h) of the School Transit Subsidy Act of 1978, effective March 6, 1979 (D.C. Law 2-152; D.C. Official Code § 35-233(h)), is amended as follows:

(a) Paragraph (2)(A) is amended by striking the phrase “Under 22 years of age” and inserting the phrase “A resident of the District of Columbia under 22 years of age” in its place.

(b) Paragraph (6) is repealed.

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Sec. 7028. Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-355.07 is amended as follows:

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

(A) Subparagraph (A) is amended by striking the phrase “serve at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(B) Subparagraph (B) is amended by striking the phrase “serves at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(C) Subparagraph (D) is amended by striking the phrase “serves at the pleasure of” and inserting the phrase “shall be appointed by” in its place.

(2) Subsection (d)(3)(D) is amended by striking the phrase “taken or proposed to be taken” and inserting the word “recommended” in its place.

(3) New subsections (d-1), (d-2), and (d-3) are added to read as follows:

“(d-1)(1) The Review Board shall conduct an investigation upon receipt of a report of an alleged violation.

“(2) In investigating a report of an alleged violation, the Review Board may:

“(A) Request assistance from the Office of the Chief Financial Officer, the Office of the Inspector General, and the Office of the Attorney General; and

“(B) Consult with the Office of the Attorney General for the purposes of obtaining legal advice.

“(d-2) The Review Board:

“(1) Shall have access, subject to any privileges or confidentiality requirements as provided by law, to all facilities, files, and databases of the District government, including all files, electronic paper records, reports, documents, and other materials that may relate to the investigation;

“(2) May request information or assistance from any District, federal, state, or local government agency as may be necessary for carrying out the investigation; and

“(3) May seek information from parties outside the District government, including government contractors, that may be relevant to the investigation.

“(d-3)(1) Subject to any applicable privileges, all officers, employees, and members of boards, commissions, and councils of the District government shall cooperate in an investigation by the Review Board and shall provide documents, materials, and information to the Review Board upon request.

“(2) Subject to any applicable privileges, officers, employees, and members of boards, commissions, and councils of the District government shall respond truthfully to all questions posed by the Review Board, and shall not prevent or prohibit the Review Board from initiating, carrying out, or completing an investigation within its jurisdiction.

“(3) The Review Board:

“(A) May require any officer, employee, or member of a board, commission, or council of the District government, including the subject of an allegation, to appear before the Review Board; and

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“(B) Shall provide any officer, employee, or member of a board, commission, or council of the District who is potentially subject to disciplinary action an opportunity to appear before the Review Board.

“(4) The Review Board may recommend an appropriate disciplinary action with respect to any officer, employee, or member of a board, commission, or council of the District government who fails to cooperate fully with a Review Board investigation.”.

(b) Chapter 13A is amended as follows:

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

(A) Subsection (a)(1) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service,”.

(B) Subsection (b-1)(1) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service,”.

(2) Section 47-1353.01(a) is amended by striking the phrase “, postage prepaid, bearing a postmark from the United States Postal Service to the last known address of the owner” and inserting the phrase “to the person who last appears as the owner of the real property on the tax roll, at the last address shown on the tax roll, as updated by the filing of a change of address in accordance with § 42-405” in its place.

(c) Chapter 18 is amended as follows:

(1) The table of contents is amended by striking the phrase “Tax haven updates.” and inserting the phrase “Tax haven updates. [Repealed].” in its place.

(2) Section 47-1801.04 is amended as follows:

(A) Paragraph (11) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “calendar year beginning January 1, 2011” wherever it appears and inserting the phrase “base year” in its place.

(ii) A new subparagraph (C) is added to read as follows:

“(C) For the purposes of this paragraph, the term “base year” shall mean the calendar year beginning January 1, 2011, or the calendar year beginning one calendar year before the calendar year in which the new dollar amount of a deduction or exemption shall become effective, whichever is later.”.

(B) Paragraph (49) is amended as follows:

(i) Subparagraph (A) is amended by striking the phrase “means the jurisdictions listed in subparagraph (B-i) of this paragraph and any jurisdiction that” and inserting the phrase “means a jurisdiction that” in its place.

(ii) Subparagraph (B-i) is repealed.

(3) Section 47-1806.02(h-1)(1) of the District of Columbia Official Code is amended to read as follows:

“(h-1)(1) For taxable years beginning after December 31, 2014, the amount of the personal exemption otherwise allowable for the taxable year in the case of an individual whose adjusted gross income exceeds \$150,000 shall be reduced by 2% for every \$2,500 (or fraction thereof) by which the taxpayer’s adjusted gross income for the taxable year exceeds \$150,000.”.

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(4) Section 47-1807.02(a)(6) is amended by striking the phrase “9%” and inserting the phrase “9.2%, 9%” in its place.

(5) Section 47-1808.03(a)(6) is amended by striking the phrase “9%” and inserting the phrase “9.2%, 9%” in its place.

(6) Section 47-1810.09 is repealed.

Sec. 7029. Section 6012 of the Unlawfully Parked Vehicles Act of 2015, effective October 22, 2015 (D.C. Law 21-36; 62 DCR 10905), is amended by striking the phrase “shall be a violation of” and inserting the phrase “shall be a violation, to be adjudicated pursuant to” in its place.

Sec. 7030. Section 2404 of Title 18 of the District of Columbia Municipal Regulations (18 DCMR § 2404) is amended as follows:

(a) Subsection 2404.15 is amended to read as follows:

“2404.15 Except as provided in § 2424, the rates for parking meters in the “Premium Demand Parking Meter Rate Zones” shall be as follows:

“(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces; and

“(b) Twenty-five cents per hour (25¢/hr.) for motorcycle size spaces.”.

(b) Subsection 2404.17 is amended to read as follows:

“2404.17 Except as provided in § 2424, the rates for parking meters in the “Normal Demand Parking Meter Rate Zones” shall be as follows:

“(a) Fifty cents (50¢) for thirteen minutes (13 min.) for automobile size spaces; and

“(b) Twenty-five cents per hour (25¢/hr.) for motorcycle size spaces.”.

(d) This section shall apply as of June 1, 2016.

SUBTITLE C. COMBINED REPORTING AMENDMENT

Sec. 7041. Short title.

This subtitle may be cited as the “Combined Reporting Amendment Act of 2016”.

Sec. 7042. Section 47-1810.08(b) of the District of Columbia Official Code is amended as follows:

(a) Designate the existing text as paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the phrase “5th year” and inserting the phrase “10th year” in its place.

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

“(2) If there is an underpayment of estimated tax for tax year 2015 as a result of taking into account the deduction pursuant to this section, the estimated tax interest resulting from such underpayment, upon application, shall be waived.”.

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SUBTITLE D. FRANCHISE TAX RETURN DUE DATE

Sec. 7051. Short title.

This subtitle may be cited as the "Franchise Tax Return Due Date Amendment Act of 2016".

Sec. 7052. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1805.01 is amended by striking the word "Mayor" wherever it appears and inserting the phrase "Chief Financial Officer" in its place.

(b) Section 47-1805.02 is amended by striking the word "Mayor" wherever it appears and inserting the phrase "Chief Financial Officer" in its place.

(c) Section 47-1805.03 is amended as follows:

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

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

(B) The newly designated paragraph (1) is amended as follows:

(i) Strike the phrase "All returns" and insert the phrase "For tax years beginning before January 1, 2016, all returns" in its place.

(ii) Strike the phrase "filed with the Mayor" and insert the phrase "filed with the Chief Financial Officer" in its place.

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

"(2) For tax years beginning after December 31, 2015, all returns of income for the preceding taxable year required to be filed by § 47-1805.01 shall be filed with the Chief Financial Officer on or before the 15th day of April of each year; except, that such returns, if made on the basis of a fiscal year, shall be filed on or before the 15th day of the 4th month following the close of such fiscal year."

(2) Subsection (b) is amended by striking the phrase "The Mayor" and inserting the phrase "The Chief Financial Officer" in its place.

SUBTITLE E. COLLEGE SAVINGS PROGRAM AMENDMENT

Sec. 7061. Short title.

This subtitle may be cited as the "College Savings Program Amendment Act of 2016".

Sec. 7062. The lead-in language of section 47-4512(b)(1) of the District of Columbia Official Code is amended to read as follows:

"By May 31st of each year, the Chief Financial Officer shall submit to the Council a report for the preceding fiscal year, which shall include:"

SUBTITLE F. D.C. LOTTERY AMENDMENT

Sec. 7071. Short title.

This subtitle may be cited as the "Lottery Amendment Act of 2016".

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Sec. 7072. Section 4 of the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Official Code § 3-1301 *et seq.*), is amended as follows:

(a) Section 2-2501 (D.C. Official Code § 3-1301) is amended to read as follows:

“Section 2-2501. Creation; established as an office within the Office of the Chief Financial Officer; transfer of powers; definitions.

“(a) There is hereby created by the District of Columbia, the District of Columbia Lottery and Charitable Games Control Board.

“(b) Effective with the appointment of the first Chief Financial Officer under section 424(b) and pursuant to section 424(a)(3) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), the Board is established as the Office of Lottery and Charitable Games, a subordinate office within the Office of the Chief Financial Officer. All of the powers, duties, functions, and personnel of the Board are transferred to the Office of the Chief Financial Officer.

“(c) For the purposes of this act, the term:

“(1) “Board” means the District of Columbia Lottery and Charitable Games Control Board established by this section.

“(2) “Office” means the Office of Lottery and Charitable Games established by this section.”.

(b) Section 2-2502 (D.C. Official Code § 3-1302) is amended to read as follows:

“Section 2-2502. Oath requirement.

“Before entering upon the discharge of the duties of office, the Executive Director and the Deputy Director shall take an oath that he or she will faithfully execute the duties of office according to the laws of the District of Columbia. In addition, each employee of the Office shall take and subscribe to an oath or affirmation that he or she is not pecuniarily interested, voluntarily or involuntarily, directly or indirectly, in any firm, partnership, association, organization, or corporation engaged in any activity related to legalized or illegal gambling. If required by the Chief Financial Officer, an employee shall file a financial disclosure statement according to the laws of the District of Columbia.”.

(c) Section 2-2503 (D.C. Official Code § 3-1303) is amended to read as follows:

“Section 2-2503. Executive Director and Deputy Director.

“(a)(1) Pursuant to section 424a of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), after consultation with the Mayor and the Council, the Chief Financial Officer shall appoint an Executive Director and a Deputy Director of the Office, each of whom shall serve at the pleasure of the Chief Financial Officer.

“(2) The Chief Financial Officer shall determine the compensation for the Executive Director and the Deputy Director.

“(3) Before performing the duties of their respective offices, the Executive Director and the Deputy Director shall take the oath of office as required by section 2-2502 of section 4 (D.C. Official Code § 3-1302).

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“(b)(1) Subject to the direction and supervision of the Chief Financial Officer, the Executive Director shall:

“(A) Serve as the chief executive officer of the Office;

“(B) Manage, administer, and coordinate the operation of public gambling and charitable games activities; and

“(C) Employ other assistants and employees who shall serve at the pleasure of the Chief Financial Officer.

“(2)(A) The Chief Financial Officer may delegate any of his or her functions to the Executive Director or to any other officer or employee of the Office, and may delegate to the Executive Director or other employee such other duties the Chief Financial Officer considers necessary for the proper and efficient operation of public gambling and charitable activities.

“(B) The Executive Director may, with the approval of the Chief Financial Officer, make a further delegation of all or a part of the functions to subordinates under his or her jurisdiction.

“(C) The Chief Financial Officer may revoke any delegation at any time.”.

(d) Section 2-2504 (D.C. Official Code § 3-1304) is amended to read as follows:

“Section 2-2504. Bonding and fingerprinting.

“The Chief Financial Officer may require an Office employee to give a bond in an amount determined by the Chief Financial Officer. Every such bond shall be filed with the District of Columbia Treasurer. The cost of a bond given pursuant to this section shall be part of the necessary expenses of the Office. Further, Office employees shall be fingerprinted before, and as a condition of, employment.”.

(e) Section 2-2505 (D.C. Official Code § 3-1305) is amended by striking the phrase “No member of the Board, Chairperson of the Board, Executive Director, or employee of the Board” and inserting the phrase “Neither the Executive Director nor any employee of the Office” in its place.

(f) Section 2-2506 (D.C. Official Code § 3-1306) is amended as follows:

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

(A) Strike the phrase “The Board shall have” both times it appears and insert the phrase “The Chief Financial Officer shall have” in its place.

(B) Strike the phrase “existing licensees of the Board” and insert the phrase “existing licensees of the Office” in its place.

(C) Strike the phrase “Corporation Counsel” and insert the phrase “Attorney General” in its place.

(2) Subsection (b) is amended by striking the word “Board” both times it appears and inserting the phrase “Chief Financial Officer” in its place.

(g) Section 2-2507 (D.C. Official Code § 3-1307) is amended as follows:

(1) Strike the phrase “The Board” both times it appears and insert the phrase “The Chief Financial Officer” in its place.

(2) Strike the phrase “disbursements of the Board” and insert the phrase “disbursements of the Office” in its place.

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(3) Strike the phrase “which the Board may deem” and insert the phrase “that the Chief Financial Officer may consider” in its place.

(h) Section 2-2508 (D.C. Official Code § 3-1308) is amended to read as follows:

“Section 2-2508. Power to administer oaths and take testimony; subpoena power.

“(a)(1) The Chief Financial Officer, the designee of the Chief Financial Officer, or other agent authorized by law (“empowered authority”) shall have the power to administer oaths and take testimony under oath relative to a matter of inquiry or investigation undertaken pursuant to this act.

“(2) At a hearing ordered by the Chief Financial Officer or designee, the empowered authority may subpoena witnesses and require production of records, papers, and documents relevant to the inquiry or investigation.

“(b) The refusal or failure to provide relevant testimony or produce relevant records, papers, or documents pursuant to a properly issued subpoena of the Chief Financial Officer or designee by any applicant before the empowered authority, or by any officer, director, or employee of the applicant, licensee, or agent, may subject the applicant to summary denial of its application and summary termination of its license or authorization of the licensee or agent.

“(c) If a person disobeys the process authorized pursuant to this section or having appeared in obedience to a lawful request to appear refuses to answer any relevant or pertinent question propounded by the empowered authority, the Chief Financial Officer, or designee, may apply to the Superior Court of the District of Columbia (“Court”), or to any judge of the Court if the Court is not in session, setting forth the facts relating to the disobedience to the process or refusal to answer questions, and the Court shall order the person to appear before the Court to answer the questions the person had been asked or to produce the records, papers, or documents sought at the inquiry or investigation.

“(d) Upon the person’s continued refusal, the Court, in accordance with the appropriate provisions of District law, shall take such punitive action as the Court considers necessary and appropriate.

“(e) Notwithstanding the imposition of any punitive action imposed on the person by the Court, the Chief Financial Officer, or designee, may proceed with the inquiry or investigation as if the person had not previously been called to testify.”.

(i) Section 2-2509 (D.C. Official Code § 3-1309) is amended to read as follows:

“Section 2-2509. Recordkeeping.

“The Chief Financial Officer shall maintain full and complete records of the conduct and operation of daily numbers games and lotteries and of the regulation of bingo, raffles, and Monte Carlo Night parties, which records shall include a statement of revenues and license fees, prize disbursements, and administrative expenses. The records shall be open and available to the public.”.

(j) Section 2-2510 (D.C. Official Code § 3-1310) is amended to read as follows:

“Section 2-2510. Authority to establish divisions.

“The Chief Financial Officer shall have the authority to establish divisions within the Office.”.

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(k) Section 2-2511 (D.C. Official Code § 3-1311) is amended to read as follows:

“Section 2-2511. Budget.

“(a)(1) The Chief Financial Officer shall submit to the Mayor a consolidated budget covering all anticipated income, expenses (including all start-up costs), and capital outlays of the Office, which budget shall show the net amount for which it requests an appropriation.

“(2) The net amount for which the Chief Financial Officer requests an appropriation shall be the difference between the anticipated expenses for the coming fiscal year, including debt service for capital expenses and a reserve for bad debts, as shown in the consolidated budget, and the anticipated income shown in that budget.

“(b)(1) The budget shall be submitted on the date that all District government agencies are required to submit their budgets to the Mayor.

“(2) The Mayor shall transmit to the Council the budget as requested by the Chief Financial Officer. The Mayor may also submit a modified budget, as the Mayor considers appropriate.”

(l) Section 2-2512 (D.C. Official Code § 3-1312) is amended as follows:

(1) Subsection (a) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

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

“(b) Any monies of the Office, from whatever source derived (including gifts to the Office), shall be for the sole use of the Fund and shall be deposited as soon as practicable in the Fund and shall be disbursed from the Fund according to the terms of this act. Disbursements of up to \$500 from the Fund shall be paid out in checks signed by the Executive Director or designee. Disbursements in excess of \$500 shall be paid out in checks signed by the Executive Director and the Treasurer of the District of Columbia.”

(3) Subsection (c) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(m) Section 2-2513 (D.C. Official Code § 3-1313) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(n) Section 2-2514 (D.C. Official Code § 3-1314) is amended as follows:

(1) The first sentence is amended by striking the phrase “The Board shall” and inserting the phrase “The Office shall” in its place.

(2) The third and fourth sentences are amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(o) Section 2-2515 (D.C. Official Code § 3-1315) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(p) Section 2-2516 (D.C. Official Code § 3-1316) is amended as follows:

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

(A) Strike the phrase “Board, in its discretion,” and insert the phrase “Chief Financial Officer, in the Chief Financial Officer’s discretion,” in its place.

(B) Strike the phrase “in the name of the Board, to the Credit of the Board, which the Board is authorized to establish, in institutions designated by it which are legal” and

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insert the phrase “in the name of the Office, to the credit of the Office, which the Chief Financial Officer is authorized to establish, in institutions designated by the Chief Financial Officer that are legal” in its place.

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

(A) Strike the phrase “benefit of the Board” and insert the phrase “benefit of the Office” in its place.

(B) Strike the phrase “transferred to the Board. The Board shall” and insert the phrase “transferred to the Office. The Chief Financial Officer shall” in its place.

(C) Strike the phrase “sales agents. The Board” and insert the phrase “sales agents. The Chief Financial Officer” in its place.

(q) Section 2-2517 (D.C. Official Code § 3-1317) is amended as follows:

(1) Strike the phrase “The Board may authorize” and insert the phrase “The Chief Financial Officer may authorize” in its place.

(2) Strike the phrase “the Board may determine.” and insert the phrase “the Chief Financial Officer may determine.” in its place.

(3) Strike the phrase “accounts of the Board” and insert the phrase “accounts of the Office” in its place.

(4) Strike the phrase “authorized by the Board because” and insert the phrase “authorized by the Chief Financial Officer because” in its place.

(5) Strike the phrase “as the Board may require.” and insert the phrase “as the Chief Financial Officer may require.” in its place.

(r) Section 2-2518 (D.C. Official Code § 3-1318) is amended as follows:

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

(A) The lead-in language is amended by striking the word “Board” and inserting the word “Office” in its place.

(B) Paragraph (5) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(2) Subsection (b) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(s) Section 2-2519 (D.C. Official Code § 3-1319) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(t) Section 2-2520(a) (D.C. Official Code § 3-1320(a)) is amended as follows:

(1) Strike the phrase “Any member or employee of the Board” and insert the phrase “The Chief Financial Officer, any employee of the Office,” in its place.

(2) Strike the phrase “any member or employee of the Board” and insert the phrase “the Chief Financial Officer or any employee of the Office” in its place.

(u) Section 2-2521 (D. C. Official Code § 3-1321) is amended as follows:

(1) The existing text is designated as subsection (a).

(2) The newly designated subsection (a) is amended as follows:

(A) Strike the phrase “The Board” wherever it appears and insert the phrase “The Chief Financial Officer” in its place.

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(B) Strike the phrase “paid over to the Board which shall” and insert the phrase “paid over to the District of Columbia Treasurer, who shall” in its place.

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

“(b) Any rule or regulation promulgated by the Board before the transfer of its functions and personnel to the Chief Financial Officer by section 424(a)(3) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24a(c)), shall continue in effect, except to the extent it is modified or superseded by the Chief Financial Officer, or designee, or made inapplicable by or under other law.”

(v) Section 2-2522 (D.C. Official Code § 3-1322) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

(w) Section 2-2522a (D.C. Official Code § 3-1322.01) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(x) Section 2-2523 (D.C. Official Code § 3-1323) is amended as follows:

(1) Subsection (a) is amended by striking the word “Board” and inserting the word “Office” in its place.

(2) Subsection (b) is amended by striking the word “Board” and inserting the word “Office” in its place.

(3) Subsection (b-1) is amended as follows:

(A) Paragraph (1) is amended by striking the word “Board” and inserting the word “Office” in its place.

(B) Paragraphs (2) and (3) are amended by striking the word “Board” both times it appears and inserting the phrase “Chief Financial Officer” in its place.

(4) Subsections (c) and (d) are amended by striking the word “Board” wherever it appears and inserting the word “Office” in its place.

(y) Section 2-2524 (D.C. Official Code § 3-1324) is amended as follows:

(1) Strike the phrase “The Board shall adopt rules” and insert the phrase “The Chief Financial Officer shall adopt rules” in its place.

(2) Strike the phrase “raffles. The Board” and insert the phrase “raffles. The Office” in its place.

(3) Strike the phrase “regulations. The Board” and insert the phrase “regulations. The Office” in its place.

(4) Strike the phrase “paid over to the Board” and insert the phrase “paid over to the Office” in its place.

(5) Strike the phrase “right to a hearing before the Board” and insert the phrase “right to a hearing before the Chief Financial Officer, or designee,” in its place.

(z) Section 2-2525 (D.C. Official Code § 3-1325) is amended as follows:

(1) Strike the phrase “regulations of the Board and to insure” and insert the phrase “regulations of the Chief Financial Officer and to insure” in its place.

(2) Strike the phrase “given to the Board” and insert the phrase “given to the Office” in its place.

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(3) Strike the phrase “determined by the Board.” and insert the phrase “determined by the Chief Financial Officer.” in its place.

(4) Strike the phrase “pay to the Board” and insert the phrase “pay to the Office” in its place.

(aa) Section 2-2526(a) (D.C. Official Code § 3-1326(a)) is amended as follows:

(1) Strike the phrase “licensed by the Board” both times it appears and insert the phrase “licensed by the Office” in its place.

(2) Strike the phrase “regulations of the Board” and insert the phrase “regulations of the Chief Financial Officer” in its place.

(3) Strike the phrase “prescribed by the Board” and insert the phrase “prescribed by the Office” in its place.

(4) Strike the phrase “directives of the Board” and insert the phrase “directives of the Chief Financial Officer” in its place.

(bb) Section 2-2527 (D.C. Official Code § 3-1327) is amended as follows:

(1) Strike the phrase “set by the Board” and insert the phrase “set by the Chief Financial Officer” in its place.

(2) Strike the phrase “enable the Board” and insert the phrase “enable the Office” in its place.

(cc) Section 2-2528(a) (D.C. Official Code § 3-1328(a)) is amended by striking the phrase “The Board, in its discretion” and inserting the phrase “The Chief Financial Officer, in the Chief Financial Officer’s discretion” in its place.

(dd) Section 2-2529 (D. C. Official Code § 3-1329) is amended by striking the word “Board” and inserting the word “Office” in its place.

(ee) Section 2-2530 (D. C. Official Code § 3-1330) is amended by striking the word “Board” wherever it appears and inserting the word “Office” in its place.

(ff) Section 2-2531 (D.C. Official Code § 3-1331) is amended as follows:

(1) Strike the word “Board” wherever it appears and insert the phrase “Chief Financial Officer” in its place.

(2) Strike the phrase “at which he shall have the right” and insert the phrase “at which the licensee shall have the right” in its place.

(gg) Section 2-2532 (D. C. Official Code § 3-1332) is amended by striking the word “Board” and inserting the word “Office” in its place.

(hh) Section 2-2535 (D.C. Official Code § 3-1335) is amended by striking the word “Board” wherever it appears and inserting the phrase “Chief Financial Officer” in its place.

(ii) Section 2-2536 (D. C. Official Code § 3-1336) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “No Board member, officer, or employee of the Board” and inserting the phrase “Neither the Chief Financial Officer nor any employee of the Office of the Chief Financial Officer or the Office” in its place.

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

(A) Strike the phrase “Office of Contracting and Procurement” and insert the phrase “Office of Contracts of the Office of the Chief Financial Officer” in its place.

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(B) Strike the phrase “on behalf of the Board” and insert the phrase “on behalf of the Office” in its place.

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

“(d) No contract awarded or entered into by the Office of the Chief Financial Officer may be assigned by the holder thereof except by specific approval of the Chief Financial Officer.”.

(4) Subsection (g) is amended by striking the word “Board” and inserting the phrase “Chief Financial Officer” in its place.

Sec. 7073. Section 2(e)(11) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)(11)), is repealed.

Sec. 7074. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D. C. Official Code 1-601.01 *et seq.*), is amended as follows:

(a) Section 406(b)(14) (D.C. Official Code § 1-604.06(b)(14)) is amended to read as follows:

“(14) For all employees of the Office of Lottery and Charitable Games, including the Executive Director, the personnel authority is the Chief Financial Officer.”.

(b) Section 908(13) (D.C. Official Code § 1-609.08(13)) is repealed.

SUBTITLE G. OIG AUDIT AMENDMENT

Sec. 7081. Short title.

This subtitle may be cited as the “Office of Inspector General Audit Amendment Act of 2016”.

Sec. 7082. Section (3)(e) of the District of Columbia Emergency Highway Relief Act, approved August 4, 1995 (109 Stat. 257; D.C. Official Code § 9-109.02(e)), is amended by striking the phrase “March 15 thereafter” and inserting the phrase “May 31 thereafter” in its place.

SUBTITLE H. PARKSIDE PARCEL E AND J TAX ABATEMENT

Sec. 7091. Short title.

This subtitle may be cited as the “Parkside Parcel E and J Mixed-Income Apartments Tax Abatement Amendment Act of 2016”.

Sec. 7092. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by striking the phrase “47-4658. Parkside Parcel E and J Mixed-Income Apartments; Lot 808, Square 5041 and Lot 811, Square 5056.” and inserting the phrase “47-4658. Lot 72, Square 5041 and Lot 811, Square 5056.” in its place.

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(b) Section 47-4658 is amended as follows:

(1) The heading is amended to read as follows:

“§ 47-4658. Lot 72, Square 5041 and Lot 811, Square 5056.”.

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

“(a) Subject to subsection (b) of this section, the real property described as Lot 72 in Square 5041 and Lot 811 in Square 5056 shall be allowed an annual real property tax abatement equal to the amount of the real property taxes assessed and imposed by Chapter 8 of this title of up to a total maximum amount for each lot of \$300,000 per year for 10 property tax years commencing for Lot 72 and Lot 811 at the beginning of the first month following the date that specific lot is issued a final certificate of occupancy (“commencement date”) and ending for each lot at the end of the 10th full real property tax year following the lot’s commencement date.”.

(3) Subsection (b) is amended by striking the year “2018” and inserting the year “2020” in its place.

(4) Subsections (c) and (d) are amended to read as follows:

“(c) Notwithstanding any other provision of law and provided that the final certificate of occupancy is issued on or before September 20, 2020, upon the issuance of a final certificate for Lot 72 or Lot 811, any fees or deposits charged to and paid by the owner of that specific lot for the development of Lot 72 or Lot 811, including private space or building permit fees or public space permit fees (“related fees”), shall be refunded and any prospective related fees forgiven.

“(d) The tax abatements and the exemptions from fees and deposits provided pursuant to this section shall be in addition to, and not in lieu of, any other tax relief or assistance from any other source applicable to the development of Lot 72 or Lot 811.”.

SUBTITLE I. SCHEDULE H CONSUMER PRICE INDEX AMENDMENT

Sec. 7101. Short title.

This subtitle may be cited as the “Schedule H Consumer Price Index Amendment Act of 2016”.

Sec. 7102. Section 47-1806.06(r) of the District of Columbia Official Code is amended to read as follows:

“(r)(1) “The maximum credit amount of \$1000 shall be adjusted annually for inflation based on the Consumer Price Index (if the adjustment does not result in a multiple of \$25, rounded down to the next multiple of \$25).

“(2) The eligibility income threshold of \$50,000 (\$60,000 for eligible senior claimants) shall be adjusted annually for inflation based on the Consumer Price Index (if the adjustment does not result in a multiple of \$100, rounded down to the next multiple of \$100).

“(3) In the case of a negative annual inflation rate based on the Consumer Price Index, neither the credit amount of \$1000 nor the eligibility income threshold of \$50,000 (\$60,000 for eligible senior claimants) shall be decreased.

“(4) For the purposes of this subsection, the term “Consumer Price Index” means the all items index of the Consumer Price Index for All Urban Consumers for Washington-

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Baltimore Area, published by the Bureau of Labor Statistics of the United States Department of Labor.”.

SUBTITLE J. TAX SALE RESOURCE CENTER AND DEED CLARIFICATION

Sec. 7111. Short title.

This subtitle may be cited as the “Tax Sale Resource Center and Deed Clarification Amendment Act of 2016”.

Sec. 7112. Chapter 13A of Title 47 of the District of Columbia Official Code is amended as follows:

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

(1) Subsection (a)(2) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW.”.

(2) Subsection (b-1)(2) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave. NW.”.

(b) Section 47-1353.01(b) is amended by striking the phrase ““Tax Sale Resource Center. Resource Center attorneys provide legal information to taxpayers and interested parties who do not have their own lawyers on Wednesday mornings from 10:00am to 12:00pm when court is in session. The Resource Center is located in the Moultrie Courthouse at 500 Indiana Ave., NW.”.

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

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

SUBTITLE K. TAX REVISION COMMISSION IMPLEMENTATION

Sec. 7121. Short title.

This subtitle may be cited as the “Tax Revision Implementation Amendment Act of 2016”.

Sec. 7122. Section 47-181(b) of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as paragraph (1).

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

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“(2) If local Fiscal Year 2017 recurring annual revenues included in the quarterly revenue estimate issued in September 2016 exceed the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2017, the additional revenue shall be used to continue implementation of the TRC Act according to the priority set forth in subsection (c) of this section for taxable years beginning or deaths occurring, as applicable, after December 31, 2016; provided, that the Chief Financial Officer shall recalculate the cost of the provisions of the TRC Act with the September 2016 estimate.”.

SUBTITLE L. LIHTC PILOT PROGRAM AMENDMENT

Sec. 7131. Short title.

This subtitle may be cited as the “LIHTC Pilot Program Initiation Amendment Act of 2016”.

Sec. 7132. Section 47-4802(a)(2) of the District of Columbia Official Code is amended by striking the phrase “tax year 2016” and inserting the phrase “tax year 2017” in its place.

SUBTITLE M. FISCAL STABILIZATION RESERVE AMENDMENT

Sec. 7141. Short title.

This subtitle may be cited as the “Fiscal Stabilization Reserve Amendment Act of 2016”.

Sec. 7142. Section 47-392.02(j-1) of the District of Columbia Official Code is amended as follows:

(a) Paragraph (2) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “act; and” and inserting the phrase “act;” in its place.

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

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

“(C) Funding for the appropriations advance to District of Columbia Public Schools and District of Columbia Public Charter Schools as authorized by the annual budget and financial plan; provided, that any amounts used must be replenished immediately upon the approval of the District’s annual budget for that year.”.

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

“(2A) The Fiscal Stabilization Reserve Account may be used by the Chief Financial Officer to cover cash flow needs; provided, that any amounts used shall be replenished to the Fiscal Stabilization Reserve Account in the same fiscal year.”.

SUBTITLE N. SPECIAL BUDGET PROVISION REFORM

Sec. 7151. Short title.

This subtitle may be cited as the “Special Budget Provision Reform Act of 2016”.

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Sec. 7152. Chapter 3 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) Strike the phrase “47-368.01. Transfer of dedicated funds to the General Fund.” and insert the phrase “47-368.01. Transfer of dedicated funds to the General Fund. [Repealed].” in its place.

(2) Strike the phrase “47-368.02. Increase in funds and fees and charges.” and insert the phrase “47-368.02. Increase in funds and fees and charges. [Repealed].” in its place.

(3) Strike the phrase “47-368.03. Reduction in rates for certain excise taxes.” and insert the phrase “47-368.03. Reduction in rates for certain excise taxes. [Repealed].” in its place.

(b) Section 47-368.01 is repealed.

(c) Section 47-368.02 is repealed.

(d) Section 47-368.03 is repealed.

SUBTITLE O. VAULT TAX EXPANSION

Sec. 7161. Short title.

This subtitle may be cited as the “Vault Tax Expansion Amendment Act of 2016”.

Sec. 7162. Section 305(d) of the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1159; D.C. Official Code § 10-1103.04(d)), is amended by adding a new paragraph (4) to read as follows:

“(4) Any vault serving, in whole or in part, real property located at Square 287, Lot 812 shall be exempt from vault rent.”.

SUBTITLE P. WALKER JONES REAL PROPERTY TAX ABATEMENT

Sec. 7171. Short title.

This subtitle may be cited as the “Walker Jones/Northwest One Unity Health Center Tax Abatement Amendment Act of 2016”.

Sec. 7172. Section 47-4619(b) of the District of Columbia Official Code is amended by striking the phrase “October 1, 2009 to September 30, 2013” and inserting the phrase “October 1, 2016, to September 30, 2021” in its place.

Sec. 7173. Section 3 of the Walker Jones/Northwest One Unity Health Center Tax Abatement Act of 2008, effective March 25, 2009 (D.C. Law 17-351; 56 DCR 1113), is repealed.

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**SUBTITLE Q. JUBILEE ONTARIO APARTMENTS REAL PROPERTY TAX
ABATEMENT**

Sec. 7181. Short title.

This subtitle may be cited as the "Jubilee Ontario Apartments Real Property Tax Abatement Amendment Act of 2016".

Sec. 7182. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-1098. Jubilee Ontario Apartments, LP, Lot 805, Square 2565."

(b) A new section 47-1098 is added to read as follows:

"§ 47-1098. Jubilee Ontario Apartments, LP, Lot 805, Square 2565.

"The portion of Lot 805 in Square 2565, located at 2525 Ontario Road, N.W. ("Property") that is used for nonresidential purposes, shall be exempt from real property taxation so long as the residential portion of the Property continues to be exempt from real property taxation pursuant to § 47-1005.02."

Sec. 7183. The Council of the District of Columbia orders that all real property taxes, interest, penalties, fees, and other related charges assessed against the real property located at 2525 Ontario Road, N.W., described as Lot 805, Square 2565, for the period beginning March 27, 2015, through November 31, 2016, and recordation tax, interest, or penalties assessed or collected on Document number 2015028485, recorded March 27, 2015, shall be forgiven and that any payments made shall be refunded to the person who made the payments.

TITLE VIII. CAPITAL BUDGET**SUBTITLE A. FY 2017 CAPITAL PROJECT FINANCING REALLOCATION
APPROVAL**

Sec. 8001. Short title.

This subtitle may be cited as the "Fiscal Year 2017 Capital Project Reallocation Approval Act of 2016".

Sec. 8002. (a) Pursuant to and in accordance with Chapter 3 of Title 47 of the District of Columbia Official Code, the Council approves the Mayor's request to reallocate \$180,809,546 in general obligation bond proceeds from the District capital projects listed in Table A to the District capital projects listed in Table B, in the amounts specified.

(b) The current allocations were made pursuant to the Fiscal Year 2010 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Emergency Approval Act of 2009, effective December 4, 2009 (D.C. Act 18-240; 56 DCR 9265), the Fiscal Year 2012 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2011, effective December 6, 2011 (Res. 19-315; 58 DCR 10556), the Fiscal Year 2013 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution

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of 2012, effective October 16, 2012 (Res.19-635; 59 DCR 12818), the Fiscal Year 2014 Income Tax Secured Revenue Bond and General Obligation Approval Resolution of 2013, effective November 5, 2013 (Res. 20-321; 60 DCR 15794), and the Fiscal Year 2015 Income Tax Secured Revenue Bond and General Obligation Bond Issuance Approval Resolution of 2014, effective November 28, 2014 (Res. 20-687; 61 DCR 12738).

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TABLE A.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2010A	140,465
Department of General Services	BC1	DGS	Facility Condition Assessment	2012C I.T.	113,644
Department of Parks and Recreation	BSM	DGS	Berning Stoddert Modernization	2012C I.T.	3,124,785
Department of Parks and Recreation	QH7	DPR	Park Improvements - Project Management	2012C I.T.	393,520
Department of Parks and Recreation	QJ8	DGS	Friendship Park	2012C I.T.	529,131
Department of Parks and Recreation	QN4	DGS	Ward 2 Public Park Rehabilitation	2012C I.T.	334,244
District Department of Transportation	ED1	DDOT	Rhode Island Avenue NE Small Area Plan	2012C I.T.	599,509
District Department of Transportation	EDS	DDOT	Great Streets Initiative	2012C I.T.	292,359
District Department of Transportation	STC	DDOT	Streetscan	2012C I.T.	43,409
District of Columbia Public Schools	MO3	DGS	Moten ES Modernization	2012C I.T.	1,565,607
District of Columbia Public Schools	ND4	DGS	Deal JHS Modernization/Renovation	2012C I.T.	11,664
District of Columbia Public Schools	NJ8	DGS	McKinley Modernization	2012C I.T.	11,442
District of Columbia Public Schools	PE3	DGS	Drew ES Modernization/Renovation	2012C I.T.	39,641
Fire and Emergency Management Services	LB7	FEMS	Engine Company 16 Renovation	2012C I.T.	2,268,528
Metropolitan Police Department	ECS	MPD	Automation Of Report Generation & Purchase	2012C I.T.	300,000
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2012C I.T.	481,728
Department of Behavioral Health	XA6	OCTO	St. Elizabeths Info Tech System	2013A G.O.	81,575
Department of Behavioral Health	XA8	DBH	Integrated Care Applications Mgmt	2013A G.O.	145,551
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2013A G.O.	508,089
Department of Healthcare Finance	MPM	DHCF	Medicaid Payment Management System	2013A G.O.	1,313,068
Department of Parks and Recreation	QE5	DGS	ADA Compliance	2013A G.O.	75,757
Department of Parks and Recreation	QJ8	DGS	Friendship Park	2013A G.O.	351,837
Department of Public Works	FS1	DPW	Upgrade To DPW Facing Sites	2013A G.O.	76,846
Deputy Mayor for Planning and Economic Development	AWR	DMPED	Saint Elizabeths E Campus Infrastructure	2013A G.O.	1,546,808
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2013A G.O.	2,354,064
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2013A G.O.	1,678,669
District Department of Transportation	ED1	DDOT	Georgetown Streetscape Improvements	2013A G.O.	500,000
District Department of Transportation	FLD	DDOT	Prevention Of Flooding In Bloomingdale/Ledroit Pk	2013A G.O.	39,030
District Department of Transportation	PM0	DDOT	Planning, Management & Compliance	2013A G.O.	148,484
District of Columbia Public Schools	PK3	DGS	Martin Luther King ES Modernization	2013A G.O.	538,150
Office of the Chief Technology Officer	EQ1	OCTO	DC Cable Net	2013A G.O.	83,199
Office of the Chief Technology Officer	N60	OCTO	Transportation Infrastructure Modernization	2013A G.O.	99,732
D.C. Public Library	WOD	DCPL	Woodbridge Library	2013A GO	791,863
Office of the Secretary	AB1	DGS	Archives	2013A GO	784,215
Department of General Services	BC1	DGS	Facility Condition Assessment	2014 A/B GO	25,054
D.C. Public Library	WOD	DCPL	Woodbridge Library	2014C G.O.	2,300,000
Department of Corrections	CEV	DOC	DOC Elevator Refurbishment	2014C G.O.	1,566,292
Department of Corrections	CRF	DOC	Roof Refurbishment At DOC Facilities	2014C G.O.	1,500,000
Department of General Services	BC1	DGS	Facility Condition Assessment	2014C G.O.	950,000
Department of Parks and Recreation	QS5	DGS	Barry Farm Recreation Center	2014C G.O.	3,927,608
Deputy Mayor for Planning and Economic Development	EB0	DMPED	New Communities	2014C G.O.	9,000,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	2014C G.O.	2,500,000
District Department of Transportation	6EQ	DDOT	Equipment Acquisition - DDOT	2014C G.O.	3,526,564
District Department of Transportation	BRI	DDOT	Pedestrian Bridge - Parkside	2014C G.O.	8,000,000
District Department of Transportation	FLD	DDOT	Prevention of Flooding In Bloomingdale/Ledroit Pk	2014C G.O.	1,469,644
Office of the Secretary	AB1	DGS	Archives	2014C G.O.	2,500,000
Office of the Chief Financial Officer	BF2	OCFO	CFOSolve	2015A G.O.	429,148
D.C. Public Library	CAV	DCPL	Capitol View Library	Pending	4,500,000
D.C. Public Library	CPL	DCPL	Cleveland Park Library	Pending	4,125,000
D.C. Public Library	PAL	DCPL	Palisades Library	Pending	5,700,000
District Department of Employment Services	UIM	DOES	Unemployment Insurance Modernization Project	Pending	2,500,000
Deputy Mayor for Planning and Economic Development	STH	DMPED	Strand Theatre	Pending	1,000,000
Metropolitan Police Department	PEQ	MPD	Specialized Vehicles - MPD	Pending	2,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 22 Firehouse Replacement	Pending	3,000,000
Fire and Emergency Management Services	LC4	DGS	Engine 27 Major Renovation	Pending	2,000,000
Department of Corrections	CEV	DGS	DOC Elevator Refurbishment	Pending	33,708
District of Columbia Public Schools	JOH	DGS	Johnson MS Renovation/Modernization	Pending	2,886,000
District of Columbia Public Schools	NX8	DGS	Coolidge HS Modernization/Renovation	Pending	3,000,000
District of Columbia Public Schools	SG3	DGS	Maintenance Improvements	Pending	7,738,513
State Superintendent of Education	SIS	OSSE	Single State-Wide Student Information System	Pending	1,800,000
Special Education Transportation	BU4	SET	Bus Facility Upgrades	Pending	2,740,000
Special Education Transportation	BU5	SET	DOT GPS System	Pending	1,000,000
Department of Parks and Recreation	FTD	DGS	Fort Davis Recreation Center	Pending	2,000,000
Department of Parks and Recreation	IVY	DGS	Ivy City Community Center	Pending	1,925,000
Department of Parks and Recreation	Q10	DGS	Fort Greble Recreation Center	Pending	1,000,000
Department of Parks and Recreation	Q11	DGS	Hillcrest Recreation Center	Pending	1,500,000
Department of Parks and Recreation	QF4	DGS	Berning Park Recreation Center Rehab	Pending	1,400,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Healthcare Finance	MPM	DHCF	MMIS System Upgrade	Pending	2,300,000
Department of Healthcare Finance	H11	DHCF	District Operated Health Information System	Pending	3,145,040
District Department of Transportation	AW0	DDOT	S Capitol St/Frederick Douglass Bridge	Pending	40,000,000
District Department of Transportation	CDT	DDOT	Railroad Bridges	Pending	10,340
District Department of Transportation	PLU	DDOT	Power Line Undergrounding	Pending	4,000,000
District Department of Transportation	TRF	DDOT	Traffic Operations Center 5	Pending	1,500,000
Office of the Chief Technology Officer	N90	OCTO	DC Government New Data Center Build-out	Pending	3,000,000
Office of the Chief Technology Officer	N91	OCTO	DC Government Citywide IT Security Program	Pending	1,500,000
Office of the Chief Technology Officer	N92	OCTO	Citywide Disk Based Backup Infrastructure	Pending	445,022
TOTAL					\$180,809,546

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TABLE B.

Owner Agency Name	Project Number	Implementing Agency	Project Title	Bond Issuance Series	Amount
District of Columbia Public Schools	BRK	DGS	Brookland MS Modernization	N/A	8,200,000
District of Columbia Public Schools	GM1	DGS	Major Repairs/Maintenance	N/A	6,100,000
District of Columbia Public Schools	GM3	DGS	High School Labor - Program Management	N/A	5,000,000
District of Columbia Public Schools	NA6	DGS	Ballou SHS	N/A	20,100,000
District of Columbia Public Schools	NR9	DGS	Roosevelt HS Modernization	N/A	15,500,000
State Superintendent of Education	SFF	OSSE	Evars Campus	N/A	2,000,000
Deputy Mayor for Economic Development	AMS	DMPED	McMillan Site Redevelopment	N/A	1,467,000
WMATA	SA5	DDOT	WMATA CIP Contribution	N/A	693,923
Fire and Emergency Management Services	LF2	DGS	FEMS Scheduled Capital Improvements	Pending	2,275,000
Department of Parks and Recreation	WBR	DGS	Edgewood Recreation Center	Pending	14,000,000
Department of Parks and Recreation	QE2	DGS	Ridge Road Recreation Center	Pending	9,730,000
Department of Parks and Recreation	QN7	DPR	Park Improvements	Pending	19,000,000
Department of Human Services	CMS	DHS	Case Management System - GO Bond	Pending	14,000,000
District Department of Transportation	CEL	DDOT	Alley Rehab	Pending	3,000,000
WMATA	SA3	DDOT	WMATA Fund - PRIAA	Pending	20,000,000
WMATA	SA5	DDOT	WMATA CIP Contribution	Pending	39,743,623
TOTAL					\$180,809,546

TITLE IX. SPECIAL PURPOSE AND DEDICATED REVENUE FUND AMENDMENTS AND TRANSFERS

SUBTITLE A. FIXED COST COMMODITIES RESERVE AMENDMENT

Sec. 9001. Short title.

This subtitle may be cited as the "Fixed Cost Commodities Reserve Amendment Act of 2016".

Sec. 9002. Section 47-368.04 of the District of Columbia Official Code is amended as follows:

(a) Subsection (b) is amended by striking the phrase "and rent" and inserting the phrase "and rent; provided, that the amount in the Fund shall not exceed \$5 million in any fiscal year" in its place.

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

"(c) Amounts in the Fund shall be used only for the purposes in subsection (b) of this section and shall not be available for other purposes or be transferred to other funds or accounts."

Sec. 9003. Notwithstanding section 47-368.04 of the District of Columbia Official Code, or any other law restricting the use of the funds in the Commodities Cost Reserve Fund, the Chief Financial Officer shall transfer from the Commodities Cost Reserve Fund in Fiscal Year 2016 and recognize as Fiscal Year 2017 local funds resources \$19,477,173.

TITLE X. APPLICABILITY; FISCAL IMPACT; EFFECTIVE DATE

Sec. 10001. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2016.


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Sec. 10002. Fiscal impact statement.


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

Sec. 10003. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
August 18, 2016

ENROLLED ORIGINAL

AN ACT

D.C. ACT 21-489

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 18, 2016

To amend the Street and Alley Closing and Acquisition Procedures Act of 1982 to repeal certain provisions and establish new procedures to designate an official name or a symbolic name for an alley or street, or portion thereof, or other public space.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Space Naming Amendment Act of 2016".

Sec. 2. The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-201.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 9-201.01) is amended as follows:

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

"(5A) "Official name" means the legal designation of an alley or street, or portion thereof, for use in a mailing address and other official purposes.

"(5B) "Other public space" means a public space other than an alley or street."

(2) A new paragraph (9) is added to read as follows:

"(9) "Symbolic name" means a ceremonial name given to an alley or street, or portion thereof, or other public space that is in addition and subordinate to its official name."

(b) Section 401 (D.C. Official Code § 9-204.01) is amended as follows:

(1) Paragraph (4) is amended by striking the phrase "Part B" and inserting the phrase "Subtitle B" in its place.

(2) New paragraphs (5), (6), and (7) are added to read as follows:

"(5) For an alley or street, or portion thereof, or other public space, the criteria set forth in Subtitle C of this title shall be met before Council approval.

"(6) Any designation or change of name of an alley or street, or portion thereof, or other public space made before the effective date of the Public Space Naming Amendment Act of 2016, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-614) ("2016 Act"), shall not be affected by any of the 2016 Act requirements.

"(7) This title shall not apply to any street, alley, other public space, or commemorative work not under the jurisdiction of the District of Columbia."

(c) Section 403 (D.C. Official Code § 9-204.03) is amended to read as follows:

"Sec. 403. Alleys.

"(a) An alley that does not provide the primary access to a residential or commercial property shall not be designated with an official name.

ENROLLED ORIGINAL

“(b) The designation of an alley with an official name or symbolic name shall not constitute a change to its status as an alley, and shall not authorize the addition of any District services to the alley or structures abutting the alley.

“(c) An official name of an alley shall conclude with the term “Alley” or “Court”.

“(d) For the purposes of this section, the naming of an alley shall apply to the passageway within a square, unless the Council specifically provides otherwise in legislation.”.

(d) Section 403a (D.C. Official Code § 9-204.03a) is amended to read as follows:

“Sec. 403a. Symbolic names.

“(a) The Council may designate a symbolic name for any an alley or street, or portion thereof, or other public space.

“(b) A symbolic name shall not include any of the following terms: “Avenue”, “Street”, “Road”, “Drive”, “Place”, “Circle”, “Alley”, or “Court”.

“(c) A symbolic name of an alley or street, or portion thereof, shall conclude with the term “Way” or “Plaza”.

“(d) For the purposes of this section, the naming of an alley shall apply to the passageway within a square, unless the Council specifically provides otherwise in legislation.”.

(e) Sections 406 (D.C. Official Code § 9-204.06), 407 (D.C. Official Code § 9-204.07), and 408 (D.C. Official Code § 9-204.08) are repealed.

(f) Section 409 (D.C. Official Code § 9-204.09) is amended by striking the phrase “the Board of Education, the Board of Library Trustees,” and inserting the phrase “the Board of Library Trustees” in its place.

(g) Part B is redesignated as Subtitle B.

(h) A new Subtitle C is added to read as follows:

“Subtitle C. Streets, alleys, and other public spaces.

“Sec. 421. Designation of official names of streets and alleys.

“(a) Any designation of an alley or street, or portion thereof, with an official name shall meet the requirements of sections 402 and 403, as well as the requirements of this section.

“(b) At least 15 days, but no more than 60 days, before the date of a Council hearing to consider legislation to designate the official name of an alley or street, or portion thereof, the initiator of the proposal to designate the official name of an alley or street, or portion thereof, shall:

“(1) Give written notice of the date, time, and location of the public hearing to each resident and owner of property that abuts the alley or street, or portion thereof, proposed to be designated with an official name; and

“(2) Post signs that indicate the date, time, and location of the public hearing at each intersection of the portion of the alley or street proposed to be designated with any other alley or street.

“(c) The Mayor shall make available the signs to be posted pursuant to subsection (b)(2) of this section.

“(d) At least 30 days before the date of a Council hearing to consider legislation to designate the official name of an alley or street, or portion thereof, the initiator of the proposal to designate the official name of an alley or street, or portion thereof, shall submit a copy of the

ENROLLED ORIGINAL

proposed legislation for review and comment to each Advisory Neighborhood Commission in which the portion of the alley or street to be designated is located.

“(e) The initiator of a proposal to designate the official name of an alley or street, or portion thereof, shall certify to the Council that the notice required by subsection (b) of this section has been given. A post-office receipt of proof of mailing of the notice to each resident’s or property owner’s last known address and a photograph of each posted sign shall be sufficient proof that the required notice was given.

“(f) At least 15 days before the date of a Council hearing to consider legislation to designate an official name for an alley or street, or portion thereof, the initiator of the proposal to designate the official name of an alley or street, or portion thereof, shall submit a petition to the Council in support of the proposal that has been signed by a majority of the residents and owners of property that abuts the portion of the alley or street proposed to be designated with an official name.

“(g) Before consideration by the Council, including a vote of a committee of the Council, of a bill to designate an official name for an alley or street, or portion thereof, the Mayor shall provide the Council with a surveyor’s plat showing:

“(1) The alley or street, or portion thereof, to be designated;

“(2) The squares in or adjacent to which the portion of the alley or street to be designated is located; and

“(3) Any squares abutting the squares in or adjacent to which the alley or street to be designated is located.

“(h) The Mayor may establish, by rulemaking, fees to be paid by the initiator of a proposal to designate an official name of an alley or street, or portion thereof, to recoup costs associated with satisfying the requirements of this section, including obtaining consideration of the proposal by the Council and implementation of the proposal by the Mayor.

“(i) If the Mayor or a Councilmember is the initiator of the legislation to designate an official name pursuant to this section, the Mayor shall assist the Council in satisfying the requirements of this section, except that subsections (f) and (h) of this section shall not apply.

“Sec. 422. Designation of official names for other public spaces

“(a) At least 30 days before the date of a Council hearing to consider legislation to designate an official name for a public space other than an alley or street, or portion thereof, the initiator of the proposal to designate the official name of the public space shall submit a copy of the legislation for review and comment to each Advisory Neighborhood Commission in which the public space is located.

“(b) Before the date of a Council hearing to consider legislation to designate an official name for a public space other than an alley or street, or portion thereof, the Mayor shall provide the Council with comments on the proposed designation submitted by any District agency with jurisdiction over the public space to be designated.

“(c) Before consideration by the Council, including a vote of a committee of the Council, of a bill to designate an official name for a public space other than an alley or street, or portion thereof, the Mayor shall provide the Council with a surveyor’s plat showing:

“(1) The public space to be designated;

ENROLLED ORIGINAL

“(2) The squares in or adjacent to which the public space is located; and

“(3) Any squares abutting the squares in or adjacent to which the public space is located.

“(d) The Mayor may establish, by rulemaking, fees to be paid by the initiator of a proposal to designate an official name of a public space to recoup costs associated with satisfying the requirements of this section, including obtaining consideration of the proposal by the Council and implementation of the proposal by the Mayor.

“(e) If the Mayor or a Councilmember is the initiator of the legislation to designate an official name pursuant to this section, the Mayor shall assist the Council in satisfying the requirements of this section.

“Sec. 423. Designation of symbolic names for public spaces, streets, and alleys.

“(a) Any designation of an alley or street, or portion thereof, with a symbolic name shall meet the requirements of section 403a.

“(b) Before the date of a Council hearing to consider legislation to designate a symbolic name for an alley or street, or portion thereof, or other public space, the initiator of the proposal to designate the symbolic name for the an alley or street, or portion thereof, or other public space shall provide notice of the hearing to each Advisory Neighborhood Commission in which the portion of the alley or street or other public space to be designated is located.

“Sec. 424. Implementation of public space, street, and alley names.

“(a) Following the effective date of an act to designate the official name of an alley or street, or portion thereof, the Mayor shall:

“(1) Update relevant records of the District of Columbia to reflect the official name of an alley or street, or portion thereof, including:

“(A) Fire and Emergency Medical Services Department records;

“(B) Homeland Security and Emergency Management Agency records;

“(C) District of Columbia maps; and

“(D) Any other record of the District of Columbia used for way-finding or address purposes;

“(2) Notify the United States Postal Service, other relevant government agencies as determined by the Mayor, and relevant private sector entities as determined by the Mayor, of the official name of the alley or street, or portion thereof; and

“(3) Install signage indicating the official name of the alley or street, or portion thereof, using procedures established by the District Department of Transportation, and remove any signs with a previous name; provided, that at least one sign bearing the previous name of the alley or street, or portion thereof, shall be transferred to the Archives of the District of Columbia.

“(b) Following the effective date of an act to designate an official name of a public space other than an alley or street, or portion thereof, the Mayor may install signage denoting the public space name. The signage shall conform to the policies of the agency with jurisdiction over the public space.

“(c) Following the effective date of an act to designate an official name of an alley or street, or portion thereof, or other public space, the Surveyor of the District of Columbia shall record a copy of the act and the Surveyor’s plat in the Office of the Surveyor.

ENROLLED ORIGINAL

“(d)(1) When legislation to designate a symbolic name for an alley or street, or portion thereof, or other public space becomes effective, the Mayor may install signage denoting the area of the designation.

“(2) The design used for signage for a symbolic name of an alley or street, or portion thereof, including any replacement signage, shall be uniform and distinct from the design used for signage for official names, except for those signs installed before the effective date of the Public Space Naming Amendment Act of 2016, passed on 2nd reading on July 12, 2016 (Enrolled version of Bill 21-614).”.

Sec. 3. Section 2 of the Commemorative Works on Public Space Amendment Act of 2000, effective April 4, 2001 (D.C. Law 13-275; 48 DCR 1660), is amended as follows:

(a) Subsection (b) is amended by striking the phrase “Part A” and inserting the phrase “Subtitle A” in its place.

(b) Subsection (d) is amended by striking the phrase “Part B” and inserting the phrase “Subtitle B” in its place.

Sec. 4. Fiscal impact statement.

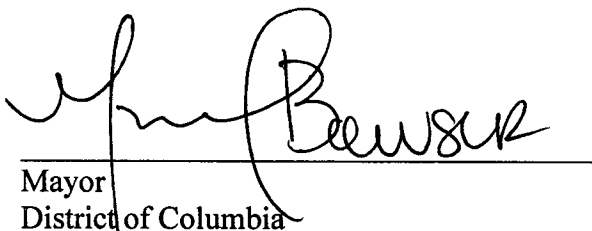
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

August 18, 2016

APPROVED

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

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

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

ANNOUNCE A PUBLIC HEARING ON:

**Bill 21-696, the “Feminine Hygiene and Diapers Sales Tax Exemption Amendment Act of 2016”;
Bill 21-763, the “Statute of Limitations Clarifying Amendment Act of 2016”; and
B21-836, the “Food, Environmental, and Economic Development in the District of Columbia
Amendment Act of 2016”**

Wednesday, September 28, 2016

10:00 a.m.

**Council Chambers, Room 500 - John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, and Chairman Phil Mendelson, Chairman of the Committee of the Whole announce a joint public hearing to be held on Wednesday, September 28, 2016 at 10:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 21-696, the “Feminine Hygiene and Diapers Sales Tax Exemption Amendment Act of 2016”, would amend section 47-2005 of the District of Columbia Official Code to provide definitions of and exemptions for feminine hygiene products and diapers from sales tax.

Bill 21-763, the “Statute of Limitations Clarifying Amendment Act of 2016”, would amend section 47-4301 of the District of Columbia Official Code to conform to the federal statute of limitation in the case of overstatement of basis to clarify that a 6-year statute of limitations on assessment applies to an overstatement of unrecovered cost or other basis.

Bill 21-836, the “Food, Environmental, and Economic Development in the District of Columbia Amendment Act of 2016”, would amend Chapter 38 of Title 47 of the District of Columbia Official Code and the Food, Environmental, and Economic Development in the District of Columbia Act of 2010 to provide a supermarket tax exemption to census tracts 16 and 94 thereby incentivizing supermarkets to locate or remain in food deserts and provide fresh food options to the residents of the District of Columbia.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Aide, Committee on Finance and Revenue, at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, September 27, 2016. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103055
Licensee: E and K, Inc
Trade Name: Champion Kitchen
License Class: Retailer's Class "C" Restaurant
Address: 7730 Georgia Avenue, N.W.
Contact: Eyob A. Worku: (202) 390-0685

WARD 4 ANC 4A SMD 4A02

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 January 11, 2017 at 1:30 pm.

NATURE OF OPERATION

A new retailer class 'C' restaurant with 44 seats and a Total Occupancy Load of 44. Applicant has also request an Entertainment Endorsement.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103871
Licensee: TKO, LLC
Trade Name: Chateau Remix
License Class: Retailer's Class "C" Tavern
Address: 3439 Benning Road, N.E.
Contact: Jeff Jackson: (202) 251-1566

WARD 7 ANC 7D SMD 7D04

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 January 11, 2017 at 1:30 pm.

NATURE OF OPERATION

New "C" Tavern with 350 seats and a Total Occupancy Load of 350. Applicant has also requested an Entertainment Endorsement with a cover charge to provide live entertainment and dancing.

HOURS OF OPERATION

Sunday through Thursday 10 am - 3 am, Friday & Saturday 10 am - 4 am.

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 10 am - 2 am, Friday & Saturday 10 am - 3 am.

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6 pm - 2:30 am, Friday & Saturday 6 pm - 3:30 am.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Hearing: January 11, 2017

License No.: ABRA-103899
Licensee: Manhattan Laundry DC LLC
Trade Name: Franklin Hall
License Class: Retailer's Class "C" Tavern
Address: 1346 Florida Avenue, N.W.
Contact: Geoffrey Dawson, 202-213-7665

WARD 1

ANC 1B

SMD 1B04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30pm on January 11, 2017.

NATURE OF OPERATION

New Tavern. Serving a fine selection of draft beers, wine and craft cocktails. The food will be selections of sausages, giant pretzels and fries. Entertainment Endorsement to provide live entertainment, dancing, and cover charge. Total Occupancy Load is 232. Summer Garden with 40 seats.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION FOR PREMISES AND SUMMER GARDEN

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

HOURS OF LIVE ENTERTAINMENT FOR PREMISES AND SUMMER GARDEN

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016

License No.: ABRA-100407
Licensee: Ms. Hana, LLC
Trade Name: Mignot
License Class: Retailer's Class "C" Restaurant
Address: 4815 Georgia Avenue N.W.
Contact: Amy Veloz: (202) 686-7600

WARD 4

ANC 4D

SMD 4D06

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests a Change of Hours of operation and alcoholic beverage sales and consumption on premise.

CURRENT HOURS OF OPERATION

Sunday through Saturday 7:00 am to 11:00 pm

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION

Sunday through Saturday 11:00 am to 11:00 pm

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

Sunday through Thursday 11:00 am to 1:30 am, Friday and Saturday 11:00 am to 2:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Hearing: January 11, 2017

License No.: ABRA-103934
Licensee: Another Bobka LLC
Trade Name: On Rye
License Class: Retailer's Class "C" Restaurant
Address: 740 6th Street, N.W.
Contact: Ilyse Fisherman Lerner: 561-703-1028

WARD 2

ANC 2C

SMD 2C01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30pm on January 11, 2017.

NATURE OF OPERATION

New Restaurant. Fast, casual sandwich shop with a modern take on the Jewish deli. Total Occupancy Load is 89.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Saturday 11 am -10 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Hearing: January 11, 2017

License No.: ABRA-103930
Licensee: Glass House Coffee Two, LLC
Trade Name: Slipstream
License Class: Retailer's Class "C" Tavern
Address: 82 I Street, S.E.
Contact: Candace M. Fitch: 202-258-8634

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. 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 4:30pm on January 11, 2017.

NATURE OF OPERATION

New Tavern. Pastry shop coffee house with small plates. Total Occupancy Load is 99.

HOURS OF OPERATON

Sunday through Thursday 6 am -1 am, Friday and Saturday 6 am -2 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 8 am -1 am, Friday and Saturday 8 am -2 am

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

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016

License No.: ABRA-094562
Licensee: Rockfish, LLC
Trade Name: Stonefish Grill & Lounge
License Class: Retailer's Class "C" Restaurant
Address: 1050 17th Street, N.W.
Contact: Michael Fonseca (202)625-7700

WARD 2

ANC 2B

SMD 2B05

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

NATURE OF SUBSTANTIAL CHANGE

Request to Change Class from a Retailer's "C" Restaurant to a Retailer's "C" Tavern.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES,
SERVICE AND CONSUMPTION ON PREMISE**

Sunday through Thursday 11:30 am to 2:00 am, Friday and Saturday 11:30 am to 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:00 pm to 2:00 am, Friday and Saturday 6:00 pm to 3:00 am

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

Sunday 5:00 pm – 11:00 pm, Monday through Friday 11:30 am to 11:00 pm, Saturday 5:00 pm to 11:00 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Hearing Date: January 11, 2017

License No.: ABRA-103881
Licensee: Succotash F Street, LLC
Trade Name: Succotash
License Class: Retailer’s Class “C” Restaurant
Address: 915 F Street, N.W.
Contact: Stephen O’Brien: (202) 625-7700

WARD 2 ANC 2C SMD 2C01

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 January 11, 2017 at 1:30 pm.

NATURE OF OPERATION

A first class restaurant serving a variety of classic food such as smoked ribs, fried chicken and shrimp n' grits with live entertainment. Alcoholic beverages include signature cocktails, curated wine list. Total number of seats: 365. Total Occupancy Load: 450.

HOURS OF OPERATION, ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION AND LIVE ENTERTAINMENT

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 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103863
Licensee: Chicken and Whiskey, LLC
Trade Name: TBD
License Class: Retailer's Class "C" Restaurant
Address: 1738 14th Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 2

ANC 2F

SMD 2F01

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 January 11, 2017 at 1:30 pm.

NATURE OF OPERATION

A new retailer class 'C' restaurant with 55 seats and a Total Occupancy Load of 99.

HOURS OF OPERATION

Sunday through Thursday 11 am – 2: 30 am, Friday and Saturday 11 am – 3:30 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Thursday 11 am – 2am, Friday and Saturday 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103803
Licensee: Bar 207, LLC
Trade Name: The Darkroom
License Class: Retailer's Class "C" Tavern
Address: 207 Florida Avenue, N.W.
Contact: Stephen J. O'Brien (202) 625-7700

WARD 5 ANC 5E SMD 5E06

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 January 11, 2017 at 1:30 pm.

NATURE OF OPERATION

A new retailer class 'C' Tavern with 90 seats and a Total Occupancy Load of 144. Applicant has also requested an Entertainment Endorsement to include dancing.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

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

HOURS OF LIVE ENTERTAINMENT

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

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

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103680
Licensee: TS5 Hospitality, LLC
Trade Name: The Smith
License Class: Retailer's Class "C" Restaurant
Address: 901 F Street, N.W.
Contact: Stephen J. O'Brien: (202) 625-7700

WARD 2

ANC 2C

SMD 2C01

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 January 11, 2017 at 4:30pm.

NATURE OF OPERATION

A neighborhood restaurant serving American brasserie food. Offering Entertainment and a Sidewalk Cafe with seating for 42 patrons. Total Occupancy Load of 346.

HOURS OF OPERATION

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

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION

Sunday through Wednesday 8:00 am- 1:00 am, Thursday through Saturday 8:00 am – 2:00 am

HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday 8:00 am- 10:00 pm, Monday through Thursday 7:00 am- 10:00 pm, Friday 7:00 am- 12:00 am, Saturday 8:00 am – 12:00 am

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

Sunday through Thursday 8:00 am- 10:00 pm, Friday and Saturday 8:00 am – 12:00 am

HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:00 pm- 10:00 pm, Friday and Saturday 6:00 pm – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016

License No.: ABRA-092012
Licensee: Ching, LLC
Trade Name: Uproar DC
License Class: Retailer's Class "C" Tavern
Address: 639 Florida Avenue, N.W.
Contact: Amy Veloz: (202) 686-7600

WARD 1

ANC 1B

SMD 1B01

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

NATURE OF SUBSTANTIAL CHANGE

Applicant requests an expansion to the second floor with Total Occupancy Load of 40.

**CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES,
SERVICE AND CONSUMPTION ON PREMISE AND IN SUMMER GARDEN**

Sunday through Thursday 8:00 am to 2:00 am, Friday and Saturday 8:00 am to 3:00 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Thursday 6:00 pm to 2:00 am, Friday and Saturday 6:00 pm to 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 201
Hearing Date: October 24, 2016
Protest Date: January 11, 2017

License No.: ABRA-103639
Licensee: 1 Dupont Circle, LLC
Trade Name: Wahlburgers-DC
License Class: Retailer's Class "C" Restaurant
Address: 1 Dupont Circle, N.W.
Contact: Keith Lively: (202) 589-1839

WARD 2 ANC 2B SMD 2B02

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 January 11, 2017 at 4:30 pm.

NATURE OF OPERATION

New "C" Restaurant with 183 seats and a Total Occupancy Load of 424. Applicant has also requested a Sidewalk Café with 74 seats.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON PREMISE AND SIDEWALK CAFE

Sunday through Saturday 11 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: August 26, 2016
Petition Date: October 11, 2016
Hearing Date: October 24, 2016
Protest Hearing: January 11, 2017

License No.: ABRA-103824
Licensee: RS Enterprises, Inc.
Trade Name: Ziaafat Grill & Restaurant
License Class: Retailer's Class "C" Restaurant
Address: 1102 8th Street, S.E.
Contact: Khawar Rizvi: 202-531-5112

WARD 6

ANC 6B

SMD 6B04

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 4:30pm on January 11, 2017.

NATURE OF OPERATION

New Restaurant serving Pakistani and Indian cuisine. Total Occupancy Load is 45. Sidewalk Café with 24 seats.

HOURS OF OPERATON AND ALCOHOLIC BEVERAGE

SALES/SERVICE/CONSUMPTION ON PREMISES AND FOR SIDEWALK CAFE

Sunday through Thursday 11 am -11 pm, Friday and Saturday 11 am -12 am

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****Z.C. ORDER NO. 08-06E****Z.C. Case No. 08-06E****(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 July 1, 2016, at 63 DCR 9128 for a fourteen (14) day comment period.

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. 08-06D, which also concerned technical amendments to the 2016 Regulations. The Zoning Administrator (ZA) for the District of Columbia made a submission which, as will be explained, did not actually concern this case. The Commission also received a supplemental report from the Office of Planning that analyzed and made recommendations concerning both comments.

In response to the Committee of 100's comment concerning Subtitle X § 301.2, which authorizes the Commission to waive the minimum land area requirement of Subtitle X § 301.1 for applications in certain Zone Groups, the Commission decided to consider the issue at a hearing. The Commission also authorized the addition of text to permit up to a fifty percent (50%) waiver for Zone Groups 1, 2, 5, and 6 applications, which is the limitation set forth in the 1958 Regulations. Finally, the Commission, on its own motion, set down for a public hearing the amendment to § 301.2 which would allow for a waiver of no specified percentage for Zone Groups 1, 2, 5, and 6. After reviewing the other comments made by the Committee of 100, the Commission concluded that no substantive changes needed to be made to the remaining amendments and that none of the remaining amendments exceeded the scope of a technical correction authorized by 11 DCMR § 3030.

The ZA's comments questioned the wisdom of adopted §§ 304.4 and 304.5 of Subtitle A, which limit the ability of the ZA to permit the modification of plans approved by the Board of Zoning Adjustment to essentially the same limits as currently apply to planned unit developments. The ZA offered a new subsection to provide him with greater flexibility. The ZA also indicated that

he was unclear as to whether the adopted provisions merely authorized the modification or whether he was required grant the relief. Finally, the ZA noted that the provisions, which also allow the same modifications to plans approved by any Commission order, appeared to overlap a somewhat similar provision in Subtitle X, which only pertained to planned unit developments. Since Subtitle A § 304 was not the subject of this case, the Commission made no change to the proposed amendments. Nevertheless, the Commission decided to set down the proposed new text for a hearing, subject to such changes as the Office of the Attorney General deemed necessary, including such additional text as might be required to address the other concerns expressed by the ZA.

Because the amendments were technical corrections, no hearing was required and no referral was made to the National Capital Planning Commission.

The Commission adopted the amendments as final at a public meeting on July 25, 2016.

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 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 shall conform with the 2016 Regulations.

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

Chapter 1, DEFINITIONS, is amended as follows:

Section 100, DEFINITIONS, § 100.2, is amended as follows:

Definition for “Lot, Alley” is amended as follows:

Lot, Alley: Is either a lot that is recorded on the records of the Surveyor, District of Columbia, that faces or abuts an alley that does not face or abut a street at any point (alley record lot) or a lot that is recorded on the records of the D.C Office of Tax and Revenue, on or before November 1, 1957, that faces or abuts an alley that does not face or abut a street at any point (alley tax lot).

Definition for “Height, Floor-to-Ceiling Clear” is amended as follows:

Height, Floor-to-Ceiling Clear: The vertical distance measured from the finished floor to the underside of the finished ceiling. (See Subtitle B § 328.)

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

Section 308, RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, AND RA ZONES, title and section are amended as follows:

308 RULES OF MEASUREMENT FOR BUILDING HEIGHT: R, RF, RA, RC-1, CG-1, AND D-1 ZONES

308.1 The height of buildings, not including a penthouse, in R, RF, RA, RC-1, CG-1, and D-1 zones shall be measured in accordance with the rules provided in this section. If more than one (1) of these subsections applies to a building, the rule permitting the greater height shall apply.

Section 311, LOT OCCUPANCY, § 311.1, is amended as follows:

311.1 Lot occupancy regulations are intended to provide a primary control of the total volume of buildings on a lot through the restriction of a building's horizontal area above a designated horizontal plane. The lot occupancy standards applied through land use subtitles are intended to contribute, along with height regulations, to ensuring that buildings within a zone are generally consistent in their volume.

Section 312, RULES OF MEASUREMENT FOR LOT OCCUPANCY, §§ 312.1, 312.2, and 312.3, are amended to read as follows:

312.1 The main building and any accessory buildings shall be subject to the lot occupancy standard prescribed in the development standards table for the zone in which the building is located.

312.2 Lot occupancy shall be calculated by dividing the total building area of all buildings on a lot by the total area of the lot.

312.3 Building area shall be the maximum horizontal projected area of a principal building and its accessory buildings, measured at the ground level of the buildings and measured from the exterior faces of exterior walls and from the center line of walls separating two (2) buildings.

Section 318, RULES OF MEASUREMENT FOR REAR YARDS, § 318.3, is amended as follows:

318.3 Where the rear lot line is not parallel to the street lot line, or where there are more than one (1) rear lot lines that intersect at a point at an angle greater than ninety

degrees (90°), the required rear yard shall be measured as a vertical plane along a line measured in from the rear lot line at a point equidistant from the side lot lines;

Section 323, PROJECTIONS INTO REQUIRED OPEN SPACES, § 323.6, is amended by deleting it in its entirety, and by renumbering the subsequent subsections.

A new § 328, RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT, is added to read as follows:

328 RULES OF MEASUREMENT FOR FLOOR TO CEILING CLEAR HEIGHT

328.1 The upper point of the measurement is the finished ceiling that is unobstructed by any of the following:

- (a) Elements of the building structure, other than columns and walls;
- (b) Components of mechanical, plumbing, or fire suppression systems; or
- (c) Components of electrical systems, except lighting fixtures.

328.2 If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements of systems referenced in Subtitle B §§ 328.1(a), (b), or (c).

328.2 For all stories above the ground level and for a ground story for which there is no clear height requirement, the bottom point of the measurement shall be the level of the finished floor. For a ground story subject to minimum clear height requirements, the bottom measuring point for clear height shall be the level of the curb opposite the middle of the building’s frontage on the street from which the building draws its clear height requirement.

Subtitle C, GENERAL RULES, is amended as follows:

Chapter 2, NONCONFORMITIES, is amended as follows:

Section 201, GENERAL PROVISIONS, §§ 201.1 and 201.3, are amended to read as follows:

201.1 Except as otherwise permitted in this chapter, nonconforming structures or uses may not be enlarged upon, expanded, or extended, nor may they be used as a basis for adding other structures or uses prohibited elsewhere in the same zone district.

...¹

¹ 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.

201.3 It is necessary and consistent with the establishment of the separate zone districts under this title that all uses and structures incompatible with permitted uses or structures shall be regulated strictly and permitted only under rigid controls, to the extent permitted by the Zoning Act of 1938.

Chapter 3, SUBDIVISION, the title of § 301, GENERAL PROVISIONS, is amended to read as follows:

301 SUBSTANDARD LOTS

Chapter 4, TREE PROTECTION, is amended as follows:

Section 401, TREE PROTECTION REGULATIONS, § 401.4, is amended to read as follows:

401.4 Where removal or cutting of trees has occurred that would have been prohibited by this section if an application for a building permit had been contemporaneously filed, no building permit shall be issued for a period of five (5) years from such removal or cutting unless the Board of Zoning Adjustment grants a special exception pursuant to Subtitle X, Chapter 9 and Subtitle D § 5202.

Chapter 7, VEHICLE PARKING, is amended as follows:

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

701.5 Except as provided for in Subtitle C § 702, parking requirements for all use categories are as follows (all references to “sq. ft.” refers to square feet of gross floor area as calculated in Subtitle C § 709):

Section 709, RULES OF CALCULATION, § 709.1, is amended as follows:

709.1 Gross floor area shall be as defined in Subtitle B, except that for purposes of calculating off-street parking requirements:

- (a) In all zones, gross floor area shall not include floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space or space devoted exclusively to bicycle storage or support (lockers and showers) facilities;
- (b) In all zones, gross floor area shall include penthouse habitable space except that recreation space for residents or tenants of the building or other ancillary space associated with a rooftop deck shall not be included;

- (c) In the R, RF, RA, and MU-11 through MU-14 zones, gross floor area shall include cellar floor area devoted to uses within the Government, Local use;
- (d) In the MU-3, MU-4, MU-7, MU-17, MU-24, MU-25, MU-26, MU-27, NC-1, NC-2, NC-3, NC-4, NC-6, NC-7, NC-8, NC-9, NC-12, NC-14, NC-15, NC-16, RC-2, ARTS-1, ARTS-3, PDR-1, PDR-4, PDR-5, PDR-6, and PDR-7 zones, gross floor area shall include cellar floor area devoted to uses within following use groups:
 - (1) Animal sales, care and boarding;
 - (2) Arts, design and creation;
 - (3) Chancery;
 - (4) Eating and drinking establishments;
 - (5) Firearm sales;
 - (6) Medical care;
 - (7) Office;
 - (8) Retail; and
 - (9) Service, general and financial; and
- (e) In the PDR-2 and PDR-3 zones, gross floor area shall include the cellar floor area devoted to uses within the Office and Chancery use groups.

Chapter 8, BICYCLE PARKING, is amended as follows:

Section 802, MINIMUM NUMBER OF BICYCLE PARKING SPACES, § 802.1, Table C § 802.1: MINIMUM NUMBER OF BICYCLE PARKING SPACES, is amended as follows (and all other entries are unchanged):

Use	Long-Term Spaces	Short-Term Spaces
Residential, single dwelling unit	None	None
Residential, flat		
Residential, multiple dwelling unit	1 space for each 3 dwelling units	1 space for each 20 dwelling units

Chapter 15, PENTHOUSES, is amended as follows:

Section 1504, RELIEF TO PENTHOUSE REQUIREMENTS, § 1504.1, is amended as follows:

1504.1 Relief to the requirements of Subtitle C §§ 1506 – 1500.10 and 1502 may be granted as a special exception by the Board of Zoning Adjustment subject to Subtitle X, Chapter 9 and subject to the following considerations:

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

Chapter 1, INTRODUCTION TO RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS (R), is amended by adding a new § 207, HEIGHT, to read as follows:

207 HEIGHT

207.1 Except in the R-11, R-12 and R-13 Naval Observatory Residential zones, and except as provided in Subtitle D § 207.9, the maximum height of buildings or structures specified in each R zone may be exceeded as provided in this section.

207.2 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.

207.3 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.

207.4 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

207.5 A place of worship may be erected to a height of sixty feet (60 ft.); provided, that it shall not exceed the number of stories permitted in the district in which it is located.

207.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the district in which it is located.

207.7 A public school building or structure may be erected to a height not exceeding sixty feet (60 ft.).

207.8 A public recreation and community center in any residential zone may be erected to a height not to exceed forty-five feet (45 ft.).

207.9 Where required by the Height Act, a height in excess of that permitted shall be

authorized by the Mayor.

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended as follows:

Section 303, HEIGHT, is amended by deleting § 303.2, and renumbering and amending §§ 303.3 and 303.4 as follows:

- 303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 303.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 309, SPECIAL EXCEPTION, § 309.1, is amended to read as follows:

- 309.1 Exceptions to the development standards of this chapter shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, and subject to the provisions and limitations of Subtitle D §§ 5201 and 5205.

Chapter 4, TREE AND SLOPE PROTECTION RESIDENTIAL HOUSE ZONES – R-6 AND R-7, § 403, HEIGHT, is amended as follows:

§ 403.2 is deleted.

§§ 403.3 and 403.4 are renumbered as follows:

- 403.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 403.3 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 403.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 5, FOREST HILLS TREE AND SLOPE RESIDENTIAL HOUSE ZONES – R-8, R-9, AND R-10, is amended as follows:

Section 503, HEIGHT, is amended by deleting § 503.2, and renumbering and amending §§ 503.3 and 503.4 as follows:

503.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

503.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 6, NAVAL OBSERVATORY/TREE AND SLOPE RESIDENTIAL HOUSE ZONE – R-11, is amended as follows:

Section 603, HEIGHT, is amended by deleting § 603.2, and renumbering and amending §§ 603.3 and 603.4 as follows:

603.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

603.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

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

Section 700, PURPOSE AND INTENT, § 700.1(d), is amended as follows:

- (d) Provide additional controls on private land to protect Federal interest concerns, including the critical scientific mission performed at the Naval Observatory and the security needs of the Vice President’s residence; and

...

Section 703, HEIGHT, is amended as follows:

Subsection 703.2 is deleted and existing § 703.3 is renumbered as § 703.2.

§§ 703.4 and 703.5 are renumbered and amended as follows:

703.3 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

703.4 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 8, WESLEY HEIGHTS RESIDENTIAL HOUSE ZONES – R-14 AND R-15, is amended as follows:

Section 803, HEIGHT, is amended by deleting § 803.2, and §§ 803.3 and 803.4 are renumbered and amended as follows:

803.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

803.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 9, SIXTEENTH STREET HEIGHTS RESIDENTIAL HOUSE ZONE – R-16, is amended as follows:

Section 903, HEIGHT, is amended by deleting § 903.2, and §§ 903.3 and 903.4 are renumbered and amended as follows:

903.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

903.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 910, USE PERMISSIONS, is amended by adding a new § 910.2 to read as follows:

910.2 An expansion of an existing non-residential use shall not exceed ten percent (10%) of its gross floor area of the building the use occupies subject to the conditions of Subtitle U § 204. A proposed expansion of an existing non-residential use in excess of ten percent (10%) of its gross floor area, shall be subject to the conditions of Subtitle U § 205.

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONES – R-17, is amended as follows:

Section 1003, HEIGHT, is amended by deleting § 1003.2, and renumbering and amending §§ 1003.3 and 1003.4 as follows:

- 1003.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 1003.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

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

Section 1203, HEIGHT, § 1203.4, is amended to read as follows:

- 1203.4 In R-19 and R-20 zones, an addition of two (2) or more stories to a principal building which has an existing second story side yard shall not exceed the vertical plane of that existing side yard for the length of the second story addition.

§ 1203.6 is deleted in its entirety; existing § 1203.7 is renumbered as § 1203.6, and amended to read as follows:

- 1203.6 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Chapter 13, CHAIN BRIDGE ROAD/UNIVERSITY TERRACE RESIDENTIAL HOUSE ZONE – R-21, is amended as follows:

Section 1301, DEVELOPMENT STANDARDS, § 1301.1, is amended to read as follows:

- 1301.1 The development standards in Subtitle D §§ 1302 through 1309 modify the general development standards in Subtitle D, Chapter 2.

Section 1302, DENSITY-LOT DIMENSIONS, is amended as follows:

Subsection 1302.1, the table name for Table D § 1302.1, is amended as follows:

TABLE D § 1302.1: MINIMUM LOT WIDTH AND MINIMUM LOT AREA REQUIREMENTS

Section 1303, HEIGHT, is amended as follows:

§ 1303.2 is deleted.

§§ 1303.3 and 1303.4 are renumbered and amended as follows:

- 1303.2 The maximum permitted height of a penthouse, except as permitted in Subtitle D § 207.6 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.
- 1303.3 A non-residential building constructed pursuant to Subtitle D § 207.6 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

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

Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

- 101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

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

Section 201, DENSITY – LOT DIMENSIONS, is amended as follows:

Subsection 201.1, Table E § 201.1, is amended as follows:

	Lot Width Minimum	Lot Area Minimum
Row Dwelling or Flat	18 ft.	1,800 sq. ft.
Row Dwelling or Flat Inclusionary Zoning	16 ft. as a special exception (IZ)	1,500 sq. ft. (IZ)
Semi-Detached Dwelling	30 ft.	3,000 sq. ft.
All Other Structures	40 ft.	4,000 sq. ft.

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

Section 302, MAXIMUM NUMBER OF DWELLING UNITS, § 302.2, is amended as follows:

- 302.2 A building or structure existing before May 12, 1958 in the RF-1 zone may be used for more than two (2) dwelling units pursuant to Subtitle U, Chapter 3.

Section 303, HEIGHT, § 303.1, is amended as follows:

303.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto not including the penthouse, in an RF-1 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

New §§ 303.2 and 303.3 are added to read as follows:

303.2 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

303.3 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

Subsection 303.2 is renumbered to § 303.4.

Subsection 303.3 is renumbered to § 303.5.

Subsection 303.4 is renumbered to § 303.6.

Subsection 303.5 is renumbered to § 303.7 and amended to read as follows:

303.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 303.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsection 303.6 is renumbered to § 303.8 and amended to read as follows:

303.8 A non-residential building constructed pursuant to Subtitle E §§ 303.4 through 303.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

Section 304, LOT OCCUPANCY, § 304.1, is amended to read as follows:

304.1 The maximum permitted lot occupancy in the RF-1 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%

Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

Chapter 4, DUPONT CIRCLE RESIDENTIAL FLAT ZONE – RF-2, is amended as follows:

Section 402, MAXIMUM NUMBER OF DWELLING UNITS, § 402.2, is amended as follows:

402.2 Conversion of an existing building or structure existing before May 12, 1958 in the RF-2 zone for more than two (2) dwelling units shall be subject to Subtitle U, Chapter 3.

Section 403, HEIGHT, § 403.1, is amended to read as follows:

403.1 Except as specified elsewhere in this section, the maximum permitted height of buildings or structures and any additions thereto, not including the penthouse, in an RF-2 zone shall not exceed thirty-five feet (35 ft.) and three (3) stories.

New §§ 403.2 and 403.3 are added to read as follows:

403.2 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

403.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

Subsection 403.2 is renumbered to § 403.4.

New §§ 403.5 and 403.6 are added to read as follows:

403.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.

403.6 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.), not including the penthouse; provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each one foot (1 ft.) of height in excess of that authorized in the zone in which it is located.

Subsection 403.3 is renumbered to § 403.7 and amended to read as follows:

403.7 The maximum permitted height of a penthouse, except as permitted in Subtitle E § 403.8 and as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be twelve feet (12 ft.) and one (1) story.

Subsection 403.4 is renumbered to § 403.8 and amended to read as follows:

403.8 A non-residential building constructed pursuant to Subtitle E §§ 403.4 through 403.6 shall be permitted a mechanical penthouse of eighteen feet six inches (18 ft. 6 in.) in height maximum.

Section 404, LOT OCCUPANCY, § 404.1, is amended to read as follows:

404.1 The maximum permitted lot occupancy in the RF-2 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

Chapter 5, CAPITOL PRECINCT RESIDENTIAL FLAT ZONE – RF-3, is amended as follows:

Section 503, HEIGHT, § 503.1, is amended to read as follows:

503.1 In the RF-3 zone, building height, not including the penthouse, shall be measured from the existing grade at the mid-point of the building façade of the principal building that is closest to a street lot line.

Subsections 503.2 through 503.6 are deleted.

New §§ 503.2 through 503.5 are inserted to read as follows:

503.2 The maximum permitted height of buildings or structures and any additions thereto in an RF-3 zone shall not exceed thirty-five feet (35 ft.), and three (3) stories, except as specified in this section.

503.3 New construction of three (3) or more immediately adjoining residential row dwellings or flats, built concurrently on separate record lots, shall be permitted a maximum building height of forty feet (40 ft.) and three (3) stories.

503.4 A building or other structure may be erected to a height not exceeding forty feet (40 ft.) if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to Subtitle E § 5203.

503.5 The height of buildings or structures as specified in Subtitle E §§503.2 through 503.4 may be exceeded in the following instances:

- (a) A spire, tower, dome, minaret, pinnacle, or penthouse may be erected to a height in excess of that authorized in Subtitle E §§ 503.2 through 503.4; and
- (b) The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, row dwelling, or flat in Subtitle C § 1500.4, shall be ten feet (10 ft.) and one (1) story.

Subsection 503.7 is renumbered as § 503.6 as follows:

503.6 A non-residential building constructed pursuant to Subtitle E §§ 503.3 through 503.5 shall be permitted a mechanical penthouse to a maximum height of eighteen feet six inches (18 ft. 6 in.).

Section 504, LOT OCCUPANCY, § 504.1, is amended to read as follows:

504.1 The maximum permitted lot occupancy in the RF-3 zone shall be as set forth in the following table:

STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
Detached dwellings; Semi-detached dwellings; Row dwellings and flats; Places of worship	60%
Conversion of a building or structure to an apartment house	Greater of 60% or the lot occupancy as of the date of conversion
All other structures	40%

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

Section 5101, DEVELOPMENT STANDARDS, § 5101.1, is amended to read as follows:

5101.1 The bulk of accessory buildings in the RF zones shall be controlled through the development standards in Subtitle E §§ 5102 through 5108.

Section 5103, LOT OCCUPANCY, the table name for Table E § 5103.1 is amended to read as follows:

TABLE E § 5103.1: MAXIMUM PERMITTED LOT OCCUPANCY FOR AN ALLEY LOT

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

Chapter 1, INTRODUCTION TO RESIDENTIAL FLAT (RA) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

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

Section 306, SIDE YARD, § 306.2, is amended to read as follows:

306.2 An eight-foot (8 ft.) side yard shall be provided for a detached and semi-detached structure in the RA-1, RA-2, RA-3, RA-4, and RA-5 zones.

Chapter 5, CAPITOL PRECINCT RESIDENTIAL APARTMENT ZONE – RA-7, is amended as follows:

Section 506, SIDE YARD, § 506.5, is amended to read as follows:

506.5 In the case of a building existing on or before the effective date of this title, with a non-conforming side yard, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of two feet (2 ft.).

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

Chapter 1, INTRODUCTION TO MIXED-USE (MU) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.6 to read as follows:

101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR MU ZONES, is amended as follows:

Section 201, [RESERVED], is amended by adding a new § 201, DENSITY – FLOOR AREA RATIO (FAR), to read as follows:

201 DENSITY – FLOOR AREA RATIO (FAR)

201.1 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted.

Chapter 7, CAPITOL INTEREST AND CAPITOL HILL COMMERCIAL MIXED-USE ZONES – MU-23, MU-24, MU-25, AND MU-26, is amended as follows:

Section 702, DENSITY – FLOOR AREA RATIO (FAR), Table G § 702.1, is amended to read as follows:

TABLE G § 702.1: MAXIMUM PERMITTED FLOOR AREA RATIO

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-23	1.8	N/A
	2.16 (IZ)	
MU-24	1.8	1.5
	2.16 (IZ)	
MU-25	2.5	3.0
	3.0 (IZ)	
MU-26	1.8	2.5
	2.16 (IZ)	

Chapter 8, NAVAL OBSERVATORY MIXED-USE ZONE – MU-27, is amended as follows:

Section 802, DENSITY – FLOOR AREA RATIO (FAR), § 802.1, is amended to read as follows:

802.1 The maximum permitted FAR in the MU-27 zone shall be 2.5 FAR with a maximum density of 1.5 FAR for non-residential use.

Section 803, HEIGHT, is amended as follows:

803 HEIGHT

803.1 The maximum permitted building height, not including the penthouse, in the MU-27 zone shall be forty feet (40 ft.), measured as follows:

- (a) The height of a building shall be the vertical distance measured from the level of the curb opposite the middle of the front of the building to the highest point of the roof or parapet; and
- (b) The curb elevation opposite the middle of the front of the building shall be determined as the average elevation of the lot from its front line to its rear lot line.

...

803.3 A penthouse permitted by this section shall contain no form of habitable space, other than ancillary space associated with a rooftop deck, to a maximum area of twenty percent (20%) of the building roof area dedicated to rooftop deck, terrace, or recreation space.

Section 804, LOT OCCUPANCY, § 804.1, is amended as follows:

804.1 The maximum permitted lot occupancy for residential use in the MU-27 zone shall be sixty percent (60%).

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

Chapter 1, NEIGHBORHOOD MIXED-USE (NC) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by adding a new § 101.6 to read as follows:

101.6 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Chapter 2, GENERAL DEVELOPMENT STANDARDS, is amended as follows:

Section 201, DENSITY – FLOOR AREA RATIO (FAR), is amended by adding a new § 201.4 to read as follows:

201.4 For a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle U §1101 are provided.

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

Section 902, DENSITY – FLOOR AREA RATIO (FAR) is amended as follows:

- 902.1 The maximum permitted FAR in the NC-9 through NC-17 zones shall be as set forth in the following table:
- ...
- 902.2 In the NC-9, NC-10, NC-11, NC-12, and NC-13 zones, new construction that preserves a building façade constructed before 1958 is permitted a maximum non-residential FAR of 1.5, provided that at least 1.0 FAR shall be occupied by uses in the following categories:
- (a) Office, provided that the office use shall not be on the ground story;
 - (b) Retail;
 - (c) Service; or
 - (d) Eating and drinking establishments.
- 902.3 In the NC-14 through NC-17 zones, new construction that preserves an existing façade constructed before 1958 is entitled to an increase of 0.5 FAR to the maximum permitted non-residential density.
- 902.4 New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR to the maximum permitted residential density.
- 902.5 On Square 776, a maximum non-residential density of 1.5 FAR shall be permitted in the event that a grocery store is constructed Square 776.
- 902.6 A planned unit development (PUD) in the H Street Northeast Neighborhood Mixed-Use zones shall be subject to the following provisions in addition to those of Subtitle X, Chapter 3:
- (a) Any additional height and floor area above that permitted as a matter of right shall be used only for housing or the designated uses;
 - (b) The PUD process shall not be used to reduce requirements in this chapter for designated uses, specifically retail, service, entertainment, and arts uses;
 - (c) The minimum area included within the proposed PUD, including the area of public streets or alleys proposed to be closed, shall be ten thousand

square feet (10,000 sq. ft.);

- (d) Development properties subject to the set-aside requirements of Inclusionary Zoning (IZ) pursuant to Subtitle C, Chapter 10 may use the height and lot occupancy and bonus density as the basis of calculating the set-aside requirements for IZ units;
- (e) The use of bonus FAR by a property also eligible to use the bonus provided for in Subtitle H § 902.2 shall be deemed to first utilize the bonus authorized for IZ units;
- (f) Use of the bonus density authorized in Subtitle H § 902.2 shall not count towards the IZ set-aside requirements of Subtitle C, Chapter 10; and
- (g) Bonus density achieved through Subtitle H § 902.2 that is in addition to the IZ requirements shall not count toward the IZ set-aside requirements of Subtitle C, Chapter 10.

Section 904, LOT OCCUPANCY, the table name for Table H § 904.1, is amended to read as follows:

TABLE H § 904.1: MAXIMUM PERMITTED LOT OCCUPANCY

Chapter 11, USE PERMISSIONS FOR NC ZONES, is amended as follows:

Section 1101, DESIGNATED AND RESTRICTED USES, is amended as follows:

Subsection 1101.3(b)(1) is amended to read as follows:

1101.3 The designated uses shall occupy no less than fifty percent (50%) of the gross floor area of the ground floor level of the building within a designated use area, subject to the following requirements:

- (a) ...;
- (b) Except in the NC-6 and NC-9 through NC-17 zones, eating and drinking establishments, and fast food establishments where permitted, shall be subject to the following limitations:
 - (1) These uses shall occupy no more than twenty-five percent (25%) of the linear street frontage within a particular NC zone, as measured along the lots in the designated use area in the particular district; and...

Subsection § 1101.3(e) is amended to read as follows:

- (e) For the purposes of this section the designated use areas of NC-4 and NC-5 shall be treated as a single zone.

Subtitle I, DOWNTOWN (D) ZONES, is amended as follows:

Chapter 2, GENERAL DEVELOPMENT STANDARDS FOR DOWNTOWN (D) ZONES, is amended as follows:

Section 200, DENSITY – FLOOR AREA RATIO (FAR), is amended by adding a new § 200.7 to read as follows:

200.7 Within the D-3 through D-8 zones, for a building or structure in existence with a valid Certificate of Occupancy prior to November 17, 1978, or for which an application for a building permit was filed prior to November 17, 1978, a conversion of non-residential GFA to residential GFA, even if in excess of otherwise permitted FAR, shall be permitted, provided that requirements for ground floor designated uses of Subtitle I §601 are provided.

Section 205, REAR YARD, § 205.1, is amended as follows:

205.1 Except as provided Subtitle B §§ 317 and 318.6 and in Subtitle I § 205.2, a rear yard shall be provided for each structure located in a D zone, the minimum depth of which yard shall be two and one-half inches (2.5 in.) per one foot (1 ft.) of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet, but not less than twelve feet (12 ft.).

Section 206, SIDE YARD, § 206.1, is amended as follows:

206.1 No side yard is required for a principal structure in a D zone; however, if a side setback is provided on any portion of the principal building, it shall comply with Subtitle B §§ 319 and 320, and shall be at least four feet (4 ft.) wide.

Section 207, COURT REQUIREMENTS, is amended as follows:

TABLE I § 207.1: MINIMUM COURT DIMENSIONS, is amended as follows:

Type of Structure	Minimum Width Open Court	Minimum Width Closed Court	Minimum Area Closed Court
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Subsection 207.3 is amended as follows:

207.3 Any setback required by this section shall be located on the PDR-zoned lot and shall be extended as a vertical plane, parallel to the PDR-zoned lot line.

Section 210, ALLEY LOTS, § 210.1(c), is amended by deleting the hyphen in the word “setback” so the section reads as follows:

- (c) A building or structure on an alley lot shall be setback at least seven and one-half feet (7.5 ft.) from the centerline of all alleys the alley lot abuts.

Section 212, PARKING REQUIREMENTS AND STANDARDS, § 212.6(b), is amended as follows:

- (b) The parking facility shall be permitted as a matter of right if:

Chapter 3, GENERAL ZONE-BASED USE REQUIREMENTS AND CONDITIONS, is amended as follows:

Section 304, USES NOT PERMITTED, § 304.1, is amended as follows:

- 304.1 The following uses shall not be permitted as a matter of right or as a special exception in the D-1-R zone:

Section 305, GENERAL RESIDENTIAL USE REQUIREMENTS, § 305.8, is amended as follows:

- 305.8 Subtitle I, Chapters 8 and 9 contain the regulations for the credit system that applies to residential uses.

Chapter 5, REGULATIONS SPECIFIC TO PARTICULAR DOWNTOWN (D) ZONES, is amended as follows:

Section 503, HEIGHT (D-1-R), is amended by adding a new § 503.5 to read as follows:

- 503.5 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 503.3, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 509, DENSITY – FLOOR AREA RATIO (FAR) (D-2), is amended as follows:

Subsection 509.2 is amended as follows:

- 509.2 The maximum permitted FAR for a building in the D-2 zone shall be 6.0 for a building not subject to Inclusionary Zoning and 7.2 FAR for a building that is subject to Inclusionary Zoning.

Section 510, HEIGHT (D-2), is amended as follows:

Subsection 510.2 is amended as follows:

510.2 The maximum permitted building height, not including the penthouse, in the D-3 zone shall be limited to ninety feet (90 ft.) on the portion of the site occupied by a historic landmark or a contributing building within a historic district.

A new § 510.4 is added to read as follows:

510.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 517, HEIGHT (D-3), is amended by adding a new § 517.4 to read as follows:

517.4 The maximum permitted building height, not including the penthouse, of a building without frontage on a street with a right-of-way width of at least ninety feet (90 ft.), and not subject to Subtitle I § 510.2, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 525, HEIGHT (D-4), § 525.1, is amended as follows:

525.1 With the exception of a building meeting the requirements of Subtitle I § 525.2, the maximum permitted building height, not including the penthouse, for a building in the D-4 zone shall be ninety feet (90 ft.) unless the building does not have frontage on a street with a right-of-way width of at least ninety feet (90 ft.), in which case the maximum permitted building height, not including the penthouse, shall be the width of the street right of way, plus twenty feet (20 ft.).

Section 532, HEIGHT (D-4-R), § 532.1, is amended as follows:

532.1 The maximum permitted building height, not including the penthouse, in the D-4-R zone shall be as follows:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than one 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 539, DENSITY – FLOOR AREA RATIO (FAR) (D-5), § 539.4, is deleted.

Section 540, HEIGHT (D-5), § 540.1, is amended as follows:

540.1 The maximum permitted building height, not including the penthouse, in the D-5 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to one 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 548, HEIGHT (D-5-R), § 548.1, is amended as follows:

548.1 The maximum permitted building height, not including the penthouse, in the D-5-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 555, DENSITY – FLOOR AREA RATIO (FAR) (D-6), § 555.1(c), is amended as follows:

- (c) If conditions (a) or (b) are not satisfied, through the use of credits provided for by Subtitle I, Chapters 8 and 9.

Section 556, HEIGHT (D-6), § 556.1, is amended as follows:

556.1 The maximum permitted building height, not including the penthouse, in the D-6 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 563, HEIGHT (D-6-R), § 556.1, is amended as follows:

563.1 The maximum permitted building height, not including the penthouse, in the D-6-R zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Section 577, HEIGHT (D-8), § 577.1, is amended as follows:

577.1 The maximum permitted building height, not including the penthouse, in the D-8 zone shall be:

Street Right of Way Width	Maximum Permitted Building Height, Not Including Penthouse
Greater than or equal to 110 ft.	130 feet
Less than 110 ft. but greater than or equal to 100 ft.	120 feet
Less than 100 ft. but greater than or equal to 90 ft.	110 feet
Less than 90 ft.	No taller than the width of the street right of way, plus 20 feet

Chapter 6, LOCATION-BASED REGULATIONS FOR DOWNTOWN SUB-AREAS AND DESIGNATED STREET SEGMENTS, is amended as follows:

Section 601, GENERAL USE REQUIREMENTS FOR BUILDINGS ON PRIMARY AND SECONDARY DESIGNATED STREET SEGMENTS, §§ 601.2(b) and (c), are amended as follows:

- 601.2 ...
- (b) Devote no more than twenty percent (20%) of the ground floor gross floor area uses required in Subtitle I § 601.2(a) to services (financial), fast food establishment, travel, or ticket offices; and
 - (c) Devote one hundred percent (100%) of the building's street frontage along the primary designated street segment to required uses identified in Subtitle I § 601.2(a) except for space required for fire control or devoted to building entrances for pedestrians, or for vehicular parking and loading entrances that are:

Section 607, DOWNTOWN ARTS SUB-AREA, § 607.4, TABLE I § 607.4: DOWNTOWN ARTS SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING, is amended as follows (and all other entries are unchanged):

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification

...					
9th St., N.W.	West	D-7	F St. N.W.	E Street N.W.	Secondary
...					
Pennsylvania Ave., N.W.	North	D-6-R D-7	6th St., N.W. 9th St., N.W.	9th St., N.W. 14th St., N.W.	Primary

Section 608, PENNSYLVANIA AVENUE SUB-AREA, § 608.4, TABLE I § 608.4: PENNSYLVANIA AVENUE SUB-AREA DESIGNATED STREET SEGMENTS AND ADJACENT ZONING, is amended as by deleting a duplicate and erroneous entry for the west side of 9th Street N.W. (all other entries are unchanged):

Designated Street	Side of Street	Adjacent Zone	Segment Boundary 1 (northern or eastern)	Segment Boundary 2 (southern or western)	Segment Classification
9th St., N.W.	West	D-6	E St., N.W.	Pennsylvania Ave., N.W.	Secondary; (Also in Downtown Arts Sub-Area)

Section 616, M AND SOUTH CAPITOL STREETS SUB-AREA, § 616.7(b), is amended as follows:

- 616.7 ...
- (b) There shall be a setback of seventy-three and one-half feet (73.5 ft.) from the centerline of South Capitol Street on its west side in Square 648 between K and L Streets, S.W.;

Section 617, NORTH CAPITOL STREET CORRIDOR SUB-AREA, is amended as follows:

§ 617.2 is amended as follows:

- 617.2 The general location of the North Capitol Street Corridor Sub-Area is one (1) or both sides of the designated primary street segments North Capitol Street between Louisiana Avenue, N.W. and K Streets, N.W. and N.E., indicated with green lines in Figure I § 617: Illustration of the North Capitol Street Corridor Sub-Area and Designated Street Segments, and detailed in Subtitle I § 617.3 and including all or parts of Squares: 624, 625, 626, 628, 630, 675, 676, and 677.

A new § 617.7 is added to read as follows:

- 617.7 All proposed buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior designs facing the street segments noted in Subtitle I § 618.4 shall be subject to review and approval by the Zoning Commission in accordance with the provisions in Subtitle I, Chapter 7.

Chapter 7, DESIGN REVIEW, is amended as follows:

Section 701, ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES, AND USES, § 701.1, is amended as follows:

701.1 The provisions of Subtitle I, Chapter 7 apply to a new building or structure or building addition that has frontage on a designated street segment within the M and South Capitol Streets Sub-Area, the Independence Avenue Sub-Area, the North Capitol Street Sub-Area, or within a D zone and with frontage on North Capitol Street south of M Street, N.W., and to buildings seeking additional height pursuant to Subtitle I § 525.2.

Chapter 8, GENERATION AND CERTIFICATION OF CREDITS, amended as follows:

Section 802, GENERATION OF CREDITS BY RESIDENTIAL DEVELOPMENT, § 802.1, is amended as follows:

802.1 Except as provided in Subtitle I § 802.3, credits may be generated by a residential use in a building for which construction began after January 18, 1991 located in a D-4-R, D-5-R, or D-6-R zone if the residential use did not generate Unallocated or Allocated CLD Rights as described in Subtitle I §§ 800.3 and 800.4, respectively; or by a residential use developed on or after the effective date of this title in a new or existing buildings all other I zones except D-1-R or D-2 zones where properties may not generate credits.

Section 805, ACKNOWLEDGMENT OF RESIDENTIAL, ARTS, AND PREFERRED USE CREDITS, § 805.10, is amended as follows:

805.10 The covenant shall, at a minimum, contain the following information or attachments:

- (a) Name and contact information for the person or entity that will own the generated credits;
- (b) Name and contact information for, the person or entity owning the property upon which the project that generated the credits is located, if different than in Subtitle I § 805.9(a);
- (c) If the credits are claimed to be owned by a person who does not also own the property that generated the credits, proof that the person or entity owns the credits and a provisions indemnifying the District of Columbia against any and all claims by persons or entities claiming to own the credits;
- (d) A map and plat of the lot;
- (e) Legal description and street address of the lot;

- (f) Surveyed area of the lot;
- (g) Gross floor area calculations for the entire building and for each portion of the building that will be occupied by the residential, arts, or preferred uses that generate the credits;
- (h) The FAR limits applicable to the lot including FAR limits for non-residential uses and minimum FAR requirements for residential uses and for arts uses;
- (i) Calculation of and basis for credits generated;
- (j) A form Certificate of Credit Transfer as described in Subtitle I § 901.3(e) to be used for any transfer of credits under the covenant;
- (k) A certificate of occupancy for the use except that for credits generated by development of residential gross floor area the covenant may include either:
 - (1) A certification by the project architect that construction of the residential use is fifty percent (50%) complete; or
 - (2) Proof that an escrow account has been established with a financial institution, including a title insurance company, that is recognized to be in good standing by the District of Columbia or other jurisdiction in which it conducts business that is funded in accordance with Subtitle I § 805.7;
- (l) In the case of a child development center or child development home, a certification by the Director of the Department of Human Services that the facility meets standards for a child development center or child development home;
- (m) In the case of a CBE, a certification from the Director of the Department of Small and Local Business Development business occupying the space has been certified as a local, small or disadvantaged business enterprise;
- (n) Signatures of the owners of the generating lot and the owners of the credits, if different; and
- (o) Any additional information required by the Zoning Administrator.

Section 806, GENERATION AND CERTIFICATION OF CREDITS FOR TDR OR CLD CONVERSION, § 80.1, is amended as follows:

806.11 Any Unallocated TDR or CLD Rights as described in Subtitle I § 800.3 shall convert to credits at a rate of one-to-one (1:1).

Chapter 9, USE OF CREDITS, is amended as follows:

Section 900, USE OF CREDITS, § 900.3, TABLE I § 900.3: CREDIT-GENERATION, PURPOSES, AND AREAS OF USE, is amended by revising its title and its first row to read as follows:

TABLE I § 900.3: CREDIT-GENERATION, PURPOSES, AND AREAS OF USE

Action Generating Credit	Section in Subtitle I, Chapter 8 Governing the Generation of the Credit	Purpose for which Credit May be Used	Area(s) in which Credit may be used (see Figure I § 900.2)
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Subtitle J, PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Chapter 1, INTRODUCTION TO PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Section 101, DEVELOPMENT STANDARDS, is amended by inserting a new § 101.4 to read as follows:

101.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

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

Chapter 2, SOUTHEAST FEDERAL CENTER ZONES – SEFC-1 THROUGH SEFC-4, is amended as follows:

Section 201, DEVELOPMENT STANDARDS (SEFC-1), is amended by inserting a new § 201.2 to read as follows:

201.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Section 202, DENSITY – FLOOR AREA RATIO (FAR) (SEFC-1), § 202.1, is amended to read as follows:

202.1 The maximum permitted floor area ratio (FAR) for building in the SEFC-1 zone shall be 6.0 with a maximum of 3.0 FAR for non-residential uses; except that a building within Parcels A, F, G, H, and I shall be permitted a maximum density of 7.0 FAR, provided that:

- (a) The additional 1.0 FAR is devoted solely to residential uses, which for the purposes of this subsection does not include a hotel; and
- (b) A minimum of ten percent (10%) of the additional density gained pursuant to this section shall be devoted to three (3) bedroom units, provided that such units may be located anywhere within the residential building. The reduction or elimination of this requirement may be permitted by the Commission upon a showing by the applicant that exceptional circumstances affecting the property make compliance with this requirement difficult or impossible.

Section 203, HEIGHT (SEFC-1), § 203.1, is amended to read as follows, and the subsequent subsections are renumbered to reflect that the existing § 203.2 will be incorporated into § 203.1:

- 203.1 The maximum permitted building height, not including the penthouse, in the SEFC-1 zone shall be one hundred and ten feet (110 ft.), except as set forth below:
- (a) A site that has frontage on any portion of New Jersey Avenue, S.E., that is south of and within three hundred twenty-two feet (322 ft.) of M Street, S.E., is permitted a maximum height of one hundred thirty feet (130 ft.); and
 - (b) For a site within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to §1803.7 (b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height Act.

Section 237, USE PERMISSIONS (SEFC-1), §§ 237.4, 237.5, and 237.6, are amended as follows:

§ 237.4 is amended as follows:

- 237.4 Within the SEFC-1 zone, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242:
- (a) All buildings and structures that have frontage along M Street, S.E.; subject also to the applicant proving that the architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:
 - (1) Are of superior quality;
 - (2) Accommodate the design of the public entrance to the Navy Yard Metrorail Station on Parcel A. The applicant shall demonstrate proactive engagement with the Washington Metrorail Area Transit

Authority (WMATA) in the planning and design of Parcel A as a part of the above design review as set for the below:

- (A) If the applicant moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A; and
- (B) If WMATA moves forward with the construction of the third entrance before the applicant is ready to develop Parcel A, the applicant shall demonstrate that it has coordinated with WMATA to integrate the entrance into the design of Parcel A;
- (3) Ensure the provision of 1½ Street, S.E. and N Street, S.E. as open and uncovered multimodal circulation routes; and
- (4) Provide three (3) bedroom dwelling units as required pursuant to Subtitle K § 202.1;
- (b) Automobile rental agency, provided the use has no exterior automobile storage area;
- (c) Dental lab;

All subsequent sections after § 237.4(c) are renumbered to reflect the insertion of §§ (a) and (b), and § 237.6 is renumbered as § 237.5 as follows:

237.5 Preferred uses listed in Subtitle K § 236 shall be permitted in accordance with the following criteria:

The newly renumbered § 237.5 is amended by adding a new paragraph (h) to read as follows:

237.5 Preferred uses listed in Subtitle K § 236 shall be permitted in accordance with the following criteria:

...

- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen feet (14 ft.); and
- (h) Changes to the type, amount, and location of preferred uses required under Subtitle K § 237.5(a) shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242.

Chapter 3, UNION STATION NORTH ZONE - USN, is amended as follows:

Section 301, INCLUSIONARY ZONING, is amended by amending the title as follows:

301 INCLUSIONARY ZONING

Chapter 4, HILL EAST ZONES - HE-1 THROUGH HE-4, is amended as follows:

Section 401, DEVELOPMENT STANDARDS (HE), is amended by inserting a new § 401.2 to read as follows:

401.2 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this subtitle can be found in Subtitle C.

Section 410, USE PERMISSIONS (HE), § 410.3(c)(3), is amended to read as follows:

(3) A community based residence facility not meeting these criteria may be approved by special exception in accordance with Subtitle K § 412.1;

Chapter 5, CAPITOL GATEWAY ZONES – CG-1 THROUGH CG-7, is amended as follows:

Section 500, GENERAL PROVISIONS (CG), § 500.2, is amended as follows:

500.2 The CG zones shall constitute the Zoning Regulations for the geographic area referred to in Subtitle W § 101.1. Where there are conflicts between this chapter and other chapters or subtitles of this title, the provisions of the CG Zone shall govern.

Section 502, DEVELOPMENT STANDARDS (CG-2), is amended as follows:

Subsection 502.2 is amended as follows:

502.2 The development standards in Subtitle K §§ 502.3 through 502.11 shall control the bulk of buildings in CG-2 zone.

Subsection 502.4 is amended as follows:

502.4 The maximum permitted building height, not including the penthouse, in the CG-2 zone shall be ninety feet (90 ft.), or one hundred and ten feet (110 ft.) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10. Subtitle K § 510 contains design-related conditions on height and upper story setbacks for South Capitol Street, a designated street of Subtitle K § 508.

A new § 502.6 is added to read as follows:

502.6 The maximum permitted lot occupancy for residential use in the CG-2 zone shall be eighty percent (80%), or ninety percent (90%) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10.

The former § 502.6 is renumbered as §502.7; § 502.7 as § 502.8; § 502.8 as § 502.9; § 502.9 as § 502.10; and § 502.10 as § 502.11.

The renumbered § 502.10 is amended as follows:

502.10 In the case of an alteration affecting the amount of light and ventilation required in an existing building in an R, RF, or RA zone by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in Subtitle K § 502.9.

Section 504, DEVELOPMENT STANDARDS (CG-4), is amended as follows:

New §§ 504.6 and 504.9 are inserted to read as follows:

504.6 The maximum permitted lot occupancy for residential use in the CG-4 zone shall be seventy-five percent (75%), or one hundred percent (100%) if permitted by the Inclusionary Zoning regulations set forth in Subtitle C, Chapter 10.

...

504.9 No side yard is required for the principal building; however, any side yard provided on any portion of the principal building shall be at least two inches (2 in.) per one foot (1 ft.) of height, and no less than five feet (5 ft.).

The existing §§ 504.6 through 504.11 are renumbered to reflect the insertion of the two new subsections.

Section 507, DEVELOPMENT STANDARDS (CG), is amended by adding a new § 507.4 to read as follows:

507.4 A commercial or industrial use that is first permitted in Subtitle U, Chapter 8 (PDR Uses) and that was in existence with a valid Certificate of Occupancy as of January 7, 2005 shall be deemed a conforming use, but shall not be entitled to expand.

Section 510, DESIGN REQUIREMENTS FOR DESIGNATED STREETS (CG), is amended by amending §§ 510.1(a)(2), 510.1(c)(2), and 510.1(d)(1) as follows:

510.1(a) M Street, S.E. or S.W:

...

- (2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

510.1(c) Half Street, S.E.:

...

- (2) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

510.1(d) First Street, S.E.:

- (1) The ground floor shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.), for a continuous depth of at least thirty-six feet (36 ft.) from the building line on the primary street.

...

Chapter 6, SAINT ELIZABETHS EAST CAMPUS ZONES – STE-1 THROUGH STE-19, is amended as follows:

Section 601, DEVELOPMENT STANDARDS (STE), is amended by inserting a new § 601.4 to read as follows:

601.4 In addition to the development standards set forth in this subtitle, additional general regulations relevant to this Subtitle can be found in Subtitle C.

Section 606, REAR YARD (STE), § 606.2, is amended to read as follows:

606.2 No part of a building within the StE-6, StE-13, and StE-16 zones shall project above plane drawn at a forty-five degree (45°) angle from a line located seventy-five feet (75 ft.) directly above the eastern property line that abuts the ravine.

Section 607, INCLUSIONARY ZONING (STE), § 607.1, is amended to read as follows:

607.1 All residential development is subject to Inclusionary Zoning and shall be constructed according to the provisions set forth in Subtitle C, Chapter 10 except for Subtitle C § 1002.

Section 619, PREFERRED USE REQUIREMENTS (STE), § 619.1, is amended to read as follows:

619.1 Preferred uses shall include any use within the arts, design and creation; eating and drinking establishments; retail; general service; or financial service use categories described in Subtitle B, Chapter 2.

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

Section 712, MATTER-OF-RIGHT USES (RC), §§ 712.1, 712.2, and 712.3, are amended to read as follows:

- 712.1 In the RC-1 zone, uses permitted as a matter of right in the RA-2 zone listed in Subtitle U, Chapter 4 shall be permitted as a matter of right in the RC-1 zone, unless otherwise not permitted in Subtitle K § 715.
- 712.2 In the RC-2 zone, uses permitted as a matter of right in the MU-4 zone listed in Subtitle U § 512 shall be permitted as a matter of right in the RC-2 zone, unless otherwise not permitted in Subtitle K § 715.
- 712.3 In the RC-3 zone, uses permitted as a matter of right in the MU-5 zone listed in Subtitle U § 513 shall be permitted as a matter of right in the RC-3 zone, unless otherwise not permitted in Subtitle K § 715.

Section 713, USES PERMITTED BY SPECIAL EXCEPTION (RC), §§ 713.1, 713.2, and 713.3, are amended as follows:

- 713.1 In the RC-1 zone, uses listed as special exceptions in the RA-2 zone in Subtitle U, Chapter 4 shall be permitted by special exception in the RC-1 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section unless otherwise not permitted in Subtitle K § 715.
- 713.2 In the RC-2 zone, uses listed as special exceptions in Subtitle U § 512 shall be permitted by special exception in the RC-2 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.
- 713.3 In the RC-3 zone, uses listed as special exceptions in Subtitle U § 513 shall be permitted by special exception in the RC-3 zone if approved by the Board of Zoning Adjustment under Subtitle X and subject to the conditions of each section, unless otherwise not permitted in Subtitle K § 715.

Section 715, RELIEF FROM DEVELOPMENT STANDARDS (RC), § 715.1(r), is amended to read as follows:

- (r) Off-premises alcoholic beverage sales, except that the off-premises beer and wine sales accessory use in the grocery store located in Square 2572, Lot 36 may continue as a matter of right provided that it shall not occupy more than 2,078 square feet of the store's gross floor area;

A new § 717, PARKING, LOADING, AND VEHICLE ACCESS (RC), is added to read as follows:

717 PARKING, LOADING, AND VEHICLE ACCESS (RC)

717.1 Parking requirements for the RC zones are as specified in Subtitle C, Chapter 7.

717.2 Bicycle parking requirements for the RC zones are as specified in Subtitle C, Chapter 8.

717.3 Loading requirements for the RC zones are as specified in Subtitle C, Chapter 9.

Chapter 8, MIXED-USE UPTOWN ARTS ZONES - ARTS-1 THROUGH ARTS-4, is amended as follows:

Section 811, USE PERMISSIONS (ARTS), § 811.6, is amended as follows:

811.6 Arts use groups listed in Subtitle U § 700.6 subject to the restriction on eating and drinking establishments of Subtitle K § 811.9, retail, service, general, and service, financial uses shall occupy no less than fifty percent (50%) of the ground floor level of each building on a lot that fronts on 14th Street, U Street, 7th Street, or Florida Avenue between 7th and 9th Streets; provided, this requirement shall not apply to a building located on a lot less than fifty feet (50 ft.) in width, measured along the property line that abuts the public street, if the building is used as an apartment house, multiple dwelling, or hotel.

A new § 814, PARKING, LOADING, AND VEHICLE ACCESS (RC), is added to read as follows:

814 PARKING, LOADING, AND VEHICLE ACCESS (ARTS)

814.1 Parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 7.

814.2 Bicycle parking requirements for the ARTS zones are as specified in Subtitle C, Chapter 8.

814.3 Loading requirements for the ARTS zones are as specified in Subtitle C, Chapter 9.

Subtitle U, USE PERMISSIONS, is amended as follows:

Chapter 1, USE PERMISSIONS, is amended by adding a new § 101, SPECIAL EXCEPTIONS USE PROVISIONS, to read as follows:

101 SPECIAL EXCEPTIONS USE PROVISIONS

101.1 When special exception relief is permitted for a use not meeting the matter-of-right requirements for its use group, that special exception relief shall not be used

to relieve a condition that prohibits a use or activity or places a limitation on a use or to permit a prohibited use or a use that is specifically identified as not permitted.

Chapter 2, USE PERMISSIONS RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Section 254, CORNER STORES, is amended as follows:

Subsections 254.3 and 254.4 are deleted, and replaced with [RESERVED] as follows:

254.3 [RESERVED]

254.4 [RESERVED]

Subsection 254.5 is amended as follows:

254.5 The allowable total area for a corner store shall be one thousand-two hundred square feet (1,200 sq. ft.), not including cellar space, and shall be limited to the ground story and cellar or basement.

Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is amended as follows:

Section 320, SPECIAL EXCEPTION USES (RF), § 320.2(g)(5), is amended to read as follows:

- (5) 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 or shade study, or other reputable study acceptable to the Board of Zoning Adjustment;

Subsection 320.3(c) is amended as follows:

- (c) In demonstrating compliance with Subtitle U § 320.3(b), 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; and

Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, is amended as follows:

Section 502, MATTER-OF-RIGHT USES (MU-USE GROUP A), § 502.1(f), is amended as follows:

- (f) Office use, including chancery, shall be permitted as a matter of right as a replacement for office use authorized by a validly issued certificate of occupancy prior to January 29, 1999;

Section 506, SPECIAL EXCEPTION USES (MU-USE GROUP B), § 506.1(f), is amended as follows:

- (f) Retail;

Section 510, MATTER-OF-RIGHT USES (MU-USE GROUP D), § 510.1(w), is amended as follows:

- (w) Service uses, both financial and general subject to the following limitations:
 - (1) The uses do not involve installation of automobile accessories; and
 - (2) A laundry or dry cleaning facility shall not exceed twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and
 - (3) A indoor storage facility not exceeding twenty-five hundred square feet (2,500 sq. ft.) of gross floor area; and

...

Section 512, MATTER-OF-RIGHT USES (MU-USE GROUP E), § 512.1, is amended by adding a new paragraph (e) to read as follows, and re-lettering the subsequent paragraphs accordingly:

- (e) Education uses, private;

Section 518, SPECIAL EXCEPTION USES (MU-USE GROUP G), § 518.1(f), is amended to read as follows:

- (f) Emergency shelter for five (5) to twenty-five (25) persons, not including resident supervisors or staff and their families, subject to the standards and conditions of Subtitle U § 203.1(h);

Chapter 7, USE PERMISSIONS MIXED-USE UPTOWN ARTS (ARTS) AND DOWNTOWN (D) ZONES, is amended as follows:

Section 700, MATTER-OF-RIGHT USES (ARTS AND D), §§ 700.2, 700.3, and 700.4, are amended as follows:

- 700.2 In the ARTS-1 and ARTS-2 zones, arts use of this chapter shall be permitted as a matter of right in addition to the MU-Use Group E standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.
- 700.3 In the ARTS-3 zone, the arts uses of this chapter shall be permitted as a matter of right in addition to the MU-Use Group F standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.
- 700.4 In the ARTS-4 zone, the arts uses in this chapter shall be permitted as a matter of right in addition to the MU-Use Group G standards of Subtitle U, Chapter 5, subject to the limitations and conditions of this chapter.

Subsection 700.6(a)(1) is amended as follows:

- (1) The area accounts for no more than five percent (5%) of the 0.5 FAR or 0.5 FAR equivalent;

Chapter 8, USE PERMISSIONS PRODUCTION, DISTRIBUTION, AND REPAIR (PDR) ZONES, is amended as follows:

Section 801, MATTER-OF-RIGHT USES (PDR), § 801.1(b), is amended as follows:

- (b) Animal Sales, Care, and Boarding uses subject to the following conditions:
 - (1) Veterinary hospital, which may also include the incidental boarding of animals as necessary for convalescence, pet grooming, and the sale of pet supplies, but not as an independent line of business; or
 - (2) Animal Shelter subject to the following conditions:
 - (A) The use shall utilize industry standard sound-absorbing materials, such as acoustical floor and ceiling panels, concrete and masonry, and acoustical landscaping;
 - (B) The use shall not be located within twenty-five feet (25 ft.) of a lot within an R, RA, RF, RC-1, CG-1, or D-1 zone. The twenty-five feet (25 ft.) shall be measured to include any space on the lot or within the building not used by the animal shelter use and any portion of a street or alley that separate the use from a lot within an R, RF, or RA zone. Shared facilities that are not under the sole control of the animal shelter, such as hallways and trash rooms shall not be considered as part of the animal shelter use; and

- (C) Outdoor runs and external yards for the exercise of animals shall be permitted, subject to the following requirements:
 - (1) No animals shall be permitted in outdoor runs or external yards between the hours of 8:00 p.m. and 7:00 a.m.;
 - (2) External yards and outdoor runs shall be enclosed with fencing or walls for the safe confinement of animals and the absorption of noise. Fencing and/or walls shall be a minimum of eight feet (8 ft.) in height and constructed of solid or opaque materials with maximal noise-absorbing characteristics;
 - (3) No more than three (3) animals shall be permitted within any exterior yard or outdoor run at a time; and
 - (4) No part of an outdoor run or exercise yard shall be located within two hundred feet (200 ft.) of an existing residential use or residence zone;
- (D) All animal waste shall be kept in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly;
- (E) Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air [HEPA] filtration) or an equivalently effective odor control system; and
- (F) The use shall meet the Standards of External Effects in Subtitle U § 804;

...

Subsection 801.1(i) is amended as follows:

- (i) Education uses, private and public;

Subsections 801.1(z) and (aa) are amended as follows:

- (z) Utilities (basic) uses are permitted as a matter-of-right; however, if the use is an electronic equipment facility that exceeds twenty-five percent (25%) of the gross floor area of a building located on site:

- (1) The building shall not be located within eight hundred feet (800 ft.) of an established or planned Metrorail station; and
 - (2) The building shall not be located within one thousand two hundred fifty feet (1,250 ft.) of the edge of a river as measured at mean high tide;
- (aa) Waste incineration, including for conversion to energy subject to the Standards of External Effects in Subtitle U § 804, and the use shall not be permitted on any lot located in whole or in part within one hundred feet (100 ft.) of a residential zone; and

A new § 801.1(bb) is added to read as follows:

- (bb) Wholesale or storage establishment, including open storage, except a junk yard.

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

Chapter 1, BOUNDARIES, is amended as follows:

Section 101, CAPITOL GATEWAY ZONES, § 101.1, is amended as follows:

- 101.1 The Capitol Gateway zones (CG-1 through CG-7 and D-5) are applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed-use development in the Comprehensive Plan for the National Capital. The following Squares and portions of Squares in the southwest and southeast quadrants of the District of Columbia are included in the CG zones: 601, 602, 603, 605, 607, 609, 611, 612, 613, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, ES667, 700, 701, 702, 703, 704, 705, 706, 707, 708, E708, S708, S744, 769, 771, and 800, as well as Square 651, Lots 147 and 148; Square 653, Lots 14, 15, 52-54, 60-66, 68-70, 75, 111, 810, 811, 827, and 828; and Square 655, Lots 124-140.

Section 105, DUPONT CIRCLE ZONES, § 105.1, is amended as follows:

- 105.1 The Dupont Circle zones (RF-2, RA-8, RA-9, RA-10, and MU-15 through MU-22) include the following Squares: 23, 35, 48, 49, 65, 66, 67, 68, 69, 70, 90, 91, 92, 93, 94, 95, 96, 97, 98, N99, 109, 110, 111, 112, 113, 114, 115, 131, 132, 133, 134, 135, 136, 137, N137, 138, 139, 153, S153, 154, 155, 156, 157, 158, 159, 160, 178, 179, 180, 181, S181, 182, N182, 192, 193, 194, 195, S195, 196, and N196. The Dupont Circle zones also include the following lots: Square 176, Lots 43-45, 64-73, 2076-2128; Square 177, Lots 2, 36-40, 87-92, 104, 108, 118-123, 126, 127, 801, 802, 2009-2019, 2020-2025; Square N177, Lots 4-9, 17, 23-25, 26, 27, 87-92, 801-804, 807, 810-811, 2001-2009, 2010-2012, 2013, 2022; Square

190, Lots 22-42, 51-62, 88-99, 101-116, 119-120, 123, 129, 809, 2001-2018, 2019-2028, 2029-2049, 2050-2056; Square 191, Lots 3-6, 8-16, 40-49, 51-59, 63-65, 66-69, 71-76, 79-87, 90-92, 93-95, 96-98, 99, 100, 104, 107-108, 800, 801, 803-804, 812, 814, 816, 817, 2001-2012, 2014-2027, 2028-2031, 2032, 2034-2058, 2059-2067, 2068-2077, Square 206, Lots 17-25, 62-65, 113-122, 128-133, 138-162, 166-176, 177-198, 219, 220, 800-805, 807, 809, 811, 812, 813, 814, 2001-2013; and Square 207, Lots 48-65, 94-95, 810.

Subtitle X, GENERAL PROCEDURES, is amended as follows:

Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended as follows:

Section 300, PLANNED UNIT DEVELOPMENTS, § 300.9, is deleted, and §§ 300.10 through 300.12 are renumbered 300.9 through 300.11.

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 302, PLANNED UNIT DEVELOPMENT APPLICATION TYPES, § 302.2, is amended as follows:

302.3 A consolidated application shall incorporate all information and material for both a first- and second-stage application as required by Subtitle Z §§ 300.11 and 300.12 into one (1) application, and all information shall be submitted at the time of initial filing.

Section 303, PLANNED UNIT DEVELOPMENT FLEXIBILITY, is amended as follows:

Subsection 303.7, Table X § 303.7: MINIMUM NUMBER OF BICYCLE PARKING SPACES, is amended by adding the following entries after the entry for “MU-27” and before the entries for the “D zones” (all other entries on are unchanged):

Zone	Maximum PUD Height (feet)
MU-28 (C-3-A/FT)	90
MU-29 (CR/FT)	110
PDR-7 (M/FT)	90

Subsection 303.14 is amended as follows:

303.14 As part of any PUD, the applicant may request the Zoning Commission to grant an area variance to permit additional height and density beyond that permitted by this section. The Zoning Commission shall apply and not deviate from the variance standard stated at Subtitle X, Chapter 10.

Chapter 7, AIRSPACE DEVELOPMENT, is amended as follows:

Section 702, APPLICATION REQUIREMENTS, § 702.1, is amended as follows:

702.1 An application for an airspace development shall meet the requirements of Subtitle Z § 303.

Chapter 9, SPECIAL EXCEPTIONS, is amended as follows:

Section 901, SPECIAL EXCEPTION REVIEW STANDARDS, § 901.2(c), is amended as follows:

(c) Will meet such special conditions as may be specified in this title.

Chapter 10, VARIANCES, is amended as follows:

Section 1001, VARIANCE TYPES, § 101.3(a), is amended as follows:

(a) Requirements that affect the size, location, and placement of buildings and other structures such as height and FAR;

...

A new Chapter 13, TEXT AMENDMENTS, is added to read as follows:

CHAPTER 13 TEXT AMENDMENTS

1300 TEXT AMENDMENTS

1300.1 The Zoning Commission will evaluate and approve, disapprove, or modify a text amendment petition according to the standards of this section.

1300.2 The Zoning Commission shall find that the petition is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject text.

1301 PETITION REQUIREMENTS

1301.1 A petition for a text amendment shall meet the requirements of Subtitle Z § 305.

Subtitle Y, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Chapter 2, PUBLIC PARTICIPATION, is amended as follows:

Section 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, §§ 206.8(b) and (d), are amended as follows.

...

- (b) Contain the case number assigned by the Office of Zoning;

...

- (d) Not exceed the maximum allowable size of eight (8) megabytes.

Chapter 4, PRE-HEARING AND HEARING PROCEDURES: APPLICATIONS, is amended as follows:

Section 401, EXPEDITED REVIEW, § 401.6(a), is amended as follows.

- (a) The procedure for requesting the removal of the application from the expedited review calendar is as described in Subtitle Y §§ 401.7 and 401.8; and

Section 402, NOTICE OF PUBLIC HEARINGS, is amended by revising its title as follows:

402 PUBLIC NOTICE REQUIREMENTS

Section 404, REQUESTING PARTY STATUS, § 404.1(a), is amended as follows:

- (a) Name, mailing address, telephone number, and e-mail address;

Section 406, ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT, is amended as follows:

Subsection 406.1 is amended as follows:

406.1 This section applies to an affected ANC.

Subsection 406.3 is amended as follows:

406.3 If an ANC wishes to participate in the hearing, it must file its written report with the Board at least seven (7) 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.

Chapter 5, PRE-HEARING AND HEARING PROCEDURES: ZONING APPEALS, is amended as follows:

Section 502, REQUESTING INTERVENOR STATUS, is amended as follows:

Subsection 502.13(c) is deleted.

The existing text of §§ 502.14 through 502.16 are renumbered as §§ 502.15 through 502.17, and a new § 502.14 is inserted to read as follows:

502.14 In granting intervener status, the Board may specify whether the person will be permitted to intervene in the appeal for general or limited purposes.

Chapter 7, APPROVALS AND ORDERS, is amended as follows:

Section 703, CONSENT CALENDAR - TECHNICAL CORRECTIONS, MINOR MODIFICATION, AND MODIFICATION OF CONSEQUENCE, TO ORDERS AND PLANS, is amended by adding a new § 703.15 to read as follows:

703.15 A request for minor modification of plans shall be filed with the Board not later than two (2) years after the date of the final order approving the application, or the circumstances of Subtitle Y § 702.3 apply, two (2) years after the date the decision date of the court's final determination of the appeal.

Chapter 16, FEES, is amended as follows:

Section 1600, MISCELLANEOUS FEES, § 1600.1(b)(3), is amended as follows:

...

(b) Application for a special exception:

...

(3) For an application for permission to locate, replace, or expand a chancery not meeting the conditions for a matter of right use, either:

(A) Sixty-five dollars (\$65) for each one hundred square feet (100 sq. ft.) or part thereof of gross floor area; or

(B) Five hundred dollars (\$500) when the expansion does not result in an increase to gross floor area, such as the erection or enlargement of a fence.

Subtitle Z, ZONING COMMISSION RULES OF PRACTICE AND PROCEDURE, is amended as follows:

Chapter 2, PUBLIC PARTICIPATION, is amended as follows:

Section 206, SUBMITTING COMMENTS OR FILING DOCUMENTS ELECTRONICALLY OR BY E-MAIL, §§ 206.8(b) and (d), are amended as follows.

206.8 All documents filed electronically through IZIS shall:

...

- (b) Contain the case number assigned by the Office of Zoning;

...

- (d) Not exceed the maximum allowable size of eight (8) megabytes.

The existing text of §§ 2016.10 through 206.16 are renumbered as §§ 206.11 through 206.17, and a new § 206.10 is inserted to read as follows:

206.10 All filings submitted through IZIS on or before 11:59 p.m. shall be recorded as being received on the same day.

Chapter 3, APPLICATION REQUIREMENTS, is amended as follows:

Section 302, CAMPUS PLAN/FURTHUR PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS, is amended by revising its title as follows:

302 PLAN/FURTHER PROCESSING AND MEDICAL CAMPUS PLAN APPLICATION REQUIREMENTS

Chapter 4, PRE-HEARING AND HEARING PROCEDURES: CONTESTED CASES, is amended as follows:

Section 402, PUBLIC NOTICE REQUIREMENTS, § 402.1(c), is amended as follows:

402.1 Not less than forty (40) days before the public hearing on an application, the Director shall give notice of public hearing by:

...

- (c) Providing a copy of the notice of public hearing to the affected ANC and to any other ANC that is within two hundred feet (200 ft.) of the property involved in the application;

Section 404, REQUESTING PARTY STATUS, § 404.1(a), is amended as follows:

- (a) Name, mailing address, telephone number, and e-mail address;

Section 405, REFERRALS TO AND REPORTS OF PUBLIC AGENCIES, §§ 405.2(a)(2) and (b), are amended as follows

- (a) The National Capital Planning Commission of:

...

- (2) Those applications for approval pursuant to Subtitle K § 512.1(a) and (d);

...

- (b) The Capitol Police Board for those applications for approval pursuant to Subtitle K § 515.4; and

Section 406, ADVISORY NEIGHBORHOOD COMMISSION (ANC) REPORT, is amended as follows:

Subsection 406.1 is amended as follows:

406.1 This section applies to an affected ANC.

Subsection 406.3 is amended as follows:

406.3 If an ANC wishes to participate in the hearing, it must file its written report with the Board at least seven (7) 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.

Chapter 5, PRE-HEARING AND HEARING PROCEDURES: RULEMAKING CASES, is amended as follows:

Section 500, SETDOWN PROCEDURES: SCHEDULING RULEMAKING CASE PETITIONS FOR HEARING, § 500.12, is amended as follows:

500.12 If the Commission dismisses a petition without prejudice because of the need to modify the petition, the order shall also state the type of modification the Commission considers appropriate.

Chapter 6, POST-HEARING PROCEDURES, is amended as follows:

Section 604, FINAL ACTION AND FINAL ORDERS, is amended by renumbering the existing text of §§ 604.8 through 604.13 as §§ 604.9 through 604.14, and inserting a new § 604.8 as follows:

604.8 In a contested case, unless specifically stated otherwise, the term "applicant" in any condition of an order approving an application (including a modification) shall mean the person or entity then holding title to the subject property. If there is more than one (1) owner, the obligations under the order shall be joint and several. If a person or entity no longer holds title to the subject property, that party shall have no further obligations under the order; however, that party remains liable for any violation of any condition that occurred while an owner.

A new § 605, PROOF OF COMPLIANCE, is added to read as follow:

605 PROOF OF COMPLIANCE

605.1 If an application in a contested case is approved, the Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of the order approving the application at such time as the Zoning

Administrator requests and shall simultaneously file that letter with the Office of Zoning.

Chapter 16, FEES, is amended as follows:

Section 1602, WAIVER OF HEARING FEES, § 1602.3, is amended as follows:

1602.3 The Application must be filed prior to the Commission's decision to setdown the application for a hearing. The Commission shall rule upon the request for waiver of fees at the time the matter is set down for public hearing.

On June 13, 2016, upon the motion of Chairman Hood, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the technical corrections at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On July 25, 2016, upon the motion of Commissioner Turnbull, as seconded by Vice Chairperson Cohen, 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).

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 14-11A
Z.C. Case No. 14-11A

**(Minor Modification to Z.C. Order No. 14-11 – Text Amendment to Chapters 1, 3, 4, 26,
31, and 32, Maximum Height and Minimum Lot Dimension Requirements and Use
Permissions in the R-4 District)**
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, as amended (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of the adoption of amendments to the current version and 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 to certain amendments made by Z.C. Order No. 14-11 (Order).

The Order, which took the form of a Notice of Final Rulemaking, adopted amendments to the currently effective version of the Zoning Regulations (Current Regulations) concerning the maximum height, minimum lot dimension requirements, and use permissions in the R-4 Zone District. The substance of the amendments was later included by the Commission in the version of Title 11 DCMR that will become effective on September 6, 2016 (2016 Regulations), which was 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*.

Among other things, the Order amended the R-4 regulations to require special exception approval to convert buildings existing prior to May 12, 1958 to apartment houses. The minor modification adds a special exception condition prohibiting an addition from extending further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property. The modification also adds this condition to the three (3) existing conditions that may be waived, and increases the number of such waivable conditions from two (2) to three (3).

The Commission makes these amendments in response to a January 13, 2016 correspondence from six (6) individuals, which noted that the condition appeared in the notice of proposed rulemaking for Z.C. Case No. 14-11, but did not appear in the final rulemaking notice. At its public meeting of March 28, 2016, the Commission, after reviewing a report submitted by the Office of Planning, voted to propose this modification. In doing so, the Commission noted that the Notice of Proposed Rulemaking included the condition as part of a provision that would have permitted the conversion of residential buildings to apartment houses as a matter of right. At final action, the Commission decided that such conversions should only be permitted by special exception. The Commission chose not to add the condition to the special exception criteria because it believed that the Board of Zoning Adjustment would be required to consider the adverse impact of an addition that extended past the furthest rear wall of an adjacent building. However, the Commission concluded that it now would be appropriate to add the condition, subject to the waiver discussed above.

Because the Zoning Commission is merely adding a waivable standard for the Board of Zoning Adjustment to apply in these circumstances, the Commission concluded that the modification is minor and therefore could be made without a hearing as provided by § 3030 of the Commission's rules.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 17, 2016, at 63 DCR 8527. No comments were received in response.

The Commission took final action to adopt the amendments at a public meeting on July 25, 2016, making no changes to the proposed text. As to the Current Regulations, the final rulemaking is effective upon publication of this notice in the *D.C. Register*. As to the 2016 Regulations, the Final Rulemaking shall become effective on September 6, 2016.

Current Regulations:

Title 11 DCMR, ZONING, Chapter 3, R-2, R-3, R-4, AND R-5 RESIDENCE DISTRICT USE REGULATIONS, § 336, CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4), is amended to prohibit an addition from extending further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property, to allow the prohibition to be modified or waived, to increase the number of waivable conditions from two (2) to three (3), and to make other conforming changes including the renumbering of subsections so that the entire section reads as follows:

336 CONVERSION OF A RESIDENTIAL BUILDING EXISTING PRIOR TO MAY 12, 1958, TO APARTMENT HOUSES (R-4)

- 336.1 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in the R-4 District if approved by the Board of Zoning Adjustment under § 3104, subject to §§ 336.2 through 336.14.
- 336.2 The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit under § 3104, subject to §§ 336.3 through 336.14.
- 336.3 The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Chapter 26, Inclusionary Zoning, including the set aside requirement set forth at § 2603.9.
- 336.4 There must be an existing residential building on the property at the time of filing an application for a building permit.

- 336.5 There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit.
- 336.6 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.
- 336.7 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 Board of Zoning Adjustment.
- 336.8 A roof top architectural element original to the house 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.
- 336.9 An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property.
- 336.10 Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
- (a) The light and air available to neighboring properties shall not be unduly affected;
 - (b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (c) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley.
- 336.11 In demonstrating compliance with § 336.10, 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.
- 336.12 The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block.
- 336.13 The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in §§ 336.6 through 336.9; provided, that any modification or waiver granted pursuant to this section shall not be in conflict with § 336.10.

- 336.14 An apartment house in an R-4 Zone District, converted from a residential building prior to June 26, 2015, or converted pursuant to §§ 3202.8, 3202.9, or 3202.10, shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to §§ 3104.1 and 3104.3 and this section.

2016 Regulations:

Section 320, SPECIAL EXCEPTION USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, § 320.2, of Title 11-U DCMR, USE PERMISSIONS, is amended to prohibit an addition from extending further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property, to allow the prohibition to be modified or waived, to increase the number of waivable conditions from two (2) to three (3), and to make other conforming changes including the renumbering of subsections and corrections to align the language with the text approved by of Z.C. Case No. 14-11 so that the entire subsection reads as follows:

- 320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:
- (a) The maximum height of the residential building and any additions thereto shall not exceed thirty-five feet (35 ft.), except that the Board of Zoning Adjustment may grant a special exception from this limit to a maximum height of forty feet (40 ft.) provided the additional five feet (5 ft.) is consistent with Subtitle U §§ 320.2(f) through 320.2(i);
 - (b) The fourth (4th) dwelling unit and every additional even number dwelling unit thereafter shall be subject to the requirements of Subtitle C, Chapter 10, Inclusionary Zoning, including the set aside requirement set forth at Subtitle C § 1003.6;
 - (c) There must be an existing residential building on the property at the time of filing an application for a building permit;
 - (d) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;
 - (e) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;
 - (f) 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;

- (g) 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 Board of Zoning Adjustment;
- (h) A roof top architectural element original to the house 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;
- (i) Any addition shall not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:
 - (1) The light and air available to neighboring properties shall not be unduly affected;
 - (2) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised; and
 - (3) The conversion and any associated additions, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the subject street or alley;
- (j) In demonstrating compliance with Subtitle U § 320.2(i) 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;
- (k) The Board of Zoning Adjustment may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent or nearby properties, or to maintain the general character of a block;
- (l) The Board of Zoning Adjustment may modify or waive not more than three (3) of the requirements specified in Subtitle U §§ 320.2(e) through § 320.2(h) provided, that any modification or waiver granted pursuant to this section shall not be in conflict with Subtitle U § 320.2(i); and
- (m) An apartment house in an RF-1, RF-2, or RF-3 zone, converted from a residential building prior to June 26, 2015, or converted pursuant to Subtitle A §§ 301.9, 301.10, or 301.11 shall be considered a conforming use and structure, but shall not be permitted to expand either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and this section.

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

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 26, 2016 for the Current Regulations, and September 6, 2016 for the 2016 Regulations.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**NOTICE OF FINAL RULEMAKING****AND****ZONING COMMISSION ORDER NO. 15-09****Z.C. Case No. 15-09****Residents of Lanier Heights & ANC 1C****(Map Amendment @ Squares 2580-2584, 2586W, 2587, and 2589)****July 27, 2016**

The Zoning Commission for the District of Columbia (Commission), pursuant to its authority under § 1 of the Zoning Act of June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its adoption of amendments to the Zoning Map incorporated by reference in Title 11 (Zoning) of the District of Columbia Municipal Regulations (DCMR) to rezone portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589 from the R-5-B Zone District to the R-4 Zone District.

In addition, the Commission, through a Notice of Final Rulemaking (Notice) published in Part II of the March 4, 2016 edition of the *District of Columbia Register*, adopted a replacement version of Title 11 DCMR, as well as implementing amendments to the Zoning Map, which are to become effective September 6, 2016 (Future Zoning Map Amendments). Among those amendments were that any properties zoned in the R-5-B District would be rezoned to the RA-2 zone. The Commission hereby gives notice of modification to those amendments so that portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589 will be re-designated to the RF-1 zone.

Procedures Leading to Adoption of Amendments

On April 7, 2015, Denis Suski and residents of Lanier Heights and Advisory Neighborhood Commission (ANC) 1C (Petitioners) submitted a petition requesting a map amendment to rezone the portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589 that are currently zoned in the R-5-B Zone District to the R-4 Zone District. The petition included a letter from the Chair of ANC 1C indicating that at a properly noticed meeting on April 3, 2015, ANC 1C, with a quorum present, voted 6-0 to “join with neighbors in applying for a change in zoning to R-4 for certain properties in Lanier Heights, as more fully set forth in the enclosed Materials.” The Petitioners stated the reason for their request was to limit the conversion of row dwellings to multi-unit apartment buildings.

On December 4, 2015, the Office of Planning (OP) submitted a Setdown Report. OP stated that the Comprehensive Plan provides policy guidance that both supports and does not support a more restrictive zoning designation, that the proposed downzoning would have implications on both existing property owners and broader District goals related to housing and land use, and that it is not generally inconsistent with the Comprehensive Plan. OP stated that it therefore supported setting down the petition for a public hearing to allow for further public input. OP further recommended that if the petition was set down for a public hearing, the Commission

should also consider a corresponding text amendment to designate existing multi-family buildings or multi-family buildings in the permit process as conforming uses.

At a properly noticed public meeting on December 8, 2014, the Commission voted in favor of setting down the proposed amendment as a rulemaking case. The Commission deferred consideration of the corresponding text amendment recommended by OP.

A Notice of Public Hearing was published in the February 5, 2016, edition of the *D.C. Register* at 62 DCR 1243.

By letter dated February 3, 2016, ANC 1C requested a waiver of the rule requiring it to post a copy of the public hearing notice on the street frontage at each square affected by the rezoning proposal. 11 DCMR § 3014.3. The Commission considered the request at a regularly scheduled public meeting on February 8, 2016, and partially granted it, requiring the Petitioners to either post the public hearing notice on the corner of each block containing an affected property or to mail notices to all affected property owners.

On March 11, 2016, OP submitted its hearing report. The report stated that the main differences between the current R-5-B zoning and proposed R-4 zoning are that the current R-5-B zoning allows multi-family buildings by-right, and allows a taller building height than the R-4 zoning requested by the Petitioners. The report further stated that the Comprehensive Plan provides policy guidance that both supports and does not support the requested more restrictive R-4 zoning designation. The Plan's Generalized Policy Map describes the area as a Neighborhood Conservation area, suggesting that any new development should be compatible with the neighborhood's existing character. The Plan's Future Land Use Map designates the subject properties for Moderate Density Residential, which would not be inconsistent with either an R-4 or an R-5-B Zone District. The proposed downzoning to R-4 would have implications on both existing property owners and on some broader District goals and objectives related to housing and land use. The proposal would be not inconsistent with the policies of the Comprehensive Plan that seek to conserve row house neighborhoods. It could, however, limit the ability of the District to accommodate more residents, which is another important policy goal, in a neighborhood that has been zoned R-5-B for many decades. Finally, OP stated it had discussed possibility of a creating a new custom zone or use of one of the new, but not yet effective RF zones adopted as part of the Future Zoning Map Amendments, to bridge these policy issues, and included an outline of such a zone that could be a compromise between the two sets of objectives, but noted that this general direction of a compromise zone had not been accepted by the Petitioners.

At its March 21, 2016, public hearing, the Commission heard testimony from the Petitioners, OP, and a number of individuals both for and against the proposed rezoning.

At the close of the hearing the Commission left the record open for the Petitioners to provide a report on its public outreach efforts, and for OP to submit a supplemental report. The Commission indicated it would consider proposed action at its April 11, 2016 public meeting.

On March 22, 2016, the Petitioners provided the summary of its community outreach efforts.

OP submitted a supplemental report dated April 4, 2016. The report recommended that the Commission approve the petition to rezone the subject properties from R-5-B to R-4. OP stated that it was persuaded by the testimony of the Petitioners and members of the public that the larger neighborhood contains a significant quantity of apartments that provide a good mix of housing types to address the needs of a growing population, and that the relatively small number of existing rowhouses and flats on the lots subject to this petition add to the use mix and vibrancy of the neighborhood, and should therefore be protected. The report proposed a text amendment that would designate any multi-family dwelling within the rezoning area, or any proposed multi-family dwelling in the permit process as of the date this case was set down as a conforming use, provided that the multiple dwelling may not be expanded in floor area or in number of units.

The report stated that the rezoning would have no impact on the terms of residential leases. The report updated the analysis previously provided for Z.C. Case No. 14-11 on the annual price increases for residential units of different sizes and the ability of the District to accommodate anticipated population growth. Finally, the report suggested that the Commission revise the Future Zoning Map Amendments to re-designate the subject properties from RA-2 to RF-1.

OP submitted a second supplemental report dated April 6, 2016. The report suggested a revision to the text amendment that would designate any multi-family dwelling within the rezoning area, or any proposed multi-family dwelling in the permit process as of the date this case was set down, as a conforming use.

At its regularly scheduled April 11, 2016 public meeting, the Commission voted to take proposed action on the amendment rezoning the subject properties from R-5-B to R-4 on the current zoning map, and to modify the Future Zoning Map Amendments to re-designate subject properties from RA-2 to RF-1, thereby authorizing the publication of a notice of proposed rulemaking and a referral of the proposed amendment to the National Capital Planning Commission (NCPC). The Commission also set down the text amendment proposed by OP in its April 6, 2016 supplemental report as a separate case. This case was assigned Z.C. Case No. 16-08, and will be the subject of a public hearing to be held July 18, 2016.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on May 20, 2016 at 63 DCR 7711.

The following comments were received.

On June 9, 2016, Ronald Baker submitted a comment requesting that instead of the proposed map amendments, the Commission instead should adopt a custom zone that would apply only to the Subject Properties. The custom zone would permit building heights of forty feet (40 ft.) as a matter of right and fifty feet (50 ft.) if approved as a special exception, a twenty-foot (20-ft.) rear set back as a matter of right and fifteen feet (15 ft.) if approved as a special exception, up to three (3) dwelling units as a matter of right and four (4) if approved as a special exception, and a ten-foot (10-foot) maximum "pop back" limit and a larger "pop back" permitted if approved as a special exception.

Comments were received from Brendan Reardon, Sean Ruppert, Jackie Greenbaum, Kimm Sumrall, Metija Jevtic, Susan Subak, Greg Keats, Lou Campanelli, Christopher Montwill, Beck Vissat, Robert Corcoran, Gayle Monkkonen, Larry Pedrick and Sonia Montes de Oca, Michael Maya, Paul Zukerberg, Ken Rubotzky, and John Strayer stating support for Mr. Baker's proposal. In Mr. Zukerberg's letter, he also recommended excluding the 1700 block of Lanier Place from the rezoning.

In a letter dated May 12, 2016, the Executive Director of NCPC informed the Commission that, through a delegated action dated April 28, 2016, he found that the proposed map amendment is not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2012 Repl.)) to give great weight to OP recommendations. The Commission believes that its final determination in this case reflects the recommendation of OP.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) (2014 Repl.)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC, which in this case was ANC 1C's April 3, 2016 letter joining and incorporating the Petition. To satisfy the great weight requirement, District agencies must articulate with particularity and precision the reasons why an affected ANC does or does not offer persuasive advice under the circumstances. The Commission found the Petition to be persuasive.

At a regularly scheduled public meeting on June 27, 2016, the Commission took final action to approve the map amendments.

The Commission considered the comments on the proposed rulemaking notice. With respect to the comments suggesting that the Commission should adopt a customized zone instead of the proposed map amendment, the Commission noted that the proposal had not been considered by OP or the ANC, and that going forward with such a proposal would require a new hearing and proposed rulemaking. At this juncture in the case, the Commission believes it should go forward with the map amendment proposed, particularly in view of the amount of work done by the community to reach this point of majority consensus. For this same reason, the Commission declined to exclude the 1700 block of Lanier Place from the rezoning.

The Zoning Map is amended as follows:

Rezone the portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589 that are currently zoned in the R-5-B Zone District to the R-4 Zone District.

The Future Zoning Map Amendments adopted by the Notice are modified as follows:

The table that appears in page 30 of the Notice is modified as follows:

The portions of the table that states:

R-4	RF-1
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Is modified to state:

R-4 and those portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589 referenced as R-5-B.	RF-1
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The portion of the table that states:

R-5-B	RA-2
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Is modified to state:

R-5-B except those portions of Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, and 2589.	RA-2
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A complete list of the properties included in this map amendment is attached to the end of this notice.

On April 11, 2016, upon the motion of Chairman Hood, as second by Vice Chairperson, 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 to approve).

On June 27, 2016, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on August 26, 2016 for the Current Zoning Map, and September 6, 2016 for the Future Zoning Map Amendments.

Square	Lot	Address
2580	0354	1756 Lanier Place, NW
2580	0359	1746 Lanier Place, NW
2580	0360	1744 Lanier Place, NW
2580	0386	1788 Lanier Place, NW
2580	0387	1786 Lanier Place, NW
2580	0417	1730 Lanier Place, NW
2580	0418	2724 Ontario Road, NW
2580	0419	2722 Ontario Road, NW
2580	0420	2720 Ontario Road, NW
2580	0421	2718 Ontario Road, NW
2580	0422	2716 Ontario Road, NW
2580	0432	1740 Lanier Place, NW
2580	0432	1742 Lanier Place, NW
2580	0433	1738 Lanier Place, NW
2580	0434	1736 Lanier Place, NW
2580	0435	1734 Lanier Place, NW
2580	0436	1732 Lanier Place, NW
2580	0449	1784 Lanier Place, NW
2580	0480	1768 Lanier Place, NW
2580	0481	1766 Lanier Place, NW
2580	0482	1764 Lanier Place, NW
2580	0483	1762 Lanier Place, NW
2580	0484	1760 Lanier Place, NW
2580	0485	1758 Lanier Place, NW
2580	0513	1776 Lanier Place, NW
2580	0824	1748 Lanier Place, NW
2580	0840	1752 Lanier Place, NW
2580	0841	1750 Lanier Place, NW
2581	0290	2719 Ontario Road, NW
2581	0291	2721 Ontario Road, NW
2581	0292	2723 Ontario Road, NW
2581	0293	2725 Ontario Road, NW
2581	0294	2727 Ontario Road, NW
2581	0295	2729 Ontario Road, NW
2581	0296	2731 Ontario Road, NW
2581	0297	2733 Ontario Road, NW
2581	0298	2735 Ontario Road, NW
2581	0441	1726 Lanier Place, NW
2581	0442	1724 Lanier Place, NW
2581	0443	1722 Lanier Place, NW
2581	0444	1720 Lanier Place, NW
2581	0445	1718 Lanier Place, NW
2581	0446	1716 Lanier Place, NW
2581	0447	1714 Lanier Place, NW
2581	0464	1704 Lanier Place, NW
2581	0465	1706 Lanier Place, NW
2581	0466	1708 Lanier Place, NW
2581	0467	1710 Lanier Place, NW
2581	0468	1712 Lanier Place, NW
2581	0472	1702 Lanier Place, NW
2581	0473	1700 Lanier Place, NW
2581	0474	1698 Lanier Place, NW

Square	Lot	Address
2581	0475	1696 Lanier Place, NW
2581	0476	1694 Lanier Place, NW
2582	0172	1741 Lanier Place, NW
2582	0173	2803 Ontario Road, NW
2582	2040	2803 Ontario Road, NW
2582	2041	2803 Ontario Road, NW
2582	2042	2803 Ontario Road, NW
2582	2043	2803 Ontario Road, NW
2582	2044	2803 Ontario Road, NW
2582	2045	2803 Ontario Road, NW
2582	0191	2801 18 th Street, NW Unit B
2582	0192	2803 18 th Street, NW Unit 1B
2582	0193	2805 18 th Street, NW Unit 1A
2582	0194	2807 18 th Street, NW Unit 2A
2582	0195	2815 18 th Street, NW Unit 2B
2582	0196	2817 18 th Street, NW Unit 3
2582	0353	2809 Ontario Road, NW
2582	0376	1729 Lanier Place, NW
2582	0377	1731 Lanier Place, NW
2582	0378	1733 Lanier Place, NW
2582	0379	1735 Lanier Place, NW
2582	0380	1737 Lanier Place, NW
2582	0381	1739 Lanier Place, NW
2582	0401	1719 Lanier Place, NW
2582	0402	1717 Lanier Place, NW
2582	0403	1715 Lanier Place, NW
2582	0404	1713 Lanier Place, NW
2582	0405	1711 Lanier Place, NW
2582	0406	1709 Lanier Place, NW
2582	0407	1707 Lanier Place, NW
2582	0408	2805 Ontario Road, NW
2582	0409	2807 Ontario Road, NW
2582	0827	2809 Ontario Road, NW
2582	0828	2819 18 th Street, NW
2583	0334	1779 Lanier Place, NW
2583	0335	1781 Lanier Place, NW
2583	0336	1783 Lanier Place, NW
2583	0337	1785 Lanier Place, NW
2583	2108	1785 Lanier Place, NW Unit 1
2583	2109	1785 Lanier Place, NW Unit 2
2583	2110	1785 Lanier Place, NW Unit 3
2583	2111	1785 Lanier Place, NW Unit 4
2583	0338	1787 Lanier Place, NW
2583	0343	1850 Ontario Place, NW
2583	0344	1848 Ontario Place, NW
2583	0345	1846 Ontario Place, NW
2583	0346	1844 Ontario Place, NW
2583	0347	1842 Ontario Place, NW
2583	0348	1840 Ontario Place, NW
2583	0349	1838 Ontario Place, NW
2583	0350	1836 Ontario Place, NW

Square	Lot	Address
2583	0351	1834 Ontario Place, NW
2583	0352	1832 Ontario Place, NW
2583	0356	1775 Lanier Place, NW
2583	0357	1777 Lanier Place, NW
2583	0361	1882 Ontario Place, NW
2583	0362	1880 Ontario Place, NW
2583	0363	1878 Ontario Place, NW
2583	0389	1892 Ontario Place, NW
2583	0390	1890 Ontario Place, NW
2583	0391	1888 Ontario Place, NW
2583	0392	1886 Ontario Place, NW
2583	0393	1884 Ontario Place, NW
2583	0394	1824 Ontario Place, NW
2583	0395	1822 Ontario Place, NW
2583	0396	1820 Ontario Place, NW
2583	0397	1858 Ontario Place, NW
2583	0398	1856 Ontario Place, NW
2583	0399	1854 Ontario Place, NW
2583	0400	1852 Ontario Place, NW
2583	0414	1812 Ontario Place, NW
2583	0415	1810 Ontario Place, NW
2583	0416	1808 Ontario Place, NW
2583	0437	1830 Ontario Place, NW
2583	0438	1828 Ontario Place, NW
2583	0439	1826 Ontario Place, NW
2583	0450	1818 Ontario Place, NW
2583	0451	1816 Ontario Place, NW
2583	0452	1814 Ontario Place, NW
2583	0454	1745 Lanier Place, NW
2583	0455	1747 Lanier Place, NW
2583	0456	1749 Lanier Place, NW
2583	0457	1751 Lanier Place, NW
2583	0458	1753 Lanier Place, NW
2583	0459	1755 Lanier Place, NW
2583	0460	1757 Lanier Place, NW
2583	0461	1759 Lanier Place, NW
2583	0462	1761 Lanier Place, NW
2583	0486	1769 Lanier Place, NW
2583	0487	1771 Lanier Place, NW
2583	0512	1793 Lanier Place, NW
2583	2097	1793 Lanier Place, NW Unit 1
2583	2098	1793 Lanier Place, NW Unit 2
2583	2099	1793 Lanier Place, NW Unit 3
2583	2100	1793 Lanier Place, NW Unit 4
2583	2101	1793 Lanier Place, NW Unit 5
2583	2102	1793 Lanier Place, NW Unit 6
2583	2103	1793 Lanier Place, NW Unit 7
2583	2104	1793 Lanier Place, NW Unit 8
2583	0856	1767 Lanier Place, NW
2583	0857	
2584	0310	1841 Ontario Place, NW

Square	Lot	Address
2584	0311	1843 Ontario Place, NW
2584	0312	1845 Ontario Place, NW
2584	0313	1847 Ontario Place, NW
2584	0314	1849 Ontario Place, NW
2584	0315	1851 Ontario Place, NW
2584	0316	1853 Ontario Place, NW
2584	0365	1823 Ontario Place, NW
2584	0366	1825 Ontario Place, NW
2584	0367	1827 Ontario Place, NW
2584	0368	1829 Ontario Place, NW
2584	0373	1817 Ontario Place, NW
2584	0374	1819 Ontario Place, NW
2584	0375	1821 Ontario Place, NW
2584	0504	1839 Ontario Place, NW
2584	0505	1837-1839 Ontario Place, NW
2584	0818	1835 Ontario Place, NW
2584	0822	1857 Ontario Place, NW
2584	0823	1855 Ontario Place, NW
2584	0825	1831 Ontario Place, NW
2584	0828	1833 Ontario Place, NW
2587	0489	2922 18 th Street, NW
2587	2001	2922 18 th Street, NW Unit 1
2587	2002	2922 18 th Street, NW Unit 2
2587	2003	2922 18 th Street, NW Unit 3
2587	2004	2922 18 th Street, NW Unit 4
2587	2005	2922 18 th Street, NW Unit 5
2587	0490	2920 18 th Street, NW
2587	0491	2918 18 th Street, NW
2587	0492	2916 18 th Street, NW
2587	0493	2914 18 th Street, NW
2587	0494	2912 18 th Street, NW
2587	0495	2910 18 th Street, NW
2587	0496	2908 18 th Street, NW
2587	0497	2906 18 th Street, NW
2587	2009	2906 18 th Street, NW Unit 1
2587	2010	2906 18 th Street, NW Unit 2
2587	0498	2904 18 th Street, NW
2587	0499	2902 18 th Street, NW
2587	0500	2900 18 th Street, NW
2589	0452	1652 Argonne Place, NW
2589	0453	1650 Argonne Place, NW
2589	0454	1648 Argonne Place, NW
2589	0455	1646 Argonne Place, NW
2589	0456	1644 Argonne Place, NW
2589	0457	1642 Argonne Place, NW
2589	0458	1640 Argonne Place, NW
2589	0459	1638 Argonne Place, NW
2589	0460	1636 Argonne Place, NW
2589	0461	1634 Argonne Place, NW
2589	0462	1632 Argonne Place, NW
2589	0463	1630 Argonne Place, NW

Square	Lot	Address
2589	0464	1628 Argonne Place, NW
2589	0465	1626 Argonne Place, NW
2589	0466	1624 Argonne Place, NW
2589	0467	1622 Argonne Place, NW
2589	0468	1620 Argonne Place, NW
2586W	0806	2800 Adams Mill Road, NW
2586W	0805	2810 Adams Mill Road, NW
2586W	0412	2812 Adams Mill Road, NW
2586W	0411	2814 Adams Mill Road, NW

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

NOTICE OF SECOND EMERGENCY RULEMAKING

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Section 101(a) of the Title 25, D.C. Code Enactment and Related Amendments Act of 2001, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a) (2012 Repl.)), hereby gives notice of the adoption of emergency rules that amend Section 307 (West Dupont Circle Moratorium Zone) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

In summary, these rules renew the existing West Dupont Circle Moratorium Zone (WDCMZ) with certain modifications for a period of three (3) years. Specifically, the rules amend Section 307 to maintain the current limit on the number of retailer's Class CN and DN licenses, and remove the previous limitation on all other retailer class licenses in the WDCMZ.

The Board originally adopted Emergency and Proposed Rules extending the WDCMZ on August 12, 2015. Those rules were published in the *D.C. Register* on September 4, 2015, at 62 DCR 12241 [EXPIRED]. On December 9, 2015, the Board adopted Emergency Rules which extended the proposed amendments previously adopted by the Board. The emergency rules, which were published in the *D.C. Register* on March 11, 2016, at 63 DCR 3782, expired on April 9, 2016. Thereafter, the Board re-adopted Emergency and Proposed Rules on March 30, 2016, to avoid having the emergency rules expire while the proposed rulemaking underwent the mandatory ninety (90)-day Council review period. These Emergency and Proposed Rules were published in the *D.C. Register* on June 17, 2016, at 63 DCR 8533.

In accordance with D.C. Official Code § 25-112(b)(2), the Emergency and Proposed Rules were transmitted to the Council for the District of Columbia (Council) for a ninety (90)-day review. The West Dupont Circle Moratorium Zone Approval Resolution of 2016 (PR21-801) was introduced to the Council on June 7, 2016, and referred to the Committee on Business, Consumer and Regulatory Affairs on June 21, 2016. The rules are deemed approved at the end of the ninety (90) day review period or September 20, 2016. These emergency rules expired on July 28, 2016.

Emergency rulemakings are used only for the immediate preservation or promotion of the public peace, health, safety, welfare, or morals, pursuant D.C. Official Code § 2-505(c). As previously mentioned the existing emergency rules expired on July 28, 2016. The emergency action is necessary for the preservation of the health, safety and welfare of the District residents in order to ensure that the prohibitions provided in the modified moratorium are maintained while the proposed rules are being reviewed by the Council.

The present Emergency Rules are identical to the Emergency and Proposed Rules published in the *D.C. Register* on June 7, 2016, and pending before the Council. During the thirty (30)-day comment period, ABRA did not receive any comments in response to the Emergency and

Proposed Rules, and therefore, does not anticipate making any changes to the rules when they are ultimately published as final later in the year.

The Board adopted these emergency rules on July 27, 2016, by a vote of three (3) to zero (0). The emergency rules went into effect at that time and will remain in effect for one hundred twenty (120) days; expiring on November 24, 2016, unless superseded by a final rulemaking.

Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:

Section 307, WEST DUPONT CIRCLE MORATORIUM ZONE, is amended to read as follows:

307 WEST DUPONT CIRCLE MORATORIUM ZONE

- 307.1 A limit shall exist on the number of retailer's licenses issued in the area that extends approximately six hundred feet (600 ft.) in all directions from the intersection of 21st and P Streets, N.W., Washington, D.C., as follows: Class CN or DN - Zero (0). This area shall be known as the West Dupont Circle Moratorium Zone.
- 307.2 The West Dupont Circle Moratorium Zone is more specifically described as the area bounded by a line beginning at 22nd Street and Florida Avenue, N.W.; continuing north on Florida Avenue, N.W., to R Street, N.W.; continuing east on R Street, N.W., to 21st Street, N.W.; continuing south on 21st Street, N.W., to Hillyer Place, N.W.; continuing east on Hillyer Place, N.W., to 20th Street, N.W.; continuing south on 20th Street, N.W., to Q Street, N.W.; continuing east on Q Street, N.W., to Connecticut Avenue, N.W.; continuing southeast on Connecticut Avenue, N.W., to Dupont Circle; continuing southwest around Dupont Circle to New Hampshire Avenue, N.W.; continuing southwest on New Hampshire Avenue, N.W., to N Street, N.W.; continuing west on N Street, N.W., to 22nd Street, N.W.; and continuing north on 22nd Street, N.W., to Florida Avenue, N.W. (the starting point).
- 307.3 All hotels, whether present or future, shall be exempt from the West Dupont Circle Moratorium Zone. The 1500 block of Connecticut Avenue, N.W., shall be exempt from the West Dupont Circle Moratorium Zone. Establishments located in, or to be located in, the New Hampshire side of One Dupont Circle, N.W., shall be exempt from the West Dupont Circle Moratorium Zone.
- 307.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license Class A, B, CR, CT, CX, DR, DT, or DX located within the West Dupont Circle Moratorium Zone, subject to the requirements of the Act and this title.

- 307.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the West Dupont Circle Moratorium Zone to a new location within the West Dupont Circle Moratorium Zone.
- 307.6 A CN/DN license holder outside the West Dupont Circle Moratorium Zone shall not be permitted to transfer its license to a location within the West Dupont Circle Moratorium Zone.
- 307.7 Subject to the limitation set forth in subsection 307.8, nothing in this section shall prohibit the filing of a license application or a valid protest of any transfer or change of license class.
- 307.8 No licensee in the West Dupont Circle Moratorium Zone shall be permitted to request a change of license class to CN, or DN.
- 307.9 A current holder of a retailer's license Class A, B, C, or D within the West Dupont Moratorium Zone shall not be permitted to apply to the Board for expansion of service or sale of alcoholic beverages into any adjoining or adjacent space, property, or lot, unless:
- (a) The prior owner or occupant has held within the last five (5) years a retailer's license Class A, B, C, or D; or
 - (b) The applicant is a Class CR or DR licensee and the prior owner or occupant has held during the last three (3) years, and continues to hold at the time of application, a valid restaurant license from the Department of Consumer and Regulatory Affairs.
- 307.10 The number of substantial change applications approved by the Board for expansion of service or sale of alcoholic beverages into an adjoining or adjacent space, property, or lot, as allowed under Subsection 307.9, shall not exceed three (3) during the three (3) year period of the West Dupont Circle Moratorium Zone.
- 307.11 Nothing in this section shall prohibit holders of a retailer's license Class C or D from applying for outdoor seating in public space.
- 307.12 This section shall expire three (3) years after the date of publication of the notice of final rulemaking.

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The City Administrator, pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2012 Repl. & 2016 Supp.)) and Mayor's Order 2015-36, dated January 9, 2015, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Appendix N (Signs) of Title 12 (Construction Codes Supplement of 2013), Subtitle A (Building Code Supplement of 2013), of the District of Columbia Municipal Regulations (DCMR).

This proposed rulemaking would revise Section N101.3.5.3 of 12-A DCMR Appendix N to require permitting of signs that are located inside a building and are legible or clearly discernable from a property other than the property on which the sign is located, and to regulate such signs as exterior signs under Appendix N.

The emergency rulemaking is necessary to ensure that unpermitted, quasi-exterior signage does not proliferate across the District. This emergency rulemaking was adopted on July 12, 2016 and became effective on that date. The emergency rulemaking shall remain in effect for one hundred and twenty (120) days, or until November 8, 2016, unless earlier superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The City Administrator also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to Section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review before permanent adoption. Final rulemaking action will be taken not less than thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment, whichever is later.

Appendix N, SIGNS, of Title 12-A DCMR, BUILDING CODE SUPPLEMENT OF 2013, is amended as follows:

Section N101, GENERAL, Subsection N101.3.5.3, is amended to read as follows:

N101.3.5.3 Signs within a building. Any sign located entirely inside a building, unless the sign: (1) is attached directly or painted on a window; (2) is located within 18 inches (457 mm) of a window or entrance; or (3) contains writing that is legible, or an image that is clearly discernible, from property other than the property on which the sign is located. A sign inside a building that (1) is attached directly or painted on a window; (2) is located within 18 inches (457 mm) of a window or entrance; or (3) contains writing that is legible, or an image that is clearly discernible, from property other than the property on which the sign is located shall require a permit and shall be regulated as a sign under this Appendix N.

All persons desiring to comment on these proposed regulations should submit comments in writing to Jill Stern, Construction Codes Coordinating Board Chairperson, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, S.W., Room 5100, Washington, D.C. 20024, or via e-mail at jill.stern@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the adoption, on an emergency basis, of the following amendment to Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendment is to add a new Section 822 (Administrative and Judicial Review of Barrings), which provides for a judicial review of the administrative review of barring notices and provides a timeline for such review.

Per D.C. Official Code § 2-505(c), emergency rulemakings are promulgated when the action is necessary for the immediate preservation of the public peace, health, safety, welfare, or morals. There is an urgent need to adopt these emergency regulations to inform the public of the process to appeal barring notices issued by the agency.

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On August 16, 2016, Executive Director of the District of Columbia Public Library (“DCPL”) adopted these emergency rules, and they shall remain in effect for up to one hundred twenty (120) days from the date of adoption, expiring December 14, 2016, or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

The District of Columbia Public Library also gives notice of intent to take rulemaking action to adopt these proposed regulations as final in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended to add a new Section 822 as follows:

822 ADMINISTRATIVE AND JUDICIAL REVIEW OF BARRINGS

822.1 An individual who receives a Notice of Barring may request an administrative review of a barring that is greater than seven (7) days. This request must be made within ten (10) business days of the date on the barring notice. A request for review should be submitted in writing to:

Director of Public Safety
Martin Luther King Jr. Memorial Library
901 G. Street N.W.
Washington, D.C. 20001

822.2 The Director of Public Safety will issue a final decision on the administrative review of the bar within thirty (30) calendar days. The barred individual may appeal the final decision to the District of Columbia Superior Court's Civil Division within thirty (30) days of the date of the notice of final decision.

Any person desiring to comment on the subject matter of this proposed rulemaking should file comments in writing not later than thirty (30) days after the date of the publication of this notice in the *D.C. Register*. Comments should be submitted to Grace Perry-Gaiter, General Counsel, DCPL, Martin Luther King Jr. Memorial Library, 901 'G' Street, N.W., 4th Floor, Washington, D.C. 20001, via telephone at (202) 727-1134, or via e-mail at general.counsel@dc.gov. All communications on this subject matter must refer to the above referenced title and must include the phrase "Comment to Proposed Rulemaking" in the subject line. Copies of the proposed rulemaking may be obtained by writing to the address stated above or at www.dcregs.dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM


Mayor's Order 2016-110
August 19, 2016

SUBJECT: Extension of the Term of the Adams Morgan Partnership Business Improvement District Pursuant to the Business Improvement Districts Act of 1996


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2014 Repl.), and pursuant to the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code §§ 2-1215.01 *et seq.* (2012 Repl. and 2015 Supp.), it is hereby **ORDERED** that:

1. The term of the Adams Morgan Partnership Business Improvement District, currently set to expire on September 30, 2016, is hereby extended until September 30, 2021.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

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

- Reading Specialist Support
- Assistive Technology Service

Please email bids@bridgespcs.org to receive a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than **5:00 P.M., Friday, September 2, 2016.**

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

Bid Administrator
bids@bridgespcs.org

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

**CITY ARTS & PREP PUBLIC CHARTER SCHOOL
FOR THE PERFORMING ARTS**

REQUEST FOR PROPOSALS

The City Arts & Prep Public Charter School for the Performing Arts, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following tasks and service(s):

- Middle States of Colleges and Schools Accreditation Support Services

Please send an email to bids@cityartspcs.org to receive a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 pm, Monday, September 19, 2016.

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

Bid Administrator
bids@cityartspcs.org

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

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**DC Board of Accountancy
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**Friday, September 9, 2016
9:00 AM**

1. Call to Order – 9:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Accept Meeting Minutes,
7. Executive Session - Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session to receive advice from counsel, review application(s) for licensure and discuss disciplinary matters.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – October 7, 2016 at 9am

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Architecture and Interior Design
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**September 16, 2016
9:30 AM**

1. Call to Order – 9:30 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, July 29, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – November 4, 2016 at 9:30 a.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Barber and Cosmetology
1100 4th Street SW, Room E300
Washington, DC 20024**

**Meeting Agenda
Monday, September 12, 2016
10:00 a.m.**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn

Next Scheduled Board Meeting – Monday, June 6, 2016

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**September 1, 2016
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, July 7, 2016
7. Motion - Executive Session (Closed to the Public) to consult with an attorney pursuant to D.C. Official Code § 2-575(b)(4)(A); D.C. Official Code § 2-575(b)(9) to discuss complaints/legal matters, applications and legal counsel report.
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – October 6, 2016 at 1:00 p.m.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Industrial Trades
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

**AGENDA
September 20, 2016**

1. Call to Order – 1:00 p.m.
2. Attendance
3. Executive Session (Closed to the Public) – 1:15 p.m. - 2:15 p.m.
4. Start of Public Session – 2:20 p.m.
5. Comments from the Public
6. Minutes – Draft July 19, 2016
7. Board Discussions
 - Committees & Vice-Chair Vacancy
8. Recommendations
 - Applications for Licensure
9. Old Business
10. New Business
11. Adjourn

Next Scheduled Regular Board Meeting, October 18, 2016
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Board of Real Estate Appraisers
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**September 21, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, July 27, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – October 19, 2016 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

September 2016

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Cynthia Briggs	Board of Accountancy	9	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	21	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	16	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	12	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	15	6:30-pm-8:30 pm
Sheldon Brown	Board of Funeral Directors	1	8:30am-2:00 pm
Avis Pearson	Board of Professional Engineering	22	9:00am-1:30 pm
Leon Lewis	Real Estate Commission	6	9:00 am-1:00 pm
Pamela Hall	Board of Industrial Trades	20	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change. All meetings are held at 1100 4th St., SW, Suite E-300 A-B Washington, DC 20024. For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

D.C. BOXING AND WRESTLING COMMISSION
NOTICE OF PUBLIC MEETING
1100 4th Street, SW, Suite 200E,
Washington, DC 20024

AGENDA
September 15, 2016
7:00 P.M.

1. Executive Session (Closed to Public) – 6:30 p.m. – 7:00 p.m.
 - A. Jack vs. Bute (Mayweather Promotions)
2. Call to Order – 7:00 p.m.
3. Attendance (Start of Public Session)
4. Comments from the Public
5. Minutes – June 16, 2016
6. Budget
7. Correspondence
8. Old Business
 - A. Past Events
 - i. Sunday July 24, 2016 **WWE Battleground 2016** at the Verizon Center.
 - B. **6th Annual Dr. McKnight Event** September 10, 2016
 - C. Review of **ABC Conference** (July 30th – August 4th)
9. New Business
 - A. Upcoming Amateur Events
 - i. Saturday September 17, 2016 **Josef Pearson AM Muay Thai** at the Arch on the campus of St. Elizabeth
 - B. Meeting date change for October 2016.
10. Adjournment

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Professional Engineers
1100 4th Street SW, Room 300
Washington, DC 20024**

AGENDA

**September 22, 2016 ~ Room 300
9:00 A.M. (Application Review by Board Members)**

11:00 A.M.

- 1) Call to Order – 11:00 a.m.
- 2) Attendance
- 3) Executive Session - **Pursuant to § 2-575(4) (a), (9) and (13) the Board will enter executive session – Closed to the Public**
 - Deliberation over applications for licensure
 - Review complaints and investigations
- 4) Comments from the Public
- 5) Review of Minutes
- 6) Recommendations
- 7) Old Business
- 8) New Business
- 9) Adjourn

Next Scheduled Meeting – August 25, 2016
Location: 1100 4th Street SW, Conference Room E300

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**Real Estate Commission
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**September 13, 2016
10:00 AM**

1. Call to Order – 10:00 a.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Draft Minutes, July 12, 2016
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – October 11, 2016 at 10:00 a.m.

EAGLE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Professional Educational Consulting Services****Project Summary**

Your firm is invited to submit qualifications to provide professional educational consulting services, including leadership coaching and instructional coaching, strategic planning support, support in the development of systems and protocols, and other related activities as agreed upon by Eagle Academy PCS and the Consultant.

Date and Location Submittal is Due: Friday, September 2, 2016 by 5:00 p.m.

Send proposal to the attention of Mayra Martinez-Fernandez, Deputy Chief Operating Officer, at mmartinez@eagleacademypcs.org

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION

NOTICE OF PUBLIC MEETING

Deputy Mayor for Education (DME) will lead a series of community forums across the District. These forums will be an opportunity for the DME to provide an overview of DCPS progress to date, emphasize growth areas for the next chancellor, and lead participant discussions of priorities for DCPS.

Community Forum Details*

Type	Date	Time	Location
Community Forum	Tuesday, August 30	6:30-8:00pm	Roosevelt HS - 4301 13 th St NW (nearest metro station: Georgia Ave-Petworth)
Community Forum	Wednesday, September 7,	6:30-8:00pm	Eastern HS – 1700 East Capitol St NE (nearest metro station: Stadium Armory)
Community Forum	Wednesday, September 14	6:30-8:00pm	Savoy ES – 2400 Shannon PL SE (nearest metro station: Anacostia)

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS

SEPTEMBER BOARD MEETING

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. Due to a scheduling conflict, the August 2, 2016 Board meeting was cancelled. The meeting will take place on September 13, 2016. The meeting will be held at 1100 4th Street, Suite 620E, NW, Washington, D.C. **Please note that this meeting will occur in Suite 620 East.** A copy of the draft agenda for the meeting will be posted on the agency’s website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Tuesday, September 13, 2016	11:00 AM	Suite 620 East

DEPARTMENT OF ENERGY AND ENVIRONMENT**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit number 6390-R1 to Verizon Washington DC, Inc. to operate one (1) existing 500 kWe emergency generator set with associated 765 hp diesel-fired engine at the property located at 4268 Wisconsin Avenue NW, Washington DC. The contact person for the facility is Randolph S. Moore, at (804) 772-6709.

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

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

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

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

No written comments or hearing requests submitted after September 26, 2016 will be accepted.

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

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF REQUEST FOR INFORMATION

DCA Airplane Noise

The District Department of Energy and Environment (DOEE) is requesting input on portions of a draft Statement of Work (SOW) to conduct a technical analysis of airplane noise impacts related to flight path changes at the Ronald Reagan Washington National Airport (DCA). Comments on the accuracy and relevancy of technical aspects of the work plan are welcome, as are suggestions on approaches to conducting a technical aviation-related study most effectively.

The document is a Request for Information (RFI) only – it is not being posted as an actual SOW at this time, nor does it constitute a Request for Proposal (RFP) or Request for Application (RFA) or a promise to issue an RFP or RFA in the future. Respondents are advised that DOEE will not pay for any information or administrative costs incurred in response to this RFI; all costs associated with responding to this RFI will be solely at the interested party's expense. Not responding to this RFI does not preclude participation in any future RFP or RFA.

A person may obtain a copy of this RFI by any of the following means:

Download from the Department's website, www.doe.dc.gov. Select the *Laws & Regulations* tab. Cursor over the pull-down list and select *Public Notices & Hearings*. On the new page, cursor down to the announcement for this RFI. Click on *Read More* and download this RFI.

Email a request to jessica.daniels@dc.gov with "RE: DCA Airplane Noise RFI" in the subject line.

Pick up a copy in person from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Jessica Daniels at (202) 741-0862 and mention this RFI by name.

The deadline for RFI responses is September 9, 2016, at 5:00 p.m. Responses should be submitted via email (preferred) to jessica.daniels@dc.gov or by mail to DOEE office at 1200 First Street NE, 5th Floor, Washington, DC 20002; Attention: Jessica Daniels, Air Quality Division.

For additional information regarding this RFI, call Jessica Daniels at 202-741-0862.

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
AARP		601 E Street NW Washington DC 20049	aarpc@aarp.org
ABC of Metro Washington		6901 Muirkirk Meadows Drive, Beltsville Maryland 20705	ejones@abcmetrowashington.org
Accenture LLP		800 Connecticut Avenue NW Washington DC 20006	eric.sildon@stateandfed.com
Ace Cash Express, Inc.		1231 Greenway Drive, Suite 600 Irving Texas 75038	enorrington@acecashexpress.com
AFLAC		1932 Wynnton Rd. Columbus Georgia 31999	john.mannion@skadden.com
Airbnb, Inc.		888 Brannan St. San Francisco California 94103	gene.lee@airbnb.com
Albers & Company	Intuit	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Lilly USA, LLC	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Fresenius Medical Care	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Albers & Company	Benevis, LLC for Kool Smiles	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Alexander & Cleaver, P.A.	Motor Vehicle Network(MVN-DC)	54 State Circle Annapolis Maryland 21401	kshearod@alexander-cleaver.com
Alexander & Cleaver, P.A.	MD DC Credit Union Association	54 State Circle Annapolis Maryland 21402	kshearod@alexander-cleaver.com
Alliance for Construction Excellence		2901 V St.NE Washington DC 20018	contactus@allianceforconstructionexcellence.org
Allstate Insurance Company		2775 Sanders Road Northbrook Illinois 60062	lpat6@allstate.com
Altria Client Services LLC	Altria Client Services, Inc. and its Affiliates	6601 West Broad Street Richmond Virginia 23230	eric.barker@altria.com
Altus Realty Partners, LLC		2200 Wilson Boulevard, Suite 102 PMD522 Arlington Virginia 22201	ckehler@altusre.com
America's Health Insurance Plans		601 Pennsylvania Avenue NW, Ste 500 Washington DC 20004	gtrujillo@ahip.org
American Airlines		PO Box 19004 Charlotte North Carolina 28219	Tracy.Montross@aa.com
American Beverage Association	American Beverage Association	c/o 2350 Kerner Blvd., Ste. 250 San Rafael California 94901	aba@nmgovlaw.com
American Cancer Society Cancer Action Network		7500 Greenway Center Dr, Suite 300 Greenbelt Maryland 20770	bpennino@cancer.org
American Chemistry Council	N/A	700 2nd St NE Washington DC 20002	josh_young@americanchemistry.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
American Civil Liberties Union of the Nation's Capital	American Civil Liberties Union of the Nation's Capital (self)	4301 Connecticut Avenue, NW, Suite 434 Washington DC 20008	melanie@aclu-nca.org
American Civil Liberties Union of the Nation's Capital		4301 Connecticut Avenue, NW, Suite 434 Washington DC 20008	tiffany@aclu-nca.org
American Coatings Association, Attn: Alison Keane		1500 Rhode Island Avenue, N.W Washington DC 20005	AKeane@paint.org
American College of Cardiology Foundation		2400 N Street, NW Washington DC 20037	mvotaw@acc.org
American Council of Life Insurers		101 Constitution Ave NW Suite 700 Washington DC 20001	JoannWaiters@acli.com
American Geophysical Union		2000 Florida Avenue, NW Washington DC 20009	cmcentee@agu.org
American Heart Association		4301. N. Fairfax Dr., Suite 530 Arlington Virginia 22203	stuart.berlow@heart.org
American Insurance Association		555 12th St. NW, Suite 550 Washington DC 20004	egoldberg@aiadc.org
American International Group		2919 Allen Parkway, L4-01 Houston Texas 70019	marcia.powell@aig.com
American Management Corporation	Property Casualty Insurers	1455 Pennsylvania Ave NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	Children's National Health Systems (formerly CN Medical Center)	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	American Beverage Association	1455 Pennsylvania Ave NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	CareFirst BlueCross BlueShield	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	Enhanced Capital Partners	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
American Petroleum Institute		1220 L St NW Washington DC 20005	cobbsd@api.org
American University		4400 Massachusetts Ave., NW Washington DC 20016	largo@american.edu
AmeriHealth Caritas		100 Stevens Drive Philadelphia Pennsylvania 19113	longk@gtlaw.com
Amgen	Amgen	601 13th St NW, 12th Floor Washington DC 20005	kfeegel@amgen.com
AMHIC, A Reciprocal Association		804 Pershing Drive, No. 203 Silver Spring Maryland 20910	rbyer@amhic.com
Anheuser-Busch Companies		1401 I Street NW, Suite 200 Washington DC 20005	katja.zastrow@anheuser-busch.com
Apartment & Office Building Association of Metropolitan Washington		1050 17th Street, NW, Suite 300 Washington DC 20036	jclarke@aoba-metro.org
Apple Inc.		c/o 2350 Kerner Blvd., Suite 250 San Rafael California 94901	dlim@nmgovlaw.com
Arent Fox LLP	Uber Technologies, Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Sunstone Hotels Investors Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Shakespeare Theater	1717 K St NW Washington DC 20006	richard.newman@arentfox.com
Arent Fox LLP	Retail Energy Supply Association	1717 K Street NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	KIPP DC	1717 K St NW Washington DC 20006	thomas.castiello@arentfox.com
Arent Fox LLP	FWG Solutions, Inc.	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	DC United	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	Washington Drama Society, Inc. d/b/a Arena Stage	1717 K St NW Washington DC 20006	richard.newman@arentfox.com
Arent Fox LLP	BREOF Holdings, LLC	1717 K St NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox LLP	American College of Cardiology Foundation	1717 K. Street N.W. Washington DC 20006	Thomas.castiello@arentfox.com
Arent Fox, LLP	National Public Radio, Inc.	1717 K Street, NW Washington DC 20006	Richard.newman@arentfox.com
Arent Fox, LLP	AMHIC, A Reciprocal Association	1717 K Street, NW Washington DC 20006	jon.bouker@arentfox.com
Arent Fox, LLP	The Institute of World Politics	1717 K Street, NW Washington DC 20006	richard.newman@arentfox.com

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Registrant Name	Client Name	Address	Email
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Arent Fox, LLP	IDEA Public Charter School	1717 K Street, NW Washington DC 20006	richard.newman@arentfox.com
Arthritis Foundation		1615 L St., N.W. Suite 320 Washington DC 20036	MGuimond@arthritis.org
AT&T	AT&T	1120 20th Street NW Suite 800 Washington DC 20036	denis.dunn@att.com
Bank of America Corporation		1100 North King Street DE5-001-02-07 Wilmington Delaware 19884	wendy.jamison@bankofamerica.com
Bayer Corporation		100 Bayer Boulevard Whippany New Jersey 07981	christopher.leahy@bayer.com
Blues Alley Jazz LLC	N/A	1073 Wisconsin Ave. NW Washington DC 20007	executivedirector@bluesalley.org
Boehringer Ingelheim Pharmaceuticals, Inc.	Boehringer Ingelheim Pharmaceuticals, Inc.	900 Ridgebury Road Ridgefield Connecticut 06877	stacie.phan@boehringer-ingelheim.com
Boehringer Ingelheim Pharmaceuticals, Inc.	Boehringer Ingelheim Pharmaceuticals, Inc.	900 Ridgebury Road Ridgefield Connecticut 06877	stacie.phan@boehringer-ingelheim.com
BREOF Holdings, LLC (f/k/a Brookfield Real Estate Opportunity Fund)		181 Bay St Toronto Ontario M5J2T3	seamus.foran@brookfield.com
Capitol Outdoor, Inc., Attn: John Polis		3286 M Street, N.W Washington DC 20007	john@capitoloutdoor.com
Capitol Petroleum Group		6820 Commercial Drive Suite B Springfield Virginia 22151	sworku@capitolpetro.com
Michael DeBonville	car2go N.A. LLC	1717 West 6th Street Suite 425 Austin Texas 78703	mike.debonville@daimler.com
CareFirst BlueCross BlueShield		1501 S.Clinton, 17th Floor Baltimore Maryland 21224	maria.tildon@carefirst.com
Carmen Group, Inc.	Georgetown University	901 F Street, NW Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Crown Castle NG Atlantic LLC	901 F Street, NW Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Hoffman Madison Waterfront LLC	901 F Street, NW Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Providence Hospital	901 F Street, NW, Suite 600 Washington DC 20004	carmene@carmengroup.com
Carmen Group, Inc.	Citelum US, Inc.	505 9th Street, NW, 7th Floor Washington DC 20004	carmene@carmengroup.com
Carter and Davis		717 D Street NW, Suite 300 Washington DC 20004	kcarter44@hotmail.com
Casey Trees		3030 12th St NE Washington DC 20017	mhughes@caseytrees.org

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Casey Trees		3030 12th St NE Washington DC 20001	mhughes@caseytrees.org
Celgene Corporation		1440 New York Ave NW Washington DC 20005	jmannion@skadden.com
Center for Science in the Public Interest		1220 L St NW Suite 300 Washington DC 20005	dallen@cspinet.org
Children's National Medical Center		111 Michigan Avenue NW; 5th Floor, West Wing Washington DC 20010	sguerrie@childrensnational.org
Christian Science Committee on Publication for the DC		138 E Street SE Washington DC 20003	districtofcolumbia@compub.org
Christina Figueras	Trial Lawyers Association of Metropolitan DC	1100 Conn. Ave NW Suite 800 Washington DC 20036	cwf@tla-dc.org
Cigna		900 Cottage Grove Road Bloomfield Connecticut 06002	cathie.barra@cigna.com
Citelum US, Inc		5404 Wisconsin Ave, Suite 400 Chevy Chase Maryland 20815	usadmin@citelum.com
Citigroup Washington, Inc.		1101 Pennsylvania Ave. NW, Suite 1000 Washington DC 20004	dcadm@citi.com
CityInterests		2900 K Street NW Suite 401 Washington DC 20007	anovak@cityinterests.com
Coldchain Technology Services		244 Flightline Drive Spring Branch Texas 78070	wwilliams@coldchain-tech.com
Columbia Care, LLC		70 Industrial Avenue East Lowell Massachusetts 01852	bmayerson@col-care.com
Comcast of the District LLC		900 Michigan Avenue NE Washington DC 20017	stacy_burnette@cable.comcast.com
Consumer Technology Association		191 S Eads St Arlington Virginia 22202	aschumacher@ce.org
Contemporary Health Service		6525 Belcrest Road Suite G-40 Hyattsville Maryland 20782	jmonroejr@mac.com
Corrections Corporation of America		601 Pennsylvania Avenue, NW, Suite 210 Washington DC 20004	jeremy.wiley@cca.com
Covanta	Covanta	445 South Street Morristown New Jersey 07960	ERosenberg@covanta.com
CrossFit, Inc.		1250 Connecticut Avenue NW, Suite 200 Washington DC 20036	theprofessor@crossfit.com

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Registrant Name	Client Name	Address	Email
Crown Captive Insurance Co. of DC		408 Florida Avenue NW Washington DC 20001	BSOLB@aol.com
Crown Castle NG Atlantic LLC		2000 Corporate Drive Canonsburg Pennsylvania 15317	carl.pfatteicher@crowncastle.com
CSX Corporation	N/A	500 Water St 15th Floor Jacksonville Florida 32202	STEPHEN_FLIPPIN@CSX.COM
CVS Health		1275 Pennsylvania Ave, NW, Suite 700 Washington DC 20004	robin.seeley@cvscaremark.com
Greater Washington Board of Trade		800 Connecticut Ave, NW Washington DC 20006	danielflores@bot.org
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David W. Wilmot	Hotel Association of Washington, DC	1455 Penn. Ave. NW Suite 400 Washington DC 20012	dwwdc1@gmail.com
David W. Wilmot	PhRMA	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David W. Wilmot	AT&T	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David Wilmot		1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David Wilmot	Citigroup Washington, Inc.	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
David Wilmot	Walmart	1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DBT Development Group LLC		400 7th Street SE Washington DC 20003	greg@dbtdevelopment.com
DC Appleseed Inc.		1111 14th ST NW Suite 510 Washington DC 20005	tfrancis@dcappleseed.org
DC Association of Beverage Alcohol Wholesalers		1008 Pennsylvania Ave, SE Washington DC 20003	ppascal@pascalweiss.com
DC Association of Health Plans		1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Chamber of Commerce		506 9th St NW Washington DC 20004	ewadlington@dcchamber.org
DC Fiscal Policy Institute	DC Fiscal Policy Institute	820 First St NE #510 Washington DC 20002	lazere@dcfpi.org
DC Hospital Association		1152 15th St NW Suite 900 Washington DC 20005	jpalmers@dcha.org
DC United		RFK Stadium 2400 E. Capitol St SE Washington DC 20003	eamaguana@dcunited.com
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DC Athletic Trainer Association		PO Box 90215 Washington DC 20090	jennifer.rheeling@dc.gov
DC Athletic Trainer Association		PO Box 90215 Washington DC 20090	jennifer.rheeling@dc.gov
DC Building Industry Association	N/A	455 Massachusetts Ave NW Suite 400 Washington DC 20001	lmallory@dcbia.org
DC Insurance Federation	Insurance Industry	PO Box 78160 Washington DC 20013	wmcowen@dcif.org
Donna Smith	Compassion and Choices	3567 laurel view ct. laurel Maryland 20724	dsmith@compassionandchoices.org
Douglas Development		702 H Street, NW, Suite 400 Washington DC 20001	agourdine@douglasdevelopment.com
Drug Policy Alliance		925 15th St NW 2nd Floor Washington DC 20005	gsmith@drugpolicy.org
East Banc, Inc.		3307 M Street, NW, Suite 400 Washington DC 20007	alanier@eastbanc.com
Edgemoor Infrastructure & Real Estate LLC		7th Floor, 7500 Old Georgetown Road Bethesda Maryland 20814	brian.dugan@edgemoordevelopment.com
Ellen Valentino-Benitez	MDDC Press Association	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	MD-DE-DC Beverage Association	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	American Petroleum Institute	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Enhanced Capitol Partners		201 St. Charles Ave. Suite 3700 New Orleans Louisiana 70170	progers@enhancedcap.com
entertainment software association		575 7th Street, NW Suite 300 Washington DC 20004	smokey@theesa.com
Epic Pharmacies, Inc. c/o MultiState Associates Inc.		515 King Street, Suite 300 Alexandria Virginia 22314	ccastro@multistate.com
Exelon Corporation		2301 Market Street, S23-1 Philadelphia Pennsylvania 19101	thomas.armstrong@exeloncorp.com
Express Scripts Holding Co.		300 New Jersey Ave NW, #600 WASHINGTON DC 20001	DMDederichs@express-scripts.com
Federal Home Loan Bank of Atlanta	N/A	1301 Pennsylvania Ave., Suite 1050 NW Washington DC 20004	emondres@fhlbatl.com
Feld Entertainment Inc.		8607 Westwood Center Drive Vienna Virginia 22182	lmoyers@feldinc.com
Frank D. Boston, III	Altria Client Services LLC and its Affiliates	2002 Clipper Park Road, Suite 108 Baltimore Maryland 21211	fdb3law@aol.com

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Fresenius Medical Care		250 E. Day Road, Suite 300 Mishawaka Indiana 46545	keith.mentz@fmc-na.com
Friends of Choice in Urban Schools		1436 U St NW Washington DC 20009	mmusante@focusdc.org
FWG Solutions, Inc.		1725 I Street, NW, Suite 520 Washington DC 20006	nshokano.katabana@fwgsolutions.com
GCS, Inc.		1800 M Street, NW, Suite 1050S Washington DC 20036	msigal@gcs-dc.com
Genentech, Inc., A Member of the Roche Group	Genentech, Inc., A Member of the Roche Group	2350 Kerner Blvd Suite 250 San Rafael California 94901	genentech@nmgovlaw.com
Georgetown University		3700 O Street, NW Washington DC 20057	heidi.tseu@georgetown.edu
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Goldblatt Martin Pozen LLP	Blues Alley Jazz	1625 K St NW Suite 700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt Martin Pozen LLP	International Spy Museum	1625 K St NW, Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	American Chemistry Council	1625 K St NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	DC Building Industry Association	1625 K St NW #700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	CSX Corporation	1625 K St NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	Federal Home Loan Bank of Atlanta	1625 K Street NW, Suite 700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt Martin Pozen LLP	IPT LLC dba PayLock	1625 K St NW Ste 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt Martin Pozen LLP	Trustees of New Bethany Baptist Church	1625 K Street NW, Suite 700 Washington DC 20006	tpozen@gmpllp.com
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Registrant Name	Client Name	Address	Email
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Robert Lloyd Clayton	Accenture LLP	1629 K St NW Washington DC 20006	robertc@goldmclaw.com
Google Inc.	Google Inc.	c/o 2350 Kerner Blvd., Ste. 250 San Rafael California 94901	google@nmgovlaw.com
Gotham Urban Ventures LLC	Edgemoor Infrastructure and Real Estate	4530 Connecticut Ave., NW #305 Washington DC 20008	DesaSealy@gotham-urban.com
Goulston & Storrs	MRP Realty	1999 K Street NW Suite 500 Washington DC 20006	dherndon@goulstonstorrs.com
Goulston & Storrs	Horning Brothers	1999 K Street NW, Suite 500 Washington DC 20006	ptummonds@goulstonstorrs.com
Graves, Horton, Askew & Jenkins, LLC	Exelon Corporation	1750 K Street, NW, Suite 200 Washington DC 20006	chico@ghajfirm.com
Greenberg Traurig LLP	AmeriHealth Caritas	2101 L St NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig LLP	Unity Health Care	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig LLP	Miller & Long DC	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig LLP	Starship Technologies OU	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig LLP	The Lab School of Washington	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenstein DeLorme & Luchs, P.C.	Apartment and Office Building Association	1620 L St NW Suite 900 Washington DC 20036	vmp@gdllaw.com
Greenstein DeLorme & Luchs, PC	District Distilling Company, Inc.	1620 L Street, NW #900 Washington DC 20036	lmb@gdllaw.com
Group360llc/Max Brown	WGL	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Xerox Business Services, LLC and its Affiliates	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Corrections Corporation of America	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Consumer Technology Association	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net

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Registrant Name	Client Name	Address	Email
Max Brown/Group360, LLC	Entertainment Software Association	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
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Max Brown/Group360, LLC	Public Consulting Group	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Zipcar	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Lyft Inc	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	MTM, Inc	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Max Brown/Group360, LLC	Ingleside at Rock Creek	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
G S Proctor and Associates	International Association of Firefighters, Local 36	14408 Old Mill Road, Ste 201 Upper Marlboro Maryland 20772	gsp@gsproctor.com
HIT2		1711 North Capitol Street Washington DC 20002	dasarath@hit2bs.com
HNTB Corporation	HNTB Corporation	2350 Kerner Blvd., Ste. 250 San Rafael California 94901	jskelton@nmgovlaw.com
Hoffman-Madison Waterfront LLC		680 Water Street SW Washington DC 20024	ccrosse@pnhoffman.com
Hogan Lovells US LLP	Coldchain Technology Services	555 13th St NW Washington DC 20004	christine.warne@hoganlovells.com
Holland & Knight LLC	Sherman Avenue, LLC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Society of Landscape Architects, Potomac Chapter (PCASLA)	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Sursum Corda Cooperative Association, Inc.	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Lerner Enterprises	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Altus Realty Partners, LLC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	NBL Associates, LP	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Miller & Long - DC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com

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Holland & Knight LLP	Providence Hospital	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	QC 369	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Safeway, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Douglas Development	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	GCS, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	rod.woodson@hkllaw.com
Holland & Knight LLP	Georgetown University	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	McDonald's Corp.	800 17th Street NW, Suite 1100 Washington DC 20006	Rod.woodson@hkllaw.com
Holland & Knight LLP	Miller & Long Concrete Construction Company	800 17th Street NW, Suite 1100 Washington DC 20006	rod.woodson@hkllaw.com
Holland & Knight LLP	Monument Realty	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.comn
Holland & Knight LLP	QC 369	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Barry Place Partners LLC	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Columbia Care	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	CVS Health	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	T-Mobile	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Stay Alfred Vacation Rentals	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	Ace Cash Express, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hkllaw.com
Holland & Knight LLP	East Banc, Inc.	800 17th Street, NW, Ste. 1100 Washington DC 20006	emille.robinson@hkllaw.com
Horning Brothers		1350 Connecticut Ave NW, Suite 800 Washington DC 20036	droadberg@horningbrothers.com
Hotel Association of Washington DC	Members of the Hotel Association of Washington, D.C., Inc.	1225 New York Ave NW Suite 250 Washington DC 20005	beverly@hawdc.com
IBM		600 14th St NW Suite 300 Washington DC 20005	jmannon@skadden.com

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IESI MD Corporation		450 Carillon Parkway, Suite 130 St. Petersburg Florida 33716	andy.moss@progressivewaste.com
Ingleside at Rock Creek		3050 Military Road Washington DC 20015	loconnor@inglesideonline.org
Institute for Justice		901 N. Glebe road, Suite 900 Arlington Virginia 22203	sarnold@wc-b.com
International Association of Firefighters, Local 36		2120 Bladensburg Rd #210 NE Washington DC 20018	james.gordon@iaff36.org
International Spy Museum		800 F Street NW Washington DC 20004	tchristian@spymuseum.org
Intuit		601 Pennsylvania Ave. NW N-BLD-Suite 520 Washington DC 20004	Mark_Reed@intuit.com
Indivior Inc.		10710 Midlothian Turnpike, Suite 430 Richmond Virginia 23235	paul.bragoli@indivior.com
IPT LLC dba PayLock		205 West Main Street Somerville New Jersey 08876	msilverman@PayLock.com
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Jews United for Justice, Inc		1100 H St NW Washington DC 20005	jacob@jufj.org
Johnson and Johnson Services, Inc.		PO Box 5734 Columbia South Carolina 29250	jdarby1@its.jnj.com
Julyan & Julyan	Washington Parking Association	1100 G Street NW Washington DC 20005	julandjul@aol.com
Julyan and Julyan	Xerox Business Services, LLC	1100 G St NW Washington DC 20005	dsjulyan@me.com
Julyan and Julyan	Terrell Place Properties LLC	1100 G St NW Washington DC 20005	dsjulyan@me.com
Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.		2101 E Jefferson St Rockville Maryland 20852	Laurie.Kuiper@KP.org
Kerry Pearson	Pepco	750 Third Street, NW, Suite 404 Washington DC 20001	ksp1@kspllc.com
KIPP DC		2600 Virginia Avenue, NW Suite 900 Washington DC 20037	katie.cole@kipppdc.org
KIPP DC		2600 Virginia Avenue, NW Washington DC 20037	katie.cole@kipppdc.org
Benevis, LLC for Kool Smiles		1090 Northchase Parkway SE, Suite 150 Marietta Georgia 30067	aoreffice@benevis.com
Lopez and Associates LLC		1419 Columbia RD NW Washington DC 20009	lopezassoc202@gmail.com

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Lawrence H. Mirel	Crown Captive Insurance Company	8120 West Beach Drive, NW Washington DC 20012	lawrencemirel@gmail.com
Lerner Enterprises		2000 Tower Oaks Boulevard, 8th Floor Rockville Maryland 20852	smiller@lerner.com
Eli Lilly and Company		555 12th Street NW, Suite 650 Washington DC 20004	lydenti@lilly.com
Latin American Youth Center		1419 Columbia Road NW Washington DC 20009	lori@layc-dc.org
Lyft Inc.		2300 Harrison Street San Francisco California 94110	kkleinbort@lyft.com
Macy's Corporate Services, Inc.		7 W. Seventh Street Cincinnati Ohio 45202	frank.julian@macys.com
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Manatt, Phelps & Phillips LLP	Exelon	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Manatt, Phelps & Phillips LLP	Petworth Holdings LLC	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Manatt,Phelps & Phillips LLP	Capitol Petroleum Group LLC	1050 Connecticut Ave., NW, Suite 600 Washington DC 20036	smurray@manatt.com
Marijuana Policy Project		2370 Champlain St. NW, Suite 12 Washington DC 20009	kbell@mpp.org
MaryEvaCandon	Altria Client Services LLC and its Affiliates	2122 California St NW Washington DC 20008	candon@candonlaw.com
MaryEvaCandon	Epic Pharmacies, Inc., c/o MultiState Associates Inc	2122 California St NW Washington DC 20008	candon@candonlaw.com
McDonalds Corp.		4601 Six Forks Road, Suite 306 Raleigh North Carolina 27609	Susanne.Barham@us.mcd.com
McGuire Woods Consulting LLC	Covanta Energy	800 East Canal Street Richmond Virginia 23219	dvanover@mwcllc.com
MD-DE-DC Beverage Association		3 Church Circle #201 Annapolis Maryland 21401	evalentino@ellenvaleentino.com

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Medical Society of DC		1250 23rd St NW Suite 270 Washington DC 20037	shanbacker@msdc.org
MedStar Health		5565 Sterrett Place 5th Floor Columbia Maryland 21044	pegeen.a.townsend@medstar.net
Merck Sharp & Dohme Corp.	Merck Sharp & Dohme Corp.	c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Suite 250 San Rafael California 94901	dlim@nmgovlaw.com
Michael Cooper	Metropolitan Washington Airports Authority	1 Aviation Circle, MA-14 Washington DC 20001-6000	michael.cooper@mwa.com
MG Consulting, LLC	Feld Entertainment, Inc.	1751 18th St. NW Washington DC 20009	michelle@mgconsultingllc.net
Mid-Atlantic Region Organizing Coalition, LIUNA		11951 Freedom Drive, Rm. 310 Reston Virginia 20190	vleonard@maliuna.org
Mid-City Financial Corporation		7200 Wisconsin Avenue, Suite 903 Bethesda Maryland 20814	mmeers@midcityfinancial.com
Miller & Long Construction Company		4824 Rugby Ave Bethesda Maryland 20814	yessicasalinas@millerandlong.com
Miller & Long DC		5151 Wisconsin Avenue, NW, Suite 307 Washington DC 20016	longk@gtlaw.com
Miller & Long DC		5151 Wisconsin Avenue, NW Washington DC 20016	longk@gtlaw.com
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Mr. Kerry R. Watson, Jr.	MD DC Credit Union Association	54 State Circle Annapolis Maryland 21402	kshearod@alexander-cleaver.com
MRP Realty		317 L Street SE Washington DC 20007	mskena@mrprealty.com
MTM, Inc.		16 Hawk Ridge Dr Lake St Louis Missouri 63367	pstalboerger@mtm.com
N William Jarvis	IBM	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com
N William Jarvis	DC09	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
N William Jarvis	Comcast of the District LLC	2600 Virginia Avenue NW Suite 202 Washington DC 20037	wjarvis@thejarviscompany.com
National Public Radio, Inc.		1111 North Capitol Street, N.E. Washington DC 20002	dcowan@npr.org
National Restaurant Association		2055 L Street NW Washington DC 20036	mwhatley@restaurant.org
National Structured Settlements Trade Association		1100 New York Avenue, NW, Suite 750 West Washington DC 20005	evaughn@nssta.com
Nationwide Mutual Insurance		7501 Boulders View Dr., Suite 500 Richmond Virginia 23255	kristil@nationwide.com
Natural Resources Defense Council		40 West 20th St New York New York 10011	lcatapano@nrdc.org
NBL Associates, LP		6000 Executive Blvd, Suite 400 North Bethesda Maryland 20852	mlang@guardianrealty.com
James A. McCarthy		1401 Eye Street N.W. Washington DC 20002	skaounas@mmmlaw.com
Novartis Pharmaceuticals Corp.		One Health Plaza Bldg. 701/433 East Hanover New Jersey 07936	gregory.slyfield@novartis.com
Orexo US, Inc.		150 Headquarters Plaza, 5th Floor Morristown New Jersey 07960	lee.marks@orexo.com
Otsuka America Pharmaceuticals Inc.		2440 Research Blvd. Rockville Maryland 20850	donna.erwin@otsuka-us.com
Paintcare, Inc.		1500 Rhode Island Ave. NW Washington DC 20005	akeane@paint.org
Pascal & Weiss, P.C.	DC Association of Beverage Alcohol Wholesalers	1008 Pennsylvania Avenue, SE Washington DC 20003	ppascal@pascalweiss.com
Patton Corporation	WANADA	PO Box 8490 Avon Colorado 81620	dpatton1221@gmail.com
Petworth Holdings LLC		225 Pennsylvania Ave., SE Washington DC 20003-1108	John@JohnCFormant.com
Pfizer Inc.		c/o 2350 Kerner Blvd. Ste 250 San Rafael California 94901	jskelton@nmgovlaw.com
Pharmaceutical Research and Manufacturers of America (PhRMA)	Pharmaceutical Research and Manufacturers of America (PhRMA)	950 F St. NW, Suite 300 Washington DC 20004	paul.larsen@stateandfed.com
Podesta Group, Inc.	Crossfit, Inc.	1001 G Street NW, Suite 1000W Washington DC 20001	lobby@podesta.com
Portfolio Recovery Associates		120 Corporate Boulevard, Suite 100 Norfolk Virginia 23502	Dwredmond@portfoliorecovery.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Potomac Electric Power Company		701 Ninth Street, NW Washington DC 20068	jmbearley@pepco.com
Premier Health Services Inc		7600 Georgia Avenue NW, Suite 323 Washington DC 20012	iarungwa@phsdc.net
Starship Technologies OU		8 Teaduspargi Street Tallinn 12618	longk@gtlaw.com
Property Casualty Insurers Assoc. of American (PCI)		8700 West Bryn Mawr Ave., Ste. 1200S. Chicago Illinois 60631	micaela.isler@pciaa.net
Providence Hospital		1150 Varnum Street, NE Washington DC 20017	tygressa.jones@provhosp.org
Public Citizen		1600 20th Street, NW Washington DC 20009	jstoshak@citizen.org
Public Consulting Group		148 State Street Boston Massachusetts 02109	dqaja@pcgus.com
QC 369, LLC		1001 G Street, NW, Suite 900 Washington DC 20001	rknopf@quad1.com
Reed Smith LLP	Save the Children	1301 K Street, NW Suite 1000 Washington DC 20005	tcheeseboro@reedsmith.com
Retail Energy Supply Association		7159 Red Top Road Hummelstown Pennsylvania 17036	tmccormick@resausa.org
Retail Industry Leaders Association		1700 North Moore Street, Suite 2250 Arlington Virginia 22209	liz.hunger@rila.org
Robert M Willis	American International Group, Inc	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Robert M. Willis Attorney & Counselor at Law	Aflac	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Donald R. Dinan	DC AthleticTrainers Association	221 9th Street, SE Washington DC 20003	dondinan@gmail.com
Safeway, Inc.		4551 Forbes Blvd. Lanham Maryland 20706	craig.muckle@safeway.com
Sanofi US	Sanofi US	55 Corporate Dr., MS 5A-500A Bridgewater New Jersey 08807	debbie.hayes@sanofi.com
Save the Children Federation, Inc.	Save the Children Federation, Inc.	501 Kings Highway East, Suite 400 Fairfield Connecticut 06825	cwauters@savechildren.org
Sarah Levin		1012 14th St, NW, Suite 205 Washington DC 20005	sarah@secular.org
SEIU Local 32BJ		25 West 18th Street, 5th Floor New York New York 10011	dschmidt@seiu32bj.org
Shakespeare Theatre		516 8th St SE Washington DC 20003	cjennings@shakespearetheatre.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Sherman Avenue, LLC		3050 K Street, NW, Suite 125 Washington DC 20007	mrobinson@mrprealty.com
Sibley Memorial Hospital	Sibley Memorial Hospital	5255 Loughboro Road NW Washington DC 20016	mmckeev2@jhmi.edu
Society of Landscape Architects, Potomac Chapter (PCASLA)		PO Box 136, 611 Pennsylvania Avenue SE Washington DC 20003	g.wagner52@gmail.com
State Farm Mutual Automobile Insurance Company		6 Hillman Drive, Ste 200 Chadds Ford Pennsylvania 19317	catherine.a.rankin.bk31@statefarm.com
Stay Alfred Vacation Rentals		121 First Avenue Seattle Washington 98101	nancy@stayalfred.com
Stoddard Baptist Home Foundation		1818 Newton Street Washington DC 20010	mtiyagi@sbhfdc.org
Sunovion Pharmaceuticals Inc.	Sunovion Pharmaceuticals Inc.	84 Waterford Drive Marlborough Massachusetts 01752	tony.magnetti@sunovion.com
Sunstone Hotels Investors Inc.		120 Vantis #350 Aliso Viejo California 92656	okolpin@sunstonehotels.com
Sursum Corda Cooperative Association, Inc.		1112 First Terrace, NW Washington DC 20003	durenlonnie@yahoo.com
DC Chapter of the National Organization for Women		501 12th Street NE, #23 Washington DC 20002	president@dc-now.org
Susie Cambria	Waterfront Academy	1408 42ND PL SE Washington DC 20020	susie.cambria@gmail.com
T-Mobile		2001 Butterfield Road, Suite 1900 Downers Grove Illinois 60515	dan.leary@t-mobile.com
TC Mid-Atlantic Development IV, Inc.		1055 Thomas Jefferson St NW Suite 600 Washington DC 20007	kmitchell@trammellcrow.com
Terrell Place Property LLC		1300 Wilson Blvd. #910 Arlington Virginia 22209	jkovach@beaconcapital.com
Terrell Place Property LLC		1300 Wilson Blvd. #910 Arlington Virginia 22209	jkovach@beaconcapital.com
The College Board		1919 M street NW, Suite 300 washington DC 20036	mvillafranca@collegebaord.org
The George Washington University		2121 Eye St., NW Washington DC 20052	gwlegal@gwu.edu
The Institute of World		1521 16th Street, NW Washington DC 20036	lcosgriff@iwp.edu

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Politics			
The Lab School of Washington		4759 Reservoir Road, NW Washington DC 20007	longk@gtlaw.com
The Meyers Group	Trusted Health Plan	1100 G. Street NW Suite 665 Washington DC 20001	themeyersgroupllc@gmail.com
The Meyers Group	IESI MD Corporation	1100 G Street NW 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group	DBT Development	1100 G Street NW 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group	KIPP DC	1100 G Street NW Washington DC 20010	themeyersgroupllc@gmail.com
The Meyers Group	HIT2	1100 G Street NW 665 Washington DC 20010	themeyersgroupllc@gmail.com
The Meyers Group	Contemporary Health Services	1100 G Street NW 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group	City Interests	1100 G Street NW 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group	Stoddard Baptist Home Foundation	1100 G Street NW 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group LLC	Premier Health Service	1100 G. Street NW Suite 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Meyers Group LLC	DC Hospital Association	1100 G. Street NW Suite 665 Washington DC 20001	themeyersgroupllc@mail.com
The Meyers Group LLC	Paladin-Howard Management LLC	1100 G. Street NW Suite 665 Washington DC 20005	themeyersgroupllc@gmail.com
The Nature Conservancy		5410 Grosvenor Lane, Suite 100 Bethesda Maryland 20814	jkurtz@tnc.org
The Washington Post		1301 K Street, N.W. Washington DC 20071	naria.belay@washpost.com
Trial Lawyers Association of Metropolitan Washington DC		1919 M Street, NW, Suite 350 Washington DC 20036	mary@tla-dc.org
Trusted Health Plan (DC), Inc.		1100 New Jersey Avenue, S.E. Suite 840 Washington DC 20003	cduru@trustedhp.com
Trustees of New Bethany Baptist Church	N/A	1300 Tenth St NW Washington DC 20001	dsanders522@verizon.net
Uber Technologies, Inc.		1455 Market St 4th Floor San Francisco California 94103	bfisch@multistate.com
UFCW Local 400		8400 Corporate Drive Suite 200 Landover Maryland 20785	apate@local400.org
United Negro College Fund, Inc.		1805 Seventh St NW Washington DC 20001 Washington DC 20001	dboykin@uncf.org

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Unity Health Care		1220 12th Street, SE Washington DC 20003	longk@gtlaw.com
USAA		One Constitution Ave., NE, Ste 200 Washington DC 20002	vicki.harris@usaa.com
Venable LLP, Attn: William N. Hall	Capitol Outdoor, Inc. ATTN: John Polis	575 7th Street, N.W Washington DC 20004	whall@venable.com
Venable LLP, Attn: William N. Hall	Paintcare, Inc.	575 7th Street, N.W Washington DC 20004	whall@venable.com
Venable LLP, Attn: William N. Hall	American Coatings Association ATTN: Allison Keane	575 7th Street, N.W Washington DC 20004	Whall@venable.com
Venable LLP, Attn: William N. Hall	Monumental Sports & Entertainment, ATTN: Randall J. Boe	575 7th Street, N.W Washington DC 20005	whall@venable.com
Venable LLP, Claude E. Bailey		575 7th Street, NW Washington DC 20004	cebailey@venable.com
Verizon Washington DC		1300 I St NW Suite 400w Washington DC 20005	joseph.l.askew.jr@verizon.com
Wal-Mart Stores, Inc.	Wal-Mart Stores, Inc.	708 SW 8th Street Bentonville Arkansas 72716	gerard.dehrmann@stateandfed.com
Warner Session,ESQ	Alliance for Construction Excellence (Contact: Mr. Andrew Porter)	1200 New Hampshire Avenue, NW, Suite 600 Washington DC 20036	whs@warnersession.com
Washington Area New Automobile Dealers Association		5301 Wisconsin Avenue NW, Suite 210 Washington DC 20015	jod@wanada.org
Washington D.C. Assoc. of Realtors		500 New Jersey Avenue, Suite 310 Washington DC 20001	ekrauze@gcaar.com
Washington Drama Society, Inc., d/b/a Arena Stage		1101 6th St SW Washington DC 20024	airvin@arenastage.org
Washington Gas		101 Constitution Avenue, NW Washington DC 20080	vcourtney@washgas.com
Washington Parking Association		4200 Wisconsin Ave NW Suite 550 Washington DC 20016	info@washingtonparkingassociation.com
WEM Associates, LLC	DC Insurance Federation	3413 Stonybrae Drive Falls Church Virginia 22044	wemcowen@wemassociates.com

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

Lobbyist Registration for Filing Year 2016

Registrant Name	Client Name	Address	Email
Xerox Business Services, LLC and its Affiliates		1800 M St NW, North Tower 5th Floor Washington DC 20036	tanya.donalty@xerox.com
United States Public Interest Research Group		218 D St SE Washington DC 20003	zweinstein@pirg.org
Zipcar		403 8th Street, NW Washington DC 20001	fneilson@zipcar.com

**HISTORIC PRESERVATION REVIEW BOARD
NOTICE OF FILING OF APPLICATION TO DESIGNATE HISTORIC DISTRICT**

The D.C. Historic Preservation Review Board has received an application from the Kingman Park Civic Association to designate the property below above as a historic district in the District of Columbia Inventory of Historic Sites. A digital copy is available to the public on the Historic Preservation Office website at <http://planning.dc.gov/page/pending-landmarks-and-districts>.

**Case No. 16-19: Historic Landmark Application #16-19
 Kingman Park Historic District**

Including all lots in Squares 1118, 1119, 1120, 1125, 1126, 1127, 1128, 1134, 1139, 4458, 4459, 4460, 4461, 4462, 4463, 4464, 4477, 4478, 4480, 4481, 4483, 4483E, 4484, 4486, 4495, 4506, 4514, 4515, 4516, 4517, 4518, 4522, 4523, 4525, 4526, 4527, 4528, 4549, 4550, 4558, 4559; all lots in Parcels 149 and 160; Parcel 162, Lot 10; and Reservations 343F and 343G

**Applicant: Kingman Park Civic Association
Affected Advisory Neighborhood Commissions: 5D, 6A and 7D**

The principal purposes of designation are: the recognition of the historic or architectural importance of properties, and their protection through the future review, by the Historic Preservation Office and/or the Historic Preservation Review Board, of proposed subdivisions and of permit applications for construction, alteration and demolition.

As soon as the neighborhoods have had sufficient opportunity to discuss the nomination, the Historic Preservation Review Board will schedule a hearing to consider the application in accordance with the Historic Landmark and Historic District Protection Act of 1978, and with the criteria set forth in Title 10C, D.C. Municipal Regulations, Chapter 2, to determine whether the property merits designation. The Board will also then consider the nomination of the properties to the National Register of Historic Places.

At least 45 days prior to a hearing the Historic Preservation Office will mail notice to the affected owners and Advisory Neighborhood Commissions.

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 district, 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.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HUMAN SERVICES (DHS)
ECONOMIC SECURITY ADMINISTRATION (ESA)
SNAP EMPLOYMENT & TRAINING PROGRAM (SNAP E&T)**

AMENDMENTS TO REQUEST FOR APPLICATIONS (RFA): SNAP E&T-2017-01

**FY2017 GRANTS TO COMMUNITY-BASED ORGANIZATIONS FOR SNAP
EMPLOYMENT AND TRAINING**

The Government of the District of Columbia, Department of Human Services, Economic Security Administration (DHS/ESA) hereby issues this notice of a first amendment to the Request for Applications (RFA) that was announced in the August 5, 2016, District of Columbia Register (DC Register), Volume 63-Number 33 (Vol.63-No.33) issue. Revisions to the RFA for FY2017 Grants to Community-Based Organizations for SNAP Employment and Training (SNAP E&T-2017-01) are as follows:

- The application deadline has been extended to September 9, 2016. Applications will be accepted until 3:00 PM on this date.
- Applicants interested in applying may contact Carlous Price at (202) 299-3544 or by email to Carlous.Price@dc.gov.

Program Description

The Department of Human Services (DHS), Economic Security Administration (ESA), is the lead agency in the District of Columbia for SNAP Employment and Training (SNAP E&T), as authorized by the Food and Nutrition Act of 2008 (Pub. L. No 110-246, §6(d)(4); 7 U.S.C. §2015(d)(4)). The purpose of SNAP E&T is to provide SNAP participants opportunities to gain skills, training or experience that will improve their employment prospects and reduce their reliance on public benefits.

Purpose/Description of Project

This Request for Applications (RFA) seeks to identify potential applicants with ESA that can provide allowable SNAP E&T services to SNAP participants. The scope of allowable services under this RFA is outlined in Section II of the RFA and includes outreach, planning, administration, and operation of an allowable SNAP E&T component. It also includes participant expenses, such as transportation, dependent care, licenses, uniforms and tools for a job, test fees, books, and tuition expenses. **The entire cost of allowable expenditures must be borne initially by the grantee. However, DHS will reimburse awardees 40 cents for every dollar expended on allowable SNAP E&T programs and activities. DHS will retain 10 cents for every dollar expended for program administration.**

Eligibility

Applications are requested from community-based organizations, SNAP E&T grantees, and government agencies located in the District of Columbia that have demonstrated experience working with individuals and families receiving public benefits. Faith-based organizations, such as churches, synagogues, mosques, or religiously based social service affiliates of such organizations are encouraged to apply. Applications are also encouraged from collaborating community-based and faith-based organizations. Applicants must demonstrate an outstanding track-record of providing employment and training services and job placements to SNAP recipients and other low-income populations. Applicants must provide services that compliment ESA's current in-house SNAP E&T program, which currently include job search, transportation, and dependent care subsidies.

Review Factors

All applications will be objectively reviewed and scored against the criteria specified in the Request for Applications (RFA).

Length of Grant Award

The award period for the grant will be through September 30, 2017 at which time all funds must be invoiced. Upon satisfactory performance and subject to the availability of funds, two one-year renewable options may be offered. Please see the RFA for reporting requirements adjacent grant awards.

Available Funding

The entire cost of allowable expenditures must be borne initially by the grantee. While there is no maximum award level per grantee, all costs must be reasonable and necessary to carry out SNAP E&T programs and services.

Anticipated Number of Grant Awards

ESA intends to award up to three (3) grants to organizations that will provide allowable SNAP E&T services to SNAP E&T participants.

Request for Application (RFA) Release

The RFA will be posted on the Office of Partnerships and Grant Services website (<http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>) under the District Grants Clearinghouse.

INGENUITY PREP PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Student Assessment and Professional Development Services**

Ingenuity Prep Public Charter School intends to enter into a sole source contract with The Achievement Network for student assessment and professional development services to help identify and close gaps in student learning for the upcoming school year.

- Ingenuity Prep constitutes the sole source for The Achievement Network for student assessment services and professional development that will lead to student achievement.
- For further information regarding this notice contact bids@ingenuityprep.org no later than **5:00 pm, September 2, 2016**.

INGENUITY PREP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Teacher Coaching

Ingenuity Prep Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following service(s):

- Teacher coaching

Please go to www.ingenuityprep.org/bids or email bids@ingenuityprep.org to view a full RFP offering, with more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 P.M., Friday, September 2, 2016.

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

Bid Administrator
bids@ingenuityprep.org

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PARKS AND RECREATION**

NOTICE OF APPLICATION

Notice is hereby given that, pursuant to the authority set forth in § 9a D.C. Law 3-30; D.C. Official Code § 8-1808.01 (2006 Supp.), and Chapter 7 of Title 19 (Amusements, Parks and Recreation) of the District of Columbia Municipal Regulations, Section 730-735, dated December 7, 2007, that the District Department of Parks and Recreation is reviewing an application for a dog exercise area within the a DPR Triangle park, bound specifically by Lincoln Road, N.E., 4th Street, N.E. and Franklin Street, N.E. (Reservation 674).

The proposed application seeks to install and operate a 6,000 square-foot off-leash dog park at the above referenced location. The proposed site is located on the north west side of the park along Lincoln Road, N.E.. Interested parties wishing to review the application can review the application in-person at the District Department of Parks and Recreation headquarters at 1250 U Street, NW on the 2nd floor. The application and supporting documentation is available at: <http://dpr.dc.gov/page/dog-parks>

Interested persons may submit written comments within thirty (30) days of publication of this notice. The written comments must include the person's name, telephone number, affiliation, if any, mailing address, and statement outlining the issues in dispute or support surrounding the implementation of a dog park. All relevant comments will be considered in reviewing the dog park application. **Written comments postmarked after September 26, 2016 will not be accepted.**

Address written comments to:

Office of Planning & Capital Projects
District Department of Parks and Recreation
Attn: Dog Park Comments – Edgewood Triangle Park
1250 U Street, NW
Washington, DC 20009

To submit comments via email, please email dpr.dogparks@dc.gov

For more information, please call (202) 673-7647.

RICHARD WRIGHT PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Food Service Management Services**

Richard Wright PCS is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2016-2017 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack and At Risk Supper meal pattern requirements. Additional specifications outlined in the Request for Proposals (RFP) such as; student data, days of service, meal quality, etc. may be obtained beginning on **Monday, August 22, 2016** from:

Alisha Roberts
202.388.1011 ext 123
aroberts@richardwrightpcs.org

Proposals will be accepted at 770 M Street SE Washington, DC 20003 on **September 2, 2016** not later than **3pm.**

All bids not addressing all areas as outlined in the IFB (RFP) will not be considered.

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

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after October 1, 2016.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on August 26, 2016. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

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

Effective: October 1, 2016

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Anderson	Dominic	The UPS Store 3220 N Street, NW	20007
Arquette	Linda M.	Osborne Law Offices, PC 4301 Connecticut Avenue, NW, Suite 140	20008
Banks	Jovan K.	Wells Fargo 1700 Pennsylvania Avenue, NW	20006
Barberena	Josefina	Drinker Biddle & Reath LLP 1500 K Street, NW, Suite 1100	20005
Bennett	Laura Angle	The Bernstein Companies 3299 K Street, NW	20007
Body	John W.	Sullivan and Cromwell, LLP 1700 New York Avenue, NW, 7th Floor	20006
Bonds	Sharon R.	Self 3713 Grant Place, NE	20019
Brace	Cynthia	Galliher & Huguely and Associates 5925 Blair Road, NW	20011
Brown	Colleen M.	Hyman, Phelps & McNamara, PC 700 13th Street, NW, Suite 1200	20005
Butland	Celine Fitzgerald	Wilmer, Cutler, Pickering, Hale and Dorr, LLP 1875 Pennsylvania Avenue, NW	20006
Butler	Sheila G.	4600 Connecticut Avenue Condominium 4600 Connecticut Avenue, NW, #101	20008
B-Williams	Ella M.	Self (Dual) 5214 Nannie Hellen Burroughs Avenue, NE	20019
Caldwell	Monet	NRL Federal Credit Union 4555 Overlook Avenue, SW	20375
Carden	Katharine	Skadden, Arps, Slate, Meagher & Flom, LLP 1440 New York Avenue, NW	20005

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

Effective: October 1, 2016

Page 3

Cash	Steven A.	Day Pitney, LLP 1100 New York Avenue, NW, Suite 300	20005
Christian	Tamara McDowell	Law Offices of Tamara Y. McDowell 1629 K Street, NW, Suite 300	20006
Connor	Christina Fay	Cultivating New Frontiers in Agriculture (CNFA) 1828 L Street, NW, Suite 710	20036
Copeland	Phyllis	Drinker Biddle & Rinks, LLP 1500 K Street, NW, Suite 1100	20005
Cox	Marc	Ankura Consulting 1220 19th Street, NW	20036
Dobrowolski	Leonor S.	Whitman-Walker Health 1701 14th Street, NW	20009
Douglas	Mallie	Office of the Chief Financial Officer/Office of Finance and Treasury 1101 4th Street, SW, Suite 850-W	20024
Duncan	Renée P.	Peterson Institute for International Economics 1750 Massachusetts Avenue, NW	20036
Edge	Claudia F.	Self (Dual) 2423 First Street, NW	20001
Fahmi	Wali	Champion Enterprises Inc./Wahla Brothers - Sargodha Inc. 1535 Kenilworth Avenue, NE	20019
Fishkind	Yehuda	LPL Financial 1300 Pennsylvania Avenue, NW, #700	20004
Foreman	Linay A.	American University 4400 Massachusetts Avenue, NW	20016
Fryer	Shelley L.	The Temple Group, Inc. 1120 Connecticut Avenue, NW, Suite 310	20036

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

Effective: October 1, 2016

Page 4

Gulelat	Yodi	Self 2431 25th Street, SE	20020
Hernandez	Elyson	Estevez and Associates, LLC 3600 14th Street, NW	20010
Houston	Jonathan	The UPS Store 611 Pennsylvania Avenue, SE	20003
Jackson	Crystal T.	Kearns & West, Inc. 1110 Vermont Avenue, NW, Suite 950	20005
Johnkins	Robin G.	Ankura Consulting 1220 19th Street, NW	20036
Jones	Deborah	Wiley Rein, LLP 1776 K Street, NW	20006
Jones	Tanneka S.	United Cerebral Palsy, Inc. 1825 K Street, NW, Suite 600	20006
Kahuki	Peter	Peterson Institute for International Economics 1750 Massachusetts Avenue, NW	20036
Kalbaugh	David E.	The White House 1600 Pennsylvania Avenue, NW	20502
Kennedy	Ernestine	Career Path DC 2100 Martin L. King, Jr. Avenue, SE, Suite 307	20020
Keshishian	Jocelyn Britt	Montouri & Roberson 2440 Virginia Avenue, NW, Suite 910	20037
Kessler	Matthew J.	Aids United 1424 K Street, NW, Suite 200	20005
Koss	Cara M.	Arnold & Porter LLP 601 Massachusetts Avenue, NW	20001
Lebbie	Komba J.	New Beginnings, LLC 840 1st Street, NE, 3rd Floor	20002

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Leggett	Tyshemia	BB&T 1365 Wisconsin Avenue, NW	20007
Leichter	Robert	USAaccountingGroup 3509 Connecticut Avenue, NW, #1104	20008
Leonard	Priscilla M.	Conner & Winters, LLP 1850 M Street, NW, Suite 600	20036
Lewis	Rosalind D.	Bank & Lewis, PLLC 1629 K Street, NW, Suite 300	20006
Litovska	Katya	TD Bank 4849 Wisconsin Avenue, NW	20016
Lopes	Novella J.	Office of Administrative Hearings 441 4th Street, NW, Suite 450	20001
Lum	Richard	fs2e, LLC 1875 Connecticut Avenue, NW, 11-127	20009
Manning	Natali Dauphine	2013 Holdings, Inc. 2013 H Street, NW, Suite 300	20006
Maraan	Lilibeth	State Department Federal Credit Union 4th and P Street, SW, Fort McNair Building 41	20024
Matsunaga	Keina	Special Olympics 1133 19th Street, NW	20036
Mayer	Joan K.	Rosemont Seneca Advisors 1010 Wisconsin Avenue, NW, Suite 705	20007
McMillan	Cheria L.	The New York Presbyterian Church 1313 New York Avenue, NW	20005
Molchany	Holly	Friends of the National Zoo 3001 Connecticut Avenue, NW	20008
Nelson Jr.	Presley	Wells Fargo Bank 444 North Capitol Street, NW	20001

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Nickens	Mia E.	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 400	20906
O'Neil	Lauren Marie	Klamp & Associates, P.C. 2000 P Street, NW, Suite 708	20036
Osorio-Monzon	Brenda C.	Kuder, Smollar, Friedman, Mihalik, PC 1350 Connecticut Avenue, NW, Suite 600	20036
Palmer	Dean Eric	Food & Friends 219 Riggs Road, NE	20011
Pereira	Diego	The Veritas Law Firm 1225 19th Street, NW	20036
Reid	Sheika Nikole A.	CB Development LLC, DBA DC Community Partnership 3251 Mount Pleasant Street, NW	20010
Rexford	Karen	PN Hoffman 680 Water Street, SW	20024
Reyes Hernandez	Melisa	Bank Fund Staff Federal Credit Union 1725 I Street, NW	20006
Robbins	Deborah	New Vision Properties, LLC 331 8th Street, NE	20002
Sara A.	Jebena	National Republican Club of Capitol Hill 300 First Street, SE	20003
Sartorius	Mary	The Mandy and David Team 1313 14th Street, NW	20005
Shepard	Carolyn Y.	State Department Federal Credit Union 2201 C Street, NW, Room B-641	20520
Sosa	Jessica Rosibel	Wells Fargo Bank, NA 1200 1st Street, NE	20002
Stansbury	Linda M.	Williams and Connolly LLP 725 12th Street, NW	20005

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Swann	Hope L.	US Department of Justice 1331 Pennsylvania Avenue, NW, National Place Building	20004
Terzian	Kimberly	JMW Settlements, LLC 1130 Connecticut Avenue, NW, Suite 540	20036
Tewolde	Feven	Shulman, Rogers, Gandal, Porody & Ecker, PA 1100 New York Avenue, NW, West Tower Suite 500	20005
Thomas	David J.	Department of Veterans Affairs 801 I Street, NW	20001
Thomas	Meshall	United States Attorney's Office 555 4th Street, NW	20530
Tucker	Maia	Georgetown Law Center 600 New Jersey Avenue, NW	20001
Veintimilla	Maria Z.	Danaher Corporation 2200 Pennsylvania Avenue, NW, Suite 800 West	20037
Veloz	Amy P.	The Veritas Law Firm 1225 19th Street, NW	20036
Whyne	Maria A.	Hines Interests Limited Partnership 825 10th Street, NW, Concourse Level	20001
Wiebler	Katherine C.	Vinson & Elkins, LLP 2200 Pennsylvania Avenue, NW, Suite 500	20037
Wilkins-Lee	Mary	US Chamber of Commerce 1615 H Street, NW	20062
Williams	Lynda M.	NRL Federal Credit Union 4555 Overlook Avenue, SW	20375
Zobay	Stephanie M.	Self (Dual) 2935 Cathedral Avenue, NW	20008

THE SEED PUBLIC CHARTER SCHOOL OF WASHINGTON, D.C.**REQUEST FOR PROPOSALS****Boiler Repair and Boiler Replacement Services**

The SEED Public Charter School of Washington DC is inviting firms to submit proposals for removal and replacement of (2) commercial boiler(s) and repair and configure the (2) remaining existing boiler(s) as back up. Additional specifications outlined in the Request for Proposal (RFP) may be obtained between the hours of 8 am – 4pm from:

Brendan Dowd
Campus Operations Manager
THE SEED PUBLIC CHARTER SCHOOL of Washington, D.C.
4300 C Street, SE
Washington, D.C. 20019
202-248-7773 x 5045

The deadline for submitting bids is September 2nd, 2016.

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

DISTRICT DEPARTMENT OF TRANSPORTATION**NOTICE OF FUNDING AVAILABILITY (NOFA)****Vision Zero Fiscal Year 2017 Safety Grants
Request for Application Release Date: September 2, 2016
Application Submission Deadline: October 3, 2016**

The District Department of Transportation (DDOT) is the lead agency implementing Mayor Bowser's Vision Zero safety initiative. Vision Zero seeks to achieve zero traffic fatalities and serious injuries in the District by the year 2024 through better engineering of roadways, more effective education efforts, smarter use of data and safety analysis, and more effective enforcement of life-saving laws.

DDOT is requesting proposals from potential grantees for projects that would use available funding to directly advance Vision Zero's mission and specific strategies. For more details on each strategy, please visit Vision Zero's Action Plan available at: <http://www.dcvisionzero.com/action-plan.html>. District government agencies and local non-profit organizations are eligible to apply for Fiscal Year 2017 Vision Zero grant funds. Individual proposals should not exceed \$200,000.

The Request for Applications (RFA) for this funding opportunity will be available on **September 2, 2016**. The RFA will be available on DDOT's website, and can be obtained by contacting Jonathan M. Rogers at jonathan.rogers@dc.gov. Please see the full RFA for a detailed timeline of requirements.

For additional information and to receive the full RFA, please contact:

Jonathan M. Rogers
Policy Analyst
Policy and Governmental Affairs, Office of the Director
55 M Street SE, Suite 700
Washington, DC 20003
Phone: (202) 741-5960
Email: jonathan.rogers@dc.gov

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, September 1, 2016 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dewater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of July 7, 2016 Meeting Minutes | Board Chairman |
| 4. Committee Reports | Committee Chairperson |
| 5. General Manager's Report | General Manager |
| 6. Action Items
Joint-Use
Non Joint-Use | Board Chairman |
| 7. Other Business | Board Chairman |
| 8. Adjournment | Board Chairman |

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

Application No. 18979 of Tiblez Adal, pursuant to 11 DCMR § 3103.2, for a variance from the nonconforming structure requirements under § 2001.3 and a variance from the off-street parking requirements under § 2101.1 to allow use of a two-story accessory structure as an artist studio in the R-4 District at premises 400 K Street, N.E. (Square 806, Lot 44).¹

HEARING DATES: April 21, 2015, June 23, 2015, September 22, 2015, and November 10, 2015²

DECISION DATE: November 10, 2015

DECISION AND ORDER

This self-certified application was submitted on February 11, 2015 by Tiblez Adal, the owner of the property that is the subject of the application. As amended, the application requested an area variance from the requirements for enlargement of a nonconforming structure under § 2001.3(a)³

¹ This caption has been amended to reflect that, after the application was initially filed, the Applicant also requested parking relief. (Exhibit 65.)

² The application was postponed from the hearings of April 21, 2015 and June 23, 2015. The hearing was held on September 22, 2015 and continued to November 10, 2015.

³ The requested relief as stated in the initial application was “a variance pursuant to Section 3103.2 under Section 2001.3(a) to allow an existing addition to an existing nonconforming structure to remain in order to make adaptive use through restoration of an existing carriage house for purposes of an artist studio...” (Exhibit 1.) This statement seems to refer to an already completed third-story addition to the principal building at the subject property, which the Applicant now wants to retain, along with the accessory structure (the “carriage house”), which the Applicant renovated without obtaining either the necessary permits or zoning relief attendant to the nonconforming lot occupancy of the property. Subsequently, the Applicant acknowledged “a subtext nexus between the constructed third floor and the relief sought in this application” and that zoning relief “to allow the restoration of a two-story carriage house for productive use as an artist studio...is necessitated because the approved and constructed third story addition on the main building would otherwise not have been possible without the relief sought in this application.” (Exhibit 35.) However, the Applicant also stressed that “the subject of relief before the Board is the retention of the carriage house for purposeful matter of right use and occupancy” and that the “validity of the building permit which authorized the construction of the third floor on the main building is not under challenge in the application...” (Exhibit 35.) Instead, the Applicant described the “nature of relief sought [as] variance relief from the maximum permitted lot occupancy for the proposed use in the underlying R-4 Zone District” as a result of “the retention of the carriage house for purposeful use, which results in no net change in lot occupancy...” (Exhibit 35.) The Applicant’s written submissions stated a need for relief to avoid having to remove the roof of the accessory structure because “the specter of freestanding perimeter walls, which would render the carriage house unsuitable for occupancy and/or any use whatsoever, [would result] in an undesirable outcome.” (Exhibit 35.) The Board considered the application as a request for a variance from § 2001.3 to allow the Applicant to retain the accessory structure at the subject property.

and a variance from § 2101.1 to allow use of an accessory building as an artist studio without providing any off-street parking in the R-4 District at 400 K Street, N.E. (Square 806, Lot 44). Following a public hearing, the Board of Zoning Adjustment (“Board” or “BZA”) voted to grant the application with respect to the variance to allow the enlargement of a nonconforming structure and to deny the parking variance.

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated February 23, 2015, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 6; Advisory Neighborhood Commission (“ANC”) 6C, the ANC in which the subject property is located; and Single Member District/ANC 6C06. Pursuant to 11 DCMR § 3112.14, on February 26, 2015 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 6C, and the owners of all property within 200 feet of the subject property.⁴ Notice was published in the *District of Columbia Register* on March 6, 2016 (62 DCR 2754).

Party Status. The Applicant and ANC 6C were automatically parties in this proceeding. There were no requests for party status.

Applicant’s Case. The Applicant provided testimony and evidence indicating that the principal and accessory buildings at the subject property were both vacant and dilapidated when the property was purchased by the Applicant’s family, and that the Applicant’s efforts to restore the buildings have occurred piecemeal over a period of years. The Applicant testified that a building permit was issued on December 15, 2009 to allow construction of a third-floor addition to the principal building on the lot, subject to a condition requiring removal of the roof of the accessory structure so as to avoid exceeding the maximum lot occupancy permitted in the R-4 zone as a matter of right. The Applicant built the third-story addition and later began renovation of the two-story accessory structure, although no building permit was obtained for the latter construction. The Applicant now seeks a variance from the restrictions on enlargement of a nonconforming structure under § 2001.3 to allow the roof of the accessory structure to remain, notwithstanding the nonconforming lot occupancy, so that the accessory structure could be put to use as an artist studio.

OP Report. By memorandum dated March 24, 2015, the Office of Planning indicated its lack of support for the application on the ground that the Applicant had not demonstrated an exceptional situation resulting in practical difficulty. (Exhibit 32.) However, after additional information was provided by the Applicant, OP testified at the public hearing that removal of the roof of the accessory building “would be impractical.” (Tr. of September 22, 2015 at 46.)

DDOT. By memorandum dated April 9, 2015, the District Department of Transportation indicated no objection to approval of the application. (Exhibit 29.)

⁴ The public hearing, originally scheduled for April 21, 2015, was postponed twice at the request of the Applicant.

ANC Report. By letter dated April 13, 2015, ANC 6C indicated that, at a properly noticed public meeting on April 8, 2015, with a quorum present, the ANC voted 6-0 to oppose the application “as currently presented.” The ANC objected that the Applicant had apparently built a third dwelling unit, rather than an artist studio, in the accessory building at the subject property and had paved a section of public space to create a parking pad. (Exhibit 30.) By letter dated November 3, 2015, ANC 6C indicated that, at a properly noticed public meeting on October 14, 2015 with a quorum present, the ANC voted 6-0 to adopt a position in opposition to the application. (Exhibit 54.)

FINDINGS OF FACT

The Subject Property

1. The subject property is located at the northeast corner of the intersection of Fourth and K Streets, N.E. (Square 806, Lot 44). The rectangular parcel is 20 feet wide (fronting on K Street) and 95 feet deep (fronting on Fourth Street), with an area of 1,907.6 square feet. A public alley 10 feet wide abuts the property along the rear (north) lot line.
2. The subject property is improved with an end-unit row building and an accessory structure that were both constructed around 1890. The subject property is the only lot in its square that contains both a principal building and a two-story accessory structure constructed in conjunction with the principal building.
3. The accessory structure is approximately 20 feet in both length and width and abuts the public alley at the rear of the lot.
4. The existing nonconforming lot occupancy at the subject property is approximately 75.5% where a maximum of 60% is permitted as a matter of right. (*See* 11 DCMR § 403.2.) The principal building occupies approximately 55% of the lot.
5. The principal building has been used as a two-family flat since a third-floor addition was built around 2010. The Applicant constructed the third-floor addition pursuant to a building permit issued on the premise that the accessory structure lacked a roof and therefore was not included in the calculation of lot occupancy. A subsequent inspection revealed that the building at the rear of the lot was in fact an existing accessory building under roof. The Applicant has substantially renovated the accessory building without obtaining permits for the work.
6. Upon completion of the renovation project, the accessory structure will not contain kitchen or bathing facilities, as depicted in the final floor plan submission. (Exhibit 67.)
7. The subject property is located in the R-4 District, which is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two or more

families. (11 DCMR § 330.1.) The “primary purpose” of the R-4 zone is “the stabilization of remaining one-family dwellings.” (11 DCMR § 330.2.)

CONCLUSIONS OF LAW AND OPINION

The Applicant seeks an area variance from the requirements for enlargement of a nonconforming structure under § 2001.3(a) and a variance from § 2101.1 to allow use of an accessory structure as an artist studio without providing any off-street parking in the R-4 district at 400 K Street, N.E. (Square 806, Lot 44). The Board is authorized under § 8 of the Zoning Act to grant variance relief where, “by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of the regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,” the strict application of the Zoning Regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, provided that 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. (*See* 11 DCMR § 3103.2.)

Based on the findings of fact, the Board concludes that the application satisfies the requirements for variance relief in accordance with § 3103.2 with respect to the relief from requirements under § 2001.3 for the enlargement of a nonconforming structure to allow a roof on the accessory structure. The Board concurs with the Applicant that the property is faced with an exceptional situation as the only property in its square that is improved with both a principal building and a two-story accessory structure that have occupied the property since 1890 and together create a nonconforming lot occupancy. The Board also concurs with the Applicant that the historic nature of the property is significant, in part because the ages of the buildings, which were vacant and dilapidated when the Applicant acquired the property, have complicated the Applicant’s incremental efforts to renovate the property since 2007.

The Applicant claims practical difficulty arising from the construction of the third-floor addition pursuant to a permit that the Applicant contends was issued after “the applicant was advised that annotation on the plat to the effect that the roof of the carriage house would be removed, was enough to secure the building permit sought for the third floor addition to the main building,” even though “the existing improvement on the lot, including the carriage house, exceeded the maximum percentage of lot occupancy allowed (60% versus 75.5%).” (Exhibit 35.)

The Board may consider zoning history in determining whether variance relief is warranted. *See, e.g., DeAzcarate v. District of Columbia Bd. of Zoning Adjustment*, 388 A.2d 1233 (D.C. 1978) (extraordinary conditions that justify a finding of uniqueness can be caused by events that are extraneous to the land, including the zoning history of a property). In this case, the Applicant, or the Applicant’s agent, apparently misrepresented the status of the accessory structure in order to obtain a building permit to allow an addition to the principal building, which otherwise would have required zoning relief as an enlargement of a structure that was nonconforming with respect to lot occupancy. Now the Applicant seeks to retain the accessory structure as a viable building, as well as the already completed addition to the principal building. The Board finds that the strict application of the Zoning Regulations would result in practical difficulty to the Applicant

in light of the exceptional situation of the subject property, despite the Applicant's role in the zoning history of the property. *See Washington Canoe Club et al. v. District of Columbia Zoning Commission*, 889 A.2d 995, 1001 (D.C. 2005) (rule of self-created hardship does not apply to area variances). The Board agrees with the Applicant and the Office of Planning that demolition of the roof of the accessory structure, to comply with the purported condition allowing the earlier enlargement of the principal building, would create practical difficulty related to the demolition of the accessory building, or at minimum its conversion to a set of exterior walls not suitable for any use.

The Board does not find that approval of the requested variance relief, subject to the conditions adopted in this order, would cause substantial detriment to the public good or would substantially impair the intent, purpose, and integrity of the zone plan. The zoning relief sought by the Applicant would allow the adaptive reuse of the accessory structure, perhaps as storage space for the residents of the two-family flat in the principal building. Neither the retention of the accessory structure nor the already completed third-floor addition to the principal building created any increase in the nonconforming lot occupancy of the subject property, which has existed since 1890.

The Board notes the Applicant's stated intention to devote the accessory structure to use as an artist studio, which is a use permitted as a matter of right in the R-4 District in accordance with the requirements of § 2300.3. However, the Applicant envisioned the accessory structure "as a work/live space for a single artist with no apprentice(s)" even though by definition an "artist studio" is "a place of work," distinguishable from "artist housing," i.e. "an apartment or studio where an artist works and lives." (*See* 11 DCMR § 199.1.) Both the Office of Planning and ANC 6C opposed the potential residential use of the accessory structure, which would not be permitted under the Zoning Regulations at the subject property. The Applicant responded by revising the plans for the accessory structure to remove features that would allow residential use of the space. The first plans submitted by the Applicant showed kitchen facilities on the first floor and a shower in the bathroom on the second floor. (Exhibit 8.) The revised plans depicted a sink but no kitchen appliances on the first floor; the shower remained in the revised plans for the second floor. (Exhibit 34.) The final plans showed no kitchen facilities on the first floor and no bathroom facilities on the second floor, although the Applicant stated a preference for retention of the shower facilities. (Exhibit 67; Tr. of Nov. 10, 2015 at 143-144.) To ensure that the Applicant will not devote the accessory structure to residential use, the Board conditions its approval of the requested variance on the absence of bathing facilities in the accessory structure, noting that kitchen facilities have already been deleted from the Applicant's proposal.

In response to the opposition of ANC 6C to the proposed use of the accessory structure as an artist studio, the Applicant contended that "relief is not required to establish the proposed artist studio" because that use is permitted as a matter of right in the R-4 zone pursuant to § 2300.3. (Exhibit 35.) However, § 2300.3(e) requires that "[i]n addition to any parking spaces that may be required by § 2101 or any other provision of this title, parking for the studio use shall be provided at the rate of one (1) parking space for each three (3) occupants of the studio." Because § 2101 does not specify a minimum parking requirement for an artist studio, that use is instead required to provide one parking space for each 600 square feet of gross floor area and cellar floor area pursuant to § 2101.1.

Based on the findings of fact, the Board does not find that the application satisfies the requirements for a variance from § 2101.1 to allow use of the accessory structure as an artist studio without providing any off-street parking.⁵ The Applicant did not provide persuasive evidence and testimony to support the grant of a parking variance, but disputed whether the proposed artist studio use would generate a parking requirement even after amending the self-certified application to seek a variance from § 2101.1 out of “an abundance of caution.” (Tr. of Nov. 10, 2015 at 161.) Since the application was self-certified, the Board declines to address the Applicant’s claim that no parking relief is necessary and concludes that the Applicant has not satisfied the burden of proof necessary for approval of variance relief.

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 supported the request for a variance from the lot occupancy requirements to allow the retention of the accessory structure so long as it would not be used as a third dwelling unit at the subject property in addition to the flat in the principal building. The Board concurs with OP’s recommendation in this regard.⁶

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 ANC 6C did not oppose a variance for lot occupancy relief that would allow the retention of the accessory structure, but did oppose the use of the accessory structure as an artist studio on the ground that the Applicant could easily convert the space to residential use. The Board notes the ANC’s concerns about residential use of the accessory structure and concludes that the conditions adopted in this order, along with the prospect of enforcement action taken against any future zoning violation at the subject property, will prevent its use as a residence. Use of the accessory structure as an artist studio – that is, as a place of work – may be permitted as a matter of right so long as the use satisfies all elements of § 2300.3, including any parking requirement.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for an area variance from the requirements for enlargement of a nonconforming structure under § 2001.3(a) but not with respect to the request for a parking variance from § 2101.1 to allow use of an accessory structure as an artist studio without providing any off-street parking in the R-4 District at 400 K Street, N.E. (Square 806, Lot 44). Accordingly, it is **ORDERED** that the application is **GRANTED** in part, **SUBJECT TO** two **CONDITIONS**, and **DENIED** in part:

1. The Applicant shall not provide bathing facilities in the accessory structure.

⁵ The Board notes that the Applicant’s initial plans showed a parking pad located between the accessory building and the sidewalk on 4th Street. (Exhibit 10.) The Applicant in fact paved much of the area between the accessory building and the sidewalk. (Exhibit 5.) While a later submission did not show a parking pad, the Applicant initially stated that the paving had not been removed but that a “no parking” sign had been posted on the outer wall of the accessory structure. (Tr. of Sep. 22, 2015 at 21.) Later, the Applicant stated that the size of the paved area would be reduced to a lead walk, consistent with DDOT requirements. (Tr. of Nov. 10, 2015 at 144.)

⁶ Neither the Office of Planning nor DDOT submitted supplemental reports addressing the request for parking relief made by the Applicant in the amended application.

- 2. The Applicant shall not provide a parking pad in the public space along 4th Street, as depicted in the revised site plan (Exhibit 66).

VOTE: 3-0-2 (Peter G. May, Marnique Y. Heath, and Frederick L. Hill voting in favor of the motion to Approve in part, and Deny in part; Jeffrey Hinkle not present, not voting; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 12, 2016

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3205, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ. (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Appeal No. 19080 of Adams Morgan Neighbors for Action, pursuant to 11 DCMR §§ 3100 and 3101, from a June 5, 2015 decision of the Department of Consumer and Regulatory Affairs (DCRA) in the issuance of Building Permit No. B1410380 to allow the construction of a hotel in the RC/C-2-B District at premises 1770 Euclid Street, N.W. (Square 2560, Lots 127, 871, and 875¹)

HEARING DATE: October 6, 2015

DECISION DATE: October 6, 2015

DECISION AND ORDER

This appeal was filed on July 9, 2015 with the Board of Zoning Adjustment (“Board”) by the Appellant. The appeal challenged DCRA’s decision to issue a building permit authorizing the property owner to construct a hotel at the subject property. The Appellant alleged the building permit was issued in error for three reasons: (1) The proposed hotel does not comply with § 774.1 of the Zoning Regulations, which requires a 15-foot rear yard in the C-2-B zone; (2) The Owner failed to obtain a special exception under § 1403.1 of the Zoning Regulations to allow the hotel use, which is otherwise prohibited in the Reed-Cooke (RC) Overlay district; and (3) The Owner does not meet the special exception criterion under § 1403.1(d) to provide a 25-foot buffer between the property and the adjacent residential zone district. After reviewing the record and allowing the parties to be heard, the Board found that DCRA had not erred in issuing the building permit. Thus, the Board denied the appeal. A full discussion of the facts and law supporting this conclusion follows.

PRELIMINARY MATTERS

Notice of Public Hearing

The Office of Zoning (“OZ”) scheduled a hearing on October 6, 2015. In accordance with 11 DCMR §§ 3112.13 and 3112.14, OZ mailed notice of the hearing to the Appellant, the Advisory Neighborhood Commission (“ANC”) 1C (the ANC in which the subject property is located), the property owner, and DCRA. The ANC did not file a report.

Parties

The Appellant is Adams Morgan Neighbors for Action (“AMNFA”), an unincorporated non-profit citizens association created for the civic purpose of protecting the personal and property

¹ The three lots were later consolidated into Lot 139.

interests of Adams Morgan residents. AMNFA member Cassandra Joseph represented the group during the proceedings.

As the owner of the subject property, the Adams Morgan Hotel Owner, LLC (the Owner), is automatically a party under 11 DCMR § 3199.1 and will hereafter be referred to as the Owner or the Hotel. The Owner was represented by Holland & Knight, Norman M. Glasgow, Esq. during the proceedings.

DCRA was represented by its Office of the General Counsel, Maximilian Tondro, Assistant General Counsel.

FINDINGS OF FACT

The Property and Abutting Streets

1. The subject property is located at 1770 Euclid Street, N.W., in the RC/C-2-B zone district.
2. A rear yard with a minimum depth of 15 feet is required for properties in a C-2-B zone. (11 DCMR § 774.1.)
3. The subject property is a corner lot that abuts three streets: Columbia Road on the northwest, Euclid Street on the north, and Champlain Street on the east. The property also abuts a public alley and a residential lot.
4. Columbia Road is 100 feet wide.
5. Euclid Street is 90 feet wide.
6. Champlain Street is 50 feet wide.

Zoning Commission Proceedings

7. The property was the subject of an application before the Zoning Commission for a Planned Unit Development (“PUD”) and Zoning Map amendment that rezoned the property from RC/C-2-B and R-5-B to RC/C-2-B, effective March 15, 2013. (Z.C. Order No. 11-17; Z.C. Order No. 11-17 was entered into the record of this appeal as Exhibit No. 15A.)
8. At the time of the PUD application the property was improved with, among other things, an abandoned building that had served as the First Church of Christ, Scientist. The approved PUD was to redevelop the property into a hotel, incorporating the preserved Church building on the site.
9. The PUD Order required the Owner to construct the project consistent with the plans submitted to the Zoning Commission and entered into the record as Exhibit No. 195A. (This

exhibit was incorporated by reference into the record of this appeal before the Board in the Owner's Pre-Hearing Statement and DCRA's Pre-Hearing Statement.)

10. The approved plans do not show any rear yard at the property.
11. In a separate proceeding, the Zoning Commission adopted a text amendment to the RC Overlay to allow a hotel use at the property. (Z.C. Order No.12-17, March 15, 2013). Subsection 1401.4 of the RC Overlay was amended to expressly allow a PUD at the property that permitted the integration of the preserved Church building within a hotel use. (60 DCR 3635.)²

Events Leading to the Issuance of the Permit

12. The Owner filed an application with DCRA for the issuance of a building permit at the property on or about July 30, 2014.
13. The Owner's representative met with the Zoning Administrator ("ZA") on or about May 19, 2015 to discuss the rear yard requirement for the PUD project. The analysis for this project entails a determination of the street frontage at the property, the location of the rear lot line, and the measurement of the rear yard depth.
14. The Zoning Regulations allow the property owner to select the "street frontage" of a property where a lot, such as this one, abuts more than one street. (11 DCMR §199.1.)
15. In a confirming email to the ZA dated May 20, 2015, the Owner wrote that it had selected Columbia Street as the street frontage for the development. (Owner's Pre-Hearing Statement, Ex. 15H.)
16. The email reasons that because the Columbia Road lot line is the front of the property, Champlain Street abuts the rear lot line. (Owner's Pre-Hearing Statement, Ex. 15H.)
17. The email explains further that, pursuant to § 774.11, in the case of a corner lot abutting three or more streets (such as this one), the depth of the rear yard may be measured from the centerline of the street abutting the lot at the rear of the building. Champlain Street is the street that abuts the rear lot line and, because it is 50 feet wide, the rear yard is measured from the centerline of Champlain street; i.e., the rear yard is deemed to be 25 feet wide, which exceeds the 15-foot minimum depth required. (Owner's Pre-Hearing Statement, Ex. 15H).
18. The ZA responded to the Owner's email, stating that he concurred with the Owner's analysis and conclusions. (Owner's Pre-Hearing Statement, Ex. 15H.)

² Prior to the amendment, the RC Overlay did not allow any hotel uses. (11 DCMR §1401.1(o).)

The Building Permit

19. DCRA issued Building Permit No. B1410380 to the Owner on June 5, 2015.

The Appeal

20. On July 9, 2015, the Appellant filed this appeal challenging DCRA's decision to issue the building permit.

CONCLUSIONS OF LAW

The Board is authorized by § 8 of the Zoning Act of 1938, D.C. Official Code § 6-641.07(g) (1) (2008 Repl.), to hear and decide appeals where it is alleged that there is error in any decision made by any administrative officer in the administration of the Zoning Regulations. The decision in this case is DCRA's issuance of the building permit. The alleged zoning errors were the ZA's determinations regarding rear yard setback requirements and special exception requirements under the RC Overlay, in particular the requirement for a 25-foot buffer. Therefore, this Order will refer to DCRA as the entity that issued the permit and the ZA as the person who made the interpretations complained of. As will be explained below, the Board concludes that the ZA did not err with respect to its determinations regarding the rear yard requirements or the special exception requirements.

The Property Complies with Rear Yard Setback Requirements

The subject property is located in the C-2-B zone district. (Finding of Fact 1.) Under §774.1 of the Zoning Regulations, the minimum required rear yard setback is 15 feet. The Board concludes that this requirement has been met, as set forth below in more detail.

Lot Frontage Selection

As explained in the Findings of Fact, the Owner selected Columbia Road as the front of the property. (Finding of Fact 14.) The Board agrees that this selection was permissible. Subsection 199.1 states that:

Where a lot abuts more than one (1) street, the owner shall have the option of selecting which is to be the front for purposes of determining street frontage. (11 DCMR §199.1.)

The property abuts three streets: Columbia Road, Euclid Street, and Champlain Street. (Finding of Fact 2.) Appellant claims that the selection of Columbia Road was not reasonable because there is minimal frontage on Columbia Road. However, the fact that the Columbia Road frontage is smaller than the Euclid Street frontage or the Champlain Street frontage is of no moment. The Zoning Regulations unambiguously – and without any restriction -- allow the Owner to select which street will be used to determine street frontage.

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Appellant argues that the Owner should not be able to select Columbia Road as the front of the property for two additional reasons: (1) Under the approved PUD, Appellant claims it is clear that the main entrance to the proposed hotel building is at Euclid Street, not at Columbia Road; and (2) The Owner previously selected Euclid Street as the front of the building for the purpose of measuring building height, and Appellant claims the Owner should be bound by that selection. (Tr. October 6, 2015³, p. 99-100 and p.115-117, *See*, also written Testimony of UNITE HERE Local 25, Ex. 22.)

In response to Appellant's arguments, the ZA testified that the Owner's selection of street frontage is not tied to the location of the building entrance or the address of the property. (Tr. p. 111.) Nor, stated the ZA, is the selection of street frontage tied in any way to the measurement of building height; i.e. the ZA testified that "measuring the building height can occur on another street frontage besides the choice of the frontage for the frontage of the lot." (Tr., p. 112.) The Board believes this is a reasonable interpretation. The Board agrees with the position advanced by DCRA's counsel, that there is a distinction built into the Zoning Regulations between the determination of "street frontage" and the "front" of a building. Street frontage is used, among other things, to determine the rear lot line designation; whereas, building frontage is used to measure building height. (Tr., p. 126-127). As such, the fact that Euclid Street is the building front -- used to measure building height -- has no bearing on the selection of street frontage.

Rear Lot Line Designation

Appellant also disputes the ZA's determination that Champlain Street abuts the property's rear lot line. (Ex. 17.) Appellant claims there is no street at the rear of the property; rather, Appellant claims a residential lot (Lot No. 809) abuts the rear of the property. Appellant explained it is a "common-sense conclusion" that the southern-most lot line be considered the rear lot line of the property. (Tr., p. 98.) However, Appellant's reasoning is incorrect.

The Board has established that the location of a rear yard derives from the location of the rear lot line⁴; the Board has also established a methodology for designating rear lot lines where a lot is oddly shaped or has more than four sides. *Appeal No. 18152 of Advisory Neighborhood Commission ID* (2012). By this methodology, the rear lot line is determined by drawing a line perpendicular to the chosen street frontage in the middle of the chosen street frontage, in this case, the middle of the Columbia Road street frontage. A line drawn in this manner intersects the eastern property line of the property (not the southern lot line), where it is bounded by Champlain Street.

Measurement of Rear Yard Depth

Subsection 774.11 of the Regulations dictates how the rear yard depth is measured in the case of a corner lot, such as the subject property. It provides in pertinent part:

³ Hereafter, all references to the transcript of the October 6, 2015 hearing will be designated "Tr.,".

⁴ The Zoning Regulations define "yard, rear" in part as "the yard between the rear line of a building or other structure and the rear lot line. (11 DCMR §199.1.)

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

(11 DCMR §774.11.)

In essence, the development qualifies for § 774.11's option to use half of the street right of way at the rear of the property to comply with rear yard requirements.

As explained above, Champlain Street is the street abutting the rear lot line. It is 50 feet wide. (Finding of Fact 5.) Therefore, the center line of Champlain Street is located 25 feet from the rear lot line and the rear yard is deemed to be 25 feet under § 774.11. Thus, the rear yard requirement (of 15 feet) under § 774.1 is satisfied.

The Property Complies with the RC Overlay

Appellant also claims the permit was issued in error because the Owner failed to obtain a special exception to the use provisions of the Overlay under § 1403.1, and because the property violates § 1403.1(d) of the Overlay, which requires a 25-foot buffer from a residence district. Again, the Appellant is incorrect.

The special exception provisions of the Overlay do not apply to this development because the hotel use is a permitted use in the Overlay under §1401.4. It is true that hotel uses are generally prohibited in the Overlay. (11 DCMR §1401.1(o).) However, as outlined in the Findings of Fact, the Overlay provisions were amended in 2013 to include § 1401.4. (Finding of Fact 10.) Section 1401.4 provides in pertinent part:

Notwithstanding § 1401.1 [list of prohibited uses in the RC Overlay], the Zoning Commission may approve a planned unit development that *permits* a hotel use integrating the First Church Christ Scientist building on a new lot created by combining Lots 872, 875, and 127 of Square 2560... (emphasis supplied)

(11 DCMR § 1401.4.)

The Zoning Commission applied this provision when it approved the PUD application. Thus, the PUD is an approved hotel use in the Overlay and no special exception is required.

Since a special exception under § 1403 is not required, none of criteria for granting the exception, including the buffer described in §1403.1(d) apply to this development.

CONCLUSION

For reasons discussed above, it is hereby **ORDERED** that the appeal is **DENIED** in its entirety.

Vote taken on October 6, 2015

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VOTE: 3-0-2 (Marcie I. Cohen Frederick L. Hill, and Marnique Y. Heath, voting to Deny the appeal, affirming the Zoning Administrator; Jeffrey L. Hinkle being necessarily absent; and one Board seat vacant.)

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

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

FINAL DATE OF ORDER: August 12, 2016

PURSUANT TO 11 DCMR §3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO §3125.6

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 05-40B**

Z.C. Case No. 05-40B

**(Wesley Theological Seminary of the United Methodist Church –
Modification of Campus Plan)**

July 14, 2016

Application No. 05-40B of the Wesley Theological Seminary of the United Methodist Church (“Seminary” or “Applicant”), pursuant to 11 DCMR § 3129.7 of the Zoning Regulations, for a modification of its current Campus Plan (Z.C. Order No. 05-40A (June 14, 2012)) to: 1) limit the term of the Campus Plan to December 31, 2019; 2) allow not more than 55 non-Wesley graduate students to occupy Straughn Hall through May 31, 2019; 3) waive the required traffic monitoring surveys for so long as the enrollment head count is below 505; and 4) increase the number of neighborhood liaison committee meetings to three times annually in the D/R-5-A Zone District at 4500 Massachusetts Avenue, N.W. (Square 1600, Lots 6, 7, 8 and 9).

HEARING DATE: July 14, 2016

DECISION DATE: July 14, 2016 (Bench Decision)

SUMMARY ORDER

The Applicant filed an application with the Commission for the District of Columbia (“Commission”) on April 13, 2016, for a modification of its current Campus Plan (Z.C. Order No. 05-40A (June 14, 2012)), pursuant to 11 DCMR § 3129.7, requesting that American University (“AU”) undergraduate students be allowed to occupy Straughn Hall for the 2016-2017 academic year and that AU graduate students be allowed to occupy vacant beds in Straughn Hall in subsequent years.

After the filing of the original modification request, the Seminary continued discussions with its neighbors, Advisory Neighborhood Commission (“ANC”) 3D, and AU. As a result of these discussions, the Seminary on May 20, 2016 revised its original Modification to: 1) eliminate the request to house 55 AU undergraduate students in Straughn Hall; 2) limit the term of the current Campus Plan to December 31, 2020; 3) waive the required traffic monitoring surveys for so long as the Seminary's enrollment remains below its enrollment for the 2011-2012 academic year; and 4) increase the number of neighborhood liaison committee meetings to three times annually.

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Commission provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, by mail to ANC 3D, and to owners of property within 200 feet of the site. The Seminary is located within the jurisdiction of ANC 3D and borders ANC 3E. ANC 3D was automatically a party to this case and submitted a letter in support with conditions. ANC 3E did not participate in this case. Party status in support was granted to the Spring Valley-Wesley Heights Citizens Association (“SV-WHCA”). No one opposed the application.

The Office of Planning (“OP”) submitted a report indicating no objection to the requested modifications and recommended approval. The District Department of Transportation (“DDOT”) submitted a report indicating no objection to the requested modifications, provided

the Applicant complete a traffic monitoring survey during the fall semester of 2016. The Commission concluded that based on the 27% decrease in enrollment from a peak of 569 (head count) for FY 2007 (July 1, 2006 - June 30, 2007) to 400-415 for the current FY 2017, no traffic monitoring survey is warranted and would be an unnecessary financial burden on the Applicant's limited resources. ANC 3D and SV-WHCA in their testimony strongly supported waiving the traffic monitoring survey requirement based on the substantially reduced enrollment, lack of any evidence of negative traffic and parking impacts of the Applicant's current operations, and unnecessary expense.

As directed by 11 DCMR § 3119.2, the Commission required the Applicant to satisfy the burden of proving the requested modifications to the approved Campus Plan (Z.C. Order No. 05-40A), pursuant to 11 DCMR § 3104.1 will be in harmony with the general purposes and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map; and pursuant to 11 DCMR § 210.1, that the use as a university in a residential zone shall be located so it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions. Additionally, the requested modifications are minor in scope, limited in duration and do not substantially or materially change the facts upon which the Commission based its original approval of the Campus Plan. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Commission to grant this application would not be adverse to any party.

Based on the record before the Commission, and having given great weight to the OP and ANC reports and testimony, the Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 3104.1 and 210.1.

The Commission further determined to waive the requirements of 11 DCMR § 3125.5, that the order of the Commission be accompanied by findings of fact and conclusions of the law.

It is therefore **ORDERED** that the application is **APPROVED** and the Campus Plan is hereby modified so that the following **CONDITIONS** as stated in Z.C. Order 05-40A are revised as follows, with revisions should in **bold** text:

1. Approval of the Campus Plan shall be valid until December 31, **2019**.
5. The Applicant shall provide a maximum of 172 beds during the term of the Campus Plan. **In the event any of the student housing in Straughn Hall ("Straughn Housing") is not needed to house Wesley students:**
 - a. **Applicant may allow the Straughn Housing to be leased and occupied by not more than fifty-five (55) non-Wesley graduate students through May 31, 2019; and**
 - b. **No Wesley students shall be denied housing to allow for housing of non-**

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Wesley graduate students.

- 10(J). The Seminary shall fully implement and comply with the TDM Plan submitted into the record. The TDM Plan shall mandate that no new trips be generated beyond 53 morning peak hour trips and 71 afternoon peak hour trips. It shall also require that a traffic monitoring survey be performed annually during the first two years following approval of the new Campus Plan and then every other year for the duration of the term of the Campus Plan. **The traffic monitoring survey requirement shall be suspended for so long as the Seminary's enrollment remains below the enrollment for the 2011-2012 academic year (505 headcount).** Within 60 days of each traffic monitoring survey required, Wesley Seminary shall provide to DDOT, ANC 3D, the Spring Valley-Wesley Heights Citizens Association, and Neighbors For A Livable Community a report indicating its compliance with the TDM Plan. Compliance with the TDM Plan will be measured by whether the Seminary maintains a morning peak hour trip generation of no greater than 53 trips and an afternoon peak hour trip generation of no greater than 71 trips. If the Seminary exceeds either of the trip caps for two consecutive reporting periods, additional TDM measures shall be initiated.
- 10(T). The Seminary shall establish a neighborhood liaison committee that meets **three times** annually and is limited to participation by representatives of ANC 3D, the Spring Valley-Wesley Heights Citizens Association, Neighbors For A Livable Community, and individual residents of Spring Valley living within 200 feet of the Seminary's property line at University Avenue.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 et seq. (the "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 identification, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.

VOTE: 5-0-1 (Robert E. Miller, Anthony J. Hood, Marcie I. Cohen, Peter G. May and Michael G. Turnbull to approve).

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: August 17, 2016

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**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06E
Z.C. Case No. 08-06E
(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
ZONING COMMISSION ORDER NO. 11-02B
Z.C. Case No. 11-02B**

**Department of General Services & D.C. Public Schools on behalf of the
University of the District of Columbia
(Minor Modification to Z.C. Order No. 11-02/11-02A to Allow Temporary Trailers
on Campus for Use by an Elementary School)
June 6, 2016**

SUMMARY ORDER

Pursuant to notice, a special public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on June 6, 2016. At the meeting, the Commission approved an application of the Department of General Services and District of Columbia Public Schools on behalf of the University of the District of Columbia (“Applicant”) for a minor modification to Z.C. Order No. 11-02/11-02A (“Campus Plan/Further Processing Order”). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under § 3030 of the Zoning Regulations.

The Campus Plan/Further Processing Order approved a new 20-year campus plan for the Van Ness Campus of the University of the District of Columbia (“UDC”), as well as the further processing of the approved campus plan to allow construction and use of a new student center, subject to the conditions enumerated in the Order. In early 2016, UDC entered into a memorandum of understanding (“MOU”) with the Department of General Services (“DGS”) and District of Columbia Public Schools (“DCPS”) to have temporary trailers placed at the Van Ness Campus for use by students at Murch Elementary School while the elementary school building undergoes a major modernization. The Applicant applied for a minor modification of the approved campus plan to allow the temporary installation of trailers, through August 2018, on a site currently used as UDC’s soccer field along Van Ness Street. Pursuant to the MOU, the site will be returned to its current condition by September 1, 2018, after the trailers are removed.

The subject property is within the boundaries of Advisory Neighborhood Commission (“ANC”) 3F. ANC 3F, which is automatically a party to this proceeding, did not submit a report. However, ANC Commissioners from single-member districts (“SMD”) 3F01 and 3F06 submitted letters in support of the application in their individual capacities. (Exhibit [“Ex.”] 5, 8.)

In a letter dated May 26, 2016, the Van Ness Street Residents Association (“Association”) indicated no objection to the temporary modification to permit the placement of trailers on UDC’s campus, but expressed concerns regarding both construction traffic and traffic management during the school year. (Ex. 9.) The Campus Plan/Further Processing Order imposed several conditions relating to transportation, parking, and community outreach, among other things, and the Commission encourages the Applicant to consult with the Association on issues relating to construction and traffic management.

A decision by the Commission to grant this application would not be adverse to any party. Therefore, the Commission waived the requirement of 11 DCMR § 3028.8 that a final order must include findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

The Commission required the Applicant to satisfy the burden of proving that the application satisfied the requirements of § 3030 for approval of a minor modification. The modification is of little or no consequence, and is therefore appropriate for consideration on the Consent Calendar, without a public hearing. (11 DCMR § 3030.2.)

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.

Accordingly, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a minor modification to Z.C. Order No. 11-02/11-02A as follows:

The placement of temporary trailers for use by Murch Elementary School at the Van Ness Campus of the University of the District of Columbia as depicted in Exhibit 3 of Z.C. Case No. 11-03B, shall be permitted through August 2018. The land shall be returned to its current condition by September 1, 2018.

VOTE: 5-0-0 (Robert E Miller, Anthony J. Hood, Marcie I. Cohen, Peter G. May, and Michael G. Turnbull to approve)

BY ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: August 18, 2016

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 11-03F
Z.C Case No. 11-03F**

**Wharf District Master Developer, LLC
(First-Stage PUD Modification and Second-Stage PUD @ Southwest Waterfront, Pier 4)
July 25, 2016**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on May 26, 2016, to consider an application for a first-stage planned unit development (“PUD”) modification and a second-stage PUD filed by Wharf District Master Developer, LLC (“Applicant”) on behalf of the District of Columbia, through the Office of the Deputy Mayor for Planning and Economic Development, the current owner of the property. The subject property consists of Pier 4 of the Southwest Waterfront redevelopment project which is located on Lot 889 of Square 473, a recorded assessment and taxation (“A&T”) lot extending over a portion of the Washington Channel. The Commission considered this first-stage PUD modification and second-stage PUD application for Pier 4 pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application for Pier 4 (the “Pier 4 PUD”).

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On December 23, 2015, the Applicant filed an application with the Commission for review and approval of first-stage PUD modification and a second-stage PUD for Lot 889 in Square 473, consisting of approximately 232,533 square feet of area (the “Property”). (Exhibits [“Ex”] 1-2K.) The Applicant intends to redevelop the Property consistent with the development parameters of the first-stage PUD Order (Z.C. Order No. 11-03, effective December 16, 2011) as they relate to building height, number of stories, and total gross floor area. As part of this application, the Applicant is requesting to modify the first-stage PUD approved use of the Property from residential to commercial.
2. By report dated January 15, 2016, the Office of Planning (“OP”) recommended that the application be set down for a public hearing. (Ex.10.) At its public meeting held on February 8, 2016, the Commission voted to schedule a public hearing on the application.
3. On March 11, 2016, the Applicant submitted its pre-hearing statement, and on May 6, 2016, submitted its supplemental information for the project, including an updated set of architectural plans and drawings (the “Pier 4 Plans”) to respond to issues raised by the Commission and OP at setdown. (Ex. 16-16H, 23-23C.)
4. A description of the proposed development and the notice of the public hearing for the application were published in the *D.C. Register* on January 1, 2016. The notice of public hearing was mailed to all property owners within 200 feet of the Property as well as to

- Advisory Neighborhood Commission (“ANC”) 6D. On May 26, 2016, the Commission held a public hearing to consider the first-stage PUD modification and a second-stage PUD.
5. The parties to the proceeding were the Applicant and ANC 6D. The Commission denied party status to Mr. Gene Solon as not being uniquely affected by the Pier 4 PUD under the Commission’s rules.
 6. At the May 26, 2016 public hearing, the Applicant presented five witnesses in support of its application: Shawn Seaman and Gabriela Riegler, on behalf of Wharf District Master Developer LLC; Adam McGraw, architect, McGraw Bagnoli Architects, PLLC; Robert Schiesel, Gorove/Slade Associates, transportation consultant; and Shane Dettman, Holland & Knight LLP, land use planner. Based upon their professional experience and qualifications, Mr. McGraw was qualified as an expert in architecture, Mr. Schiesel was qualified as an expert in transportation engineering and planning, and Mr. Dettman was qualified as an expert in land use planning.
 7. Matthew Jesick, Development Review Specialist at OP, and Ryan Westrom of the District Department of Transportation (“DDOT”) testified in support of the application with certain comments.
 8. At its March 14, 2016 regularly scheduled meeting, which was duly noticed and at which a quorum was present, ANC 6D voted 6-0-0 to support the application.
 9. On March 22, 2016, ANC 6D submitted a report in support of the Pier 4 PUD. (Ex. 18.) Commissioner Andy Litsky, SMD 6D04, attended the public hearing on behalf of ANC 6D and testified in support of the application. (Ex. 48.)
 10. The Commission received letters in support to the application from the Gangplank Slipholders Association and Brian McLaren, resident of the Harbour Square Cooperative residential building (“Harbour Square”). (Ex. 11, 31.)
 11. At the public hearing, Michele Falkenau, resident of the Harbour Square, provided testimony on the Pier 4 PUD. (Ex. 46.) Ms. Falkenau did not state support or opposition to the application. Rather, her testimony focused on the concerns that she had regarding the usage of the Pier 4 Building third-floor outdoor terrace (the “terrace”). Ms. Falkenau requested the Commission to set limits on the types of uses, numbers of events, and hours of operation allowed for the terrace.
 12. Gene Solon testified as a person in opposition to the application. (Ex. 45.) Mr. Solon’s concerns had to do with the height, mass, and intensity of use of the Pier 4 Building, use of the terrace, traffic, impacts on views, and impacts to property values at the Harbour Square Cooperative residential building. The Commission also received letters in opposition to the application from the following twelve individual residents of the

Harbour Square: Michael Kimosh, Susan Axelrod, Brita Askey, Roger Hickey, Barbara Koepfel, Raj Paul, Diane Schulz, Maria Thompson, Oksana S. Shaddock, Casey Shaman, Steve Gross, and Martin Gross. (Ex. 32–43.)

13. At the conclusion of the public hearing on this matter, the Commission requested the Applicant to continue working with ANC 6D to address its concerns related to the use of the Pier 4 Building third-floor outdoor terrace, and to submit an updated set of outdoor terrace use restrictions and enforcement procedures, and, if necessary, any modifications made to the Pier 4 Building design to address ANC 6D’s concerns. The Commission scheduled a special public meeting for June 16, 2016, to consider proposed action.
14. On June 15, 2016, the Applicant filed its post-hearing submission. (Ex. 51–51B.) The post-hearing submission included a draft set of terrace use restrictions and enforcement process that the Applicant prepared in coordination with ANC 6D, that would be included in the lease for the Pier 4 Building office space that has access to the terrace. (Ex. 51A.) The Applicant also included in its post-hearing submission a statement that it would commit to using commercially reasonable efforts to promptly enter into an agreement with the Board of Directors of the three adjacent residential homeowners’ associations, namely the recently constructed residential building located at 525 Water Street, S.W., the Harbour Square Owners, Inc., and the Tiber Island Cooperative Homes (the “Boards”). The Applicant submitted to having the terrace use restrictions included as a condition to the final order issued by the Commission for the Pier 4 PUD. Finally, the post-hearing submission included additional information related to the relationship between the Pier 4 Building and the surrounding context, and the District noise control regulations that are applicable to this project. (Ex. 51B.)
15. At the June 16, 2016, special public meeting, the Commission took proposed action to approve the Pier 4 PUD and requested the Applicant continue working with ANC 6D to finalize the agreed upon terrace use restrictions and enforcement process, resolve any other outstanding concerns held by the ANC 6D, and to submit an acoustical report that analyzes the attenuation of noise emitted from the terrace as measured at various intervals from the terrace.
16. On June 20, 2016, the application was referred to the National Capital Planning Commission (“NCPC”) for review for any adverse impacts on the federal interest, as defined in the Federal Elements of the Comprehensive Plan for the National Capital. NCPC did not submit a response.
17. On July 11, 2016, the Applicant filed a supplemental post-hearing submission containing the final terrace use restrictions and enforcement process that was prepared in coordination with, and agreed upon by, ANC 6D, and an acoustical report that analyzed the attenuation of noise emitted from the terrace as measured at various intervals from the terrace. (Ex.55-55B.)

18. The Commission took final action to approve the first-stage PUD modification and second-stage PUD, subject to conditions, on July 25, 2016.

The Applicant and Development Team

19. The master developer of the overall Southwest Waterfront PUD is Hoffman-Struever Waterfront, LLC, doing business as Hoffman-Madison Waterfront, LLC (“Hoffman-Madison”). The Applicant for the Pier 4 PUD is Wharf District Master Developer, LLC, an affiliate of Hoffman-Madison, which is processing this application on behalf of the Office of Deputy Mayor for Planning and Economic Development. The Applicant’s team includes the District-based Certified Local, Small, and Disadvantaged Business Enterprises of E.R. Bacon Development, Paramount Development, and Triden Development, as well as District-based and CBE-certified CityPartners.

The Southwest Waterfront Redevelopment Project

20. The Southwest Waterfront redevelopment project is a public-private partnership between the District of Columbia and Hoffman-Struever Waterfront, LLC, which entered into a land disposition agreement (the "LDA") for redevelopment of the Southwest Waterfront, which is generally bounded by the Washington Channel of the Potomac River and Maine Avenue between 6th and 11th Streets, S.W., and consists of approximately 991,113 square feet of land area (22.75 acres) and approximately 167,393 square feet of piers and docks in the adjacent riparian area (the “PUD Site”).

Overview of the Southwest Waterfront PUD

21. Pursuant to Z.C. Order No. 11-03, which took effective on December 16, 2011, the Commission approved the first-stage PUD for the Southwest Waterfront redevelopment project. Since approving the first-stage PUD, the Commission has approved a second-stage PUD application for Phase 1 of the redevelopment project, consisting of Parcels 2, 3, 4, and 11, the Capital Yacht Club, and the public open spaces known as the Wharf, the Transit Pier, the District Pier, the Yacht Club Piazza, the Mews, Jazz Alley, 7th Street Park and Waterfront Park, as well as temporary uses on Parcel 1. (Z.C. Order Nos. 11-03A(1), 11-03A(2), 11-03A(3), and 11-03A(4), *effective* February 15, 2013.) In addition, the Commission has approved a second-stage PUD for Parcel 5, and a minor modification to the previously approved Parcel 5 plans. (Z.C. Order No. 11-03B, *effective* June 21, 2013; Z.C. Order No. 11-03D, *effective* January 15, 2016). Finally, the Commission approved a second-stage PUD for Parcel 1. (Z.C. Order No. 11-03C, *effective* May 13, 2016.)
22. The primary objective of the Southwest Waterfront PUD is to reunite the city with the water’s edge and activate it with a mix of uses and year-round activity. This objective will be achieved by integrating the city’s unique urban qualities, such as dynamic parks and open spaces that are defined by consistent street walls, with aspects that recall the

character of the thriving commercial warehouse district and maritime activities that once lined the Washington Channel and connected the upland city streets to the maritime edge.

23. As described during the first-stage PUD, the Southwest Waterfront PUD will provide a mix of uses to ensure an active waterfront throughout the year, day and night. Rather than a collection of individual projects, the overall redevelopment has been designed as a series of “places” that integrate architecture and landscape design to create inviting and memorable public environments. There will be a variety of gathering places to cater to every interest, ranging from actively programmed places to simple promenades and parks for passive enjoyment of the water and its environs.
24. The design of the waterside development has been fully integrated with the landside development, and will include four new public-use piers along the Washington Channel. The District Pier, the largest of the piers, is intended to be the primary waterside entrance to the project and the host for the District’s waterside events. Several new tour boats, tall ships, and maritime vessels, such as water taxis, will be added to the existing recreational maritime activities to provide increased activity and several more options for the public to use the waterfront and engage in water sports and activities.

Approved Stage 1 PUD Development Parameters

25. Pursuant to the first-stage PUD approval, the Commission approved the development parameters for the overall Southwest Waterfront PUD, as shown on the architectural plans submitted to the record. Overall, the Commission approved a maximum landside density of 3.87 floor area ratio (“FAR”), excluding private rights-of-way, and a combined gross floor area of approximately 3,165,000 square feet. Waterside uses were approved for a maximum potential density of 0.68 FAR, or approximately 114,000 gross square feet. (See Z.C. Order No. 11-03, Condition Nos. A-1 and A-2 at p. 33.)
26. The overall Southwest Waterfront PUD will include up to approximately 1,400 mixed-income and market rate residential units, with approximately 160,000 square feet of residential gross floor area (GFA) set aside for households earning no more than 30% percent and 60% of the Washington–Arlington–Alexandria, DC–VA–MD–WV Metropolitan Statistical Area Median Income (“AMI”); approximately 925,000 gross square of office uses; a luxury hotel with approximately 278 guest rooms, and two additional hotels with approximately 405 rooms; approximately 300,000 gross square feet of retail/service uses; a minimum of 100,000 gross square feet devoted to cultural activities; and more than 10 acres of parks and open space. The riparian area will feature four new public-use piers as well as approximately 114,000 square feet of maritime-related commercial, recreational, and service development.
27. Under the first-stage PUD, development at Pier 4 consisted of a four-story residential building consisting of approximately 45,000 square feet of gross floor area. The Commission authorized a maximum height of 45 feet for the Pier 4 residential building.

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(*Id.*, Condition No. A-3 at p. 33.)

28. With respect to parking facilities for the overall Southwest Waterfront redevelopment project, the Commission authorized the construction of one or more below grade parking structures on two to three levels that are required to provide spaces for approximately 2,100-2,650 vehicles. The redevelopment project is also required to provide parking or storage for 1,500-2,200 bicycles onsite, and sufficient loading facilities to accommodate the mix of uses on the PUD site. The precise amount of parking and loading is to be determined in each stage two PUD application. (*Id.*, Condition No. A-4 at p. 33.)
29. As part of the first-stage PUD approval, the Commission granted flexibility from the lot occupancy requirements for the proposed development on Parcel 11, and in the precise mix of uses provided in the Southwest Waterfront PUD because of the time it would take to build out the entire redevelopment project. (*Id.*, Finding of Fact 48 at p. 12.) The Commission also authorized the Applicant to construct the Southwest Waterfront PUD in phases. As it pertains to this application, the Pier 4 redevelopment was initially included as part of Phase 3. (*Id.*, Finding of Fact 39 at p. 10.) The Applicant has moved the redevelopment of Pier 4 forward in the overall Southwest Waterfront PUD schedule to more closely align with completion of Waterfront Park, which is currently under construction, thus avoiding the need to disturb the park once it is complete. This will also shorten the overall amount of time that construction activities are occurring at the extreme southern end of the PUD Site, which is the portion of the PUD Site that is closest to existing nearby residential uses.

First-stage PUD Modification

30. Following the first-stage PUD approval, the Applicant sought to obtain permits from the United States Army Corps of Engineers (“USACE”), which has jurisdiction over the navigable waters of the United States, which would be required to carry out the waterside elements of the Southwest Waterfront redevelopment project. However, with respect to Pier 4, USACE expressed concerns regarding use of Pier 4 for residential purposes, partially in response to comments received from petitioners residing in nearby residential buildings, and as a result the Applicant did not receive USACE authorization to carry out this particular element of the approved waterside development program as part of the permit issued by USACE on July 31, 2012, Permit Number 2011-00766 (“USACE Permit”). (Ex. 2D.)
31. Following USACE’s rejection of the Pier 4 residential use, the Applicant reconsidered its plans for Pier 4, and determined the most appropriate alternative was to renovate and expand the existing Pier 4 structure for use by the existing tenant, Entertainment Cruises, which currently maintains its offices and operates cruise vessels from Piers 3 and 4. Accordingly, the Applicant submitted a request to modify the approved USACE Permit to instead renovate and add additional stories to the existing Pier 4 structure for commercial use. In addition, the request included modifications to the pier and dock

configuration depicted in the approved first-stage PUD plans to accommodate the new commercial vessel layout.

32. By letter dated February 27, 2015, USACE determined the Applicant's request to modify the USACE Permit to be "not contrary to the public interest," and approved the Applicant's request. (Ex. 2E.)
33. As a result of the circumstances described above, the Applicant is requesting to modify the first-stage PUD to change the approved use for Pier 4 from residential to commercial in order to be consistent with the approved USACE Permit, as modified. No other modifications to the approved first-stage PUD development parameters for Pier 4 are requested, including those described above relating to height, number of stories, and density.

Pier 4 Proposed Development

34. Pier 4 is located at the southeastern end of the PUD Site just west of the new Waterfront Park, which was included in the Commission's second-stage approval of Phase 1 of the Southwest Waterfront redevelopment project and is currently under construction. Pier 4 and Waterfront Park will be separated by a new waterfront promenade that will extend north to the Wharf, and south towards the Titanic Memorial. To the northwest of Pier 4 is Pier 3, which is currently used for commercial cruise operations similar to Pier 4. To the south of Pier 4 is the existing police and fire pier.
35. Pier 4, and its associated riparian area, are located within the boundary of Lot 889 in Square 473, a recorded A&T lot which consists of an area of approximately 232,533 square feet.
36. The existing Pier 4 has a surface area that is approximately 74'-11" feet wide by approximately 340'-6" in length, or approximately 25,238 square feet, and is improved with a two-story head house and one-story concrete canopy structure.
37. The existing head house is located at the northeastern end of Pier 4, adjacent to the waterfront promenade, and is used by Entertainment Cruises for office use and passenger ticketing.
38. The existing one-story canopy structure is located immediately behind the head house and is currently used as a sheltered staging area for passengers waiting to board cruise vessels, and has a modest enclosed component that houses office space and back of house functions such as storage, food preparation, and a trash room.

39. The Applicant proposes to renovate and expand the existing Pier 4 structure, including renovation of the existing head house, for office use purposes, a portion of which will be used as commercial office and support space by the existing tenant, Entertainment Cruises, which currently maintains its offices and cruise vessels on Piers 3 and 4. The Pier 4 PUD will consolidate all entertainment cruise docking, boarding, staging/waiting areas, support functions, and sales and administrative office space into a single new facility on Pier 4.
40. The Applicant will renovate the interior of the existing head house and make improvements to the building exterior and existing Pier 4 entry gates. The head house will be used by Entertainment Cruises for passenger ticketing and other related uses.
41. Regarding the Pier 4 Building, the Applicant will reuse the existing canopy structure by renovating the area below the canopy and constructing two additional stories, for a total of three stories. The building will contain approximately 31,936 square feet of gross floor area (“GFA”), and a density of approximately 0.13 FAR. The Pier 4 Building will have a maximum height of 43 feet, as measured from the average grade where Pier 4 meets the land to the top of the parapet. The proposed building height, number of stories, and GFA are below the first-stage PUD development parameters approved for Pier 4.
42. The first floor of the Pier 4 Building will be constructed by enclosing the space below the existing canopy with a façade that allows the existing canopy roofline to be observed and provides a partially covered walkway around the perimeter of Pier 4. The first floor will contain office space, passenger staging, and other building services and amenities. The second and third floors of the Parcel 4 Building will contain office space. In addition, the third floor, which is recessed from the edges of the second floor below to reduce the overall massing and scale of the building, will contain an outdoor terrace located toward the pier terminus that will serve as an outdoor amenity to the third-floor office space. A significant portion of the terrace area will consist of a semi-intensive green roof. Finally, the Pier 4 Building roof level will contain two mechanical penthouse enclosures that have a uniform height of approximately 8’-0”, and will be set back as required. The roof level will also have an extensive green roof system surrounding the mechanical penthouse.
43. The exterior of the Pier 4 Building will be clad in a combination of polished masonry block, painted insulated metal panels, wood soffit, and glass storefront. The exterior envelop of the entry tower will be clad in the metal panel, while the first-floor pier level will consist of polished masonry block. The second- and third-floor office spaces will consist primarily of glass storefront with both operable and fixed windows. The storefront at these two levels has been maximized to provide transparency and will be divided with areas of metal panel cladding. The three floors of the Pier 4 Building will be tied together through a series of vertical and horizontal wooden accents applied to the soffits, overhangs, and vertical reveals. Finally, the mechanical penthouse will be clad with a metal louvered screen wall.

44. The Applicant has designed the Pier 4 Building to LEED-CS (v2009) Gold standard.

Parking and Loading Facilities

45. The Pier 4 PUD has a minimum parking requirement of 19 spaces. The Applicant will provide a total of 20 spaces which will be located off site in accordance with the interim and final parking plans included in the Pier 4 Plans. (Ex. 23A2, Sheets 0.9 and 0.10.) The Applicant has requested flexibility to allow the parking spaces to be located off site, and for the parking spaces to be relocated in accordance with the interim and final parking plans noted above. DDOT expressed no objection to the Pier 4 PUD, including the Applicant's request to locate the required parking spaces offsite and to allow the relocation of the parking space, based on the Applicant's continued commitment to the Transportation Demand Management ("TDM") program and monitoring plan approved as part of the first-stage PUD.
46. While only required to provide one bicycle parking space, the Applicant will provide a total of 13 bicycle parking spaces which will be located within a bike storage room provided onsite, and a bicycle rack located near the passenger staging area.
47. Pursuant to § 2201.1 of the Zoning Regulations, the Pier 4 PUD generates a loading requirement of one, 30-foot-deep loading berth; one, 20-foot service/delivery space; and one loading platform measuring 100 square feet. However, as a result of the location, size, and configuration of the existing improvements on Pier 4, including the existing head house and access gates, the Applicant is unable to provide the required loading facilities and thus has requested flexibility. DDOT expressed no objection to the Applicant's requested loading flexibility.
48. The Applicant will implement the following restrictions and guidelines on loading operations at the Pier 4 Building in order to accommodate expected loading demand, ensure coordination of deliveries among the tenants of the Pier 4 Building, avoid/minimize pedestrian/vehicular conflicts, and mitigate any potential impacts that may result from the requested loading flexibility:
- a. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 - Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;
 - b. All service and loading traffic using large vehicles, over 24-foot in length (i.e. something larger than a UPS or FedEx van), must be scheduled with an Operations Manager. Loading activity will be scheduled to avoid major events and busy times along the waterfront promenade and at Waterfront Park;

- c. The Operations Manager will supervise all deliveries that require use of vehicles larger than a van (24-foot truck or larger) to the loading area. The Operation's Manager will monitor vehicle, bicycle, and pedestrian traffic on the promenade and along the Waterfront Park roadway, and direct truck movements to minimize conflicts; and
- d. Loading activities will not be permitted during peak periods when traffic volumes are highest or at times that would conflict with trash collection. Peak periods are defined as weekdays (excluding holidays) from 7:00 a.m.-9:00 a.m. and 4:00 p.m.-6:00 p.m. Delivery vehicles (van size or smaller) will be discouraged from performing deliveries during these times as well.

Use of the Pier 4 Building Terrace

49. While in unanimous support of the Pier 4 PUD, ANC 6D, in its report and in its testimony at the public hearing, expressed concern regarding the Applicant's lack of specificity for the use of the third-floor terrace. Similar concerns were expressed in writing and at the public hearing by persons residing at the adjacent Harbour Square Cooperative residential building. In response to the concerns raised, the Commission requested the Applicant to continue working with ANC 6D to develop a set of outdoor terrace use restrictions and enforcement procedures, and, if necessary, make any modifications to the design of the Pier 4 Building, to address ANC 6D's concerns. The Commission also requested an acoustical report that analyzed the transmission characteristics of noise emitted from the terrace as measured at various intervals from the terrace.
50. As part of its supplemental post-hearing submission, the Applicant submitted the following final set of terrace use restrictions that was developed in coordination with the ANC 6D ("terrace use restrictions"), and which the Applicant has committed to including in the Pier 4 Building lease with the tenant that has access to the terrace and as a condition to this Order:
 - a. Occupancy of the terrace at any one time shall be limited to the lesser of 150 people or the maximum occupancy permitted under applicable District of Columbia laws and regulations. The green roof planted portion of the terrace shall not be included in any calculation of occupiable space;
 - b. Events on the terrace shall be completed by 9:00 p.m. on Sunday-Thursday, and 11:00 p.m. on Friday, Saturday, and holidays;
 - c. The terrace may not be marketed, advertised, or used as a venue open to the general public "for rent," or rented to an unrelated third party;

- d. Events having more than approximately 75 guests will be limited to not more than four events in any given calendar month, and notice of such events shall be provided by the office tenant to the Applicant in advance of the event;
 - e. Amplified live music shall not be permitted at any time on the terrace. Instrumental or recorded music conveyed via speakers, or other sound system, shall be permitted, but must conclude at least 30 minutes prior to the hours for completion of events noted above. A maximum of four speakers shall be used at any given time, and shall comply at all times with the requirements of the DC Noise Control Act. The location of all speakers shall be limited to the third-floor terrace area at end of the Pier 4 Building, and all speakers shall be positioned such that they are pointed towards Hains Points (i.e., away from the bulkhead); and
 - f. The Applicant shall hold the office tenant responsible for strict compliance with the DC Noise Control Act. Any costs associated with the Applicant's enforcement of this provision shall be the responsibly of the Applicant and/or the tenant leasing the terrace space.
51. The Applicant also included in its post-hearing submission a commitment that it would use commercially reasonable efforts to promptly enter into an agreement with the Boards, for purposes of memorializing stipulations (a)–(g) included in Exhibit A, Paragraph 2 of the Applicant's post-hearing submission. (Ex. 55-55A.)
52. The Applicant's supplemental post-hearing submission also included the acoustical report requested by the Commission which analyzed the transmission of noise emitted from the terrace as measured at various intervals between the Pier 4 rooftop terrace and the Harbour Square Cooperative residential building, the closest residential use to the terrace.
53. According to the acoustical report, when no loudspeakers are used, the noise level generated from maximum terrace occupancy (150 people) is estimated to be 53 decibels (dBA), as measured at the Pier 4 property line, and decreases to 47 dBA when measured at the Harbour Square building face. Furthermore, the report shows that at maximum terrace occupancy (150 people) *and* loudspeakers set individually to 80 dBA, the noise level at the Pier 4 property line is estimated to be 55 dBA, and decreases to 48 dBA when measured at the Harbour Square building face.
54. The Commission finds that based on the findings of the acoustical report, noise from terrace occupants will not exceed the daytime (60 dBA) or nighttime (55 dBA) noise limits established by the DC Noise Control Act even when at maximum occupancy (150 people). The Commission further finds that the addition of loudspeakers to the terrace, even when at maximum occupancy (150 people), will also comply with the daytime and nighttime noise limits established by the DC Noise Control Act provided the number, location, and orientation of the loudspeakers remain consistent with that which has been committed to by the Applicant as part of the terrace use restrictions enumerated above,

and the individual noise level of each speaker does not exceed 80 dBA, as measured from five feet away.

55. Based on the foregoing, the Commission finds that use of the terrace will not adversely impact adjacent residential properties provided the Applicant adheres at all times to the terrace use restrictions included as a condition to this Order, and that which shall be included in the Pier 4 Building lease to the tenant having access to the terrace.

Pier 4 Construction Hours

56. At the June 16, 2016, special public meeting, ANC 6D noted that nighttime construction hours for the Pier 4 PUD remained an outstanding concern that needed to be addressed prior to the Commission taking final action on the application. Specifically, ANC 6D stated that it would not be in support of the Applicant seeking after hours' construction permits from the District of Columbia Department of Consumer and Regulatory Affairs ("DCRA") to be able to carry out construction of the Pier 4 PUD outside of the normal construction hours that are currently permitted.
57. In response to ANC 6D's concern, for purposes of constructing the Pier 4 Building, the Applicant has committed not to pursue after hours' construction permits, and will adhere to the normal construction hours permitted under the DC Building Code (12 DCMR § 1051.2 – Permitted Construction Hours) of Monday through Saturday from 7:00 a.m.– 7:00 p.m., excluding legal holidays.

Project Benefits and Amenities

58. The Applicant is required by condition C.3 of Z.C. Order No. 11-03 to provide, for each second-stage PUD application, a detailed implementation plan for the public benefits and project amenities enumerated in Exhibit No. 60 of the first-stage PUD and in Conditions Nos. B-3 through B-6 of Z.C. Order No. 11-03 that identifies the benefits and amenities proposed for that particular stage-two application, the benefits and amenities that have already been implemented, the benefits and amenities yet to be implemented, and an overall status update and timetable for implementation. The Applicant provided this plan for this application. (Ex. 2H.)
59. The public benefits and project amenities associated with the Pier 4 PUD are part of the substantial number of public benefits and project amenities approved as part of the first-stage PUD, at which time the Commission considered the balance between the public benefits and project amenities offered, including the amount of affordable housing, and the degree of development incentives requested and any potential adverse effects of the first-stage PUD. The Commission found then, as it does now, that the public benefits and project amenities of the first-stage PUD are adequate to support the requested first-stage PUD modification and second-stage PUD for Pier 4.

Sustainable (LEED) Development

60. As required under the approved first-stage PUD, the overall Southwest Waterfront PUD will be designed to achieve the LEED-ND (v2009) certification at the Gold level or higher, and each new building of the Southwest Waterfront PUD will be designed to achieve LEED-NC (v2009) or LEED-CS (v2009) Silver rating or higher. The Applicant has committed to designing the Pier 4 Building to LEED-CS (v2009) Gold standard, which exceeds the first-stage PUD requirement, and will meet the LEED stormwater requirements. (Ex. 23, 23A4.)

Project Association

61. In accordance with the LDA, the Applicant will create and manage a project association for the PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks, and signage, within the PUD Site (the "Project Association"). The Applicant will manage and operate the Project Association during the "developer control period," as defined in the Applicant's Declaration of Covenants with the District of Columbia. The developer control period begins upon the effective date of the Declaration of Covenants and ends five years after issuance, or deemed issuance, of the last certificate of completion for all portions of the Southwest Waterfront PUD, and unit certificates of completion for each residential condominium unit. The Project Association will fund maintenance and programming of the common elements of the Southwest Waterfront PUD through a Common Area Maintenance ("CAM") assessment charge to each development component within the Southwest Waterfront. Additionally, the Project Association will be responsible for programming and staging events within the PUD Site.

Certified Business Enterprises

62. The Applicant has entered into a Certified Business Enterprise ("CBE") Agreement, with the D.C. Department of Small and Local Business Development ("DSLBD") to achieve, at a minimum, a 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the overall Southwest Waterfront PUD.
63. Furthermore, under the LDA, the Applicant has committed that 20% of the retail space throughout the Southwest Waterfront PUD will be set aside for "unique" and/or "local" businesses, which will include CBEs. As defined under the LDA, a "local" business is a retailer that is either a CBE or a retailer headquartered in the District of Columbia. A "unique" business is a retailer owning or operating fewer than eight retail outlets in the aggregate at the time such retailer enters into a retail lease at the PUD Site (inclusive of such retail outlet at the PUD Site). The Applicant will work collaboratively with business and community organizations throughout the District to identify and, where possible, mentor potential small restaurateurs and retailers to help them lease and successfully

operate these retail spaces. The Applicant will also have kiosks along the promenades, and in parks and other public spaces, where even smaller local businesses can try out their retail concepts on a low-risk basis. Those kiosk operators who are successful may have the opportunity to move indoors, into one of the spaces reserved for unique and local business enterprises, thereby growing their business.

First Source Employment Opportunity

64. The Applicant has executed a First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the overall Southwest Waterfront PUD. (See Exhibit 209 in Z.C. Case No. 11-03A.) Prior to issuance of a building permit for construction of the Pier 4 PUD, the Applicant shall complete the Construction Employment Plan of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant's First Source Employment Agreement has provisions that 20% of new jobs will be filled by Ward 8 residents, and that good faith diligent efforts will be made to hire residents of Southwest Washington. In addition, 30% of apprenticeship opportunities shall be filled by residents residing east of the Anacostia River. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trades Foundation, and other training and job placement organizations to maximize participation by District residents in the phases of construction of the Southwest Waterfront PUD.

Workforce Intermediary Program

65. As required under the approved first-stage PUD benefits and amenities, the Applicant has contributed \$1 million to the District's Workforce Intermediary Program.

Development Incentives

66. Penthouse Enclosure: The Applicant requests flexibility from the requirement that all penthouses be placed in one enclosure. (11 DCMR 411.6.) At setdown, the Commission commented on the perceived size of the mechanical penthouse, and requested that the Applicant evaluate whether the penthouse could be reduced. As initially proposed, the mechanical penthouse consisted of a single enclosure. In response to the Commission's comments, the Applicant submitted revised architectural drawings as part of its supplemental pre-hearing statement that show a revised mechanical penthouse design consisting of two separate enclosures. The Commission finds that the revised design successfully reduces the perceived size and massing of the penthouse, and notes that the penthouse will comply with the applicable setback requirements.
67. Loading Facilities: As a result of the location, size, and configuration of the existing improvements on Pier 4, including the existing head house and access gates, the Applicant is unable to provide the required loading facilities, and thus requests flexibility.

According to the Applicant's transportation study, the Pier 4 Building is expected to generate low loading demand. Given the constraints of the existing Pier 4 improvements, the transportation study includes a loading management plan that entails loading/unloading primarily from the roadway that extends through the adjacent Waterfront Park, which has been designed to accommodate such activity, and within the southern security gates on Pier 4. (Ex. 23B.) Based on the foregoing, the Commission finds the requested flexibility for loading to be appropriate, subject to implementation of the loading management plan contained within the Applicant's transportation study.

68. *Parking*: The Applicant will provide a total of 20 parking spaces, but requests flexibility to allow the parking spaces to be located off-site, and for the parking spaces to be relocated in accordance with the interim and final parking plans included in the Pier 4 Plans. The decision to move the redevelopment of Pier 4 forward in the overall phasing of the Southwest Waterfront PUD affects the Applicant's long-term plan to locate Pier 4 parking in the garage that will be constructed below Parcel 10, which is part of Phase 2 of the Southwest Waterfront PUD. As a result, the Applicant proposes an interim parking plan that would be followed until the long-term plan could be implemented. The Commission finds the requested flexibility related to parking to be appropriate given that Pier 4 will continue to operate as a working pier and the provision of onsite parking would be infeasible and unsafe. The Commission also finds appropriate the request for flexibility to relocate the Pier 4 parking spaces until the permanent off-site location in the future Parcel 10 parking garage is constructed.

Design Flexibility

69. The Applicant requests flexibility with the design of the Pier 4 PUD in the following areas:
- a. To adjust the total amount of office gross floor area by no more than five percent;
 - b. To vary the location and design of interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;
 - c. To make refinements to exterior building details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code, or that are necessary to obtain a final building permit or any other applicable approvals; and
 - d. To vary the final selection of the exterior building materials within the color ranges and material types as proposed, based on availability at the time of construction.

Office of Planning Report

70. By report dated May 16, 2016, OP recommended approval of the first-stage PUD modification and second-stage PUD application, noting that the first-stage PUD modification would not be inconsistent with the overall intent of the original first-stage PUD approval or the Comprehensive Plan, and the second-stage PUD would not be inconsistent with the modified first-stage PUD, the Comprehensive Plan, or the Zoning Regulations. (Ex. 25.)
71. OP did not object to the Applicant's request for flexibility from certain areas of the Zoning Regulations, and for certain aspects of the design of the Pier 4 PUD.
72. Based on the analysis provided in the OP report, the Commission finds the first-stage PUD modification to be consistent with the overall intent of the Commission's approval of the original first-stage PUD, and further finds the second-stage PUD to be not inconsistent with the Comprehensive Plan, including the Generalized Policy Map and Future Land Use Map, and consistent with the Zoning Regulations and development parameters of the first-stage PUD.

DDOT Report

73. DDOT submitted a report, dated May 16, 2016, in support of the Pier 4 PUD. (Ex. 26.) DDOT concluded, after an extensive review of the case materials submitted by the Applicant, that despite moving the Pier 4 redevelopment from Phase 3 to Phase 1 of the Southwest Waterfront redevelopment project, and the change in the approved use of Pier 4 from residential to commercial, the number of trips generated by the Pier 4 PUD is minor in the context of the overall Phase 1 development. In addition, DDOT further concluded that the robust TDM plan approved as part of the first-stage PUD will address any future deficiencies not anticipated.
74. With respect to loading, DDOT expressed no objection to the Applicant's request for loading flexibility. In its report, DDOT states that the loading accommodations proposed by the Applicant should be sufficient to accommodate the Pier 4 Building, and noted that the Applicant's proposed loading management plan will address any potential for pedestrian conflicts caused by loading and unloading activity at Pier 4.
75. Based on the analysis included in the DDOT report, and the TDM measures included in Z.C. Case No. 11-03A that will govern the entirety of the Southwest Waterfront PUD, the Commission finds that any potential adverse transportation impacts that may arise can be detected, monitored, and addressed quickly and efficiently.

ANC Report

76. On March 14, 2016, ANC 6D voted 6-0-0 to support the Pier 4 PUD. The report of the ANC was submitted to the case record on March 24, 2016. (Ex. 18.)
77. With respect to the Pier 4 PUD, ANC 6D was supportive of changing the approved use of Pier 4 from residential to commercial in order to be consistent with the Applicant's approved USACE permit. In addition, ANC 6D stated in its report that the Pier 4 PUD will be compatible with the surrounding context, including the adjacent Waterfront Park and other nearby improvements, and will substantially improve cruise operations and cruise passenger experience.
78. While in support of the Pier 4 PUD, ANC 6D expressed concern regarding the Applicant's lack of specificity for the use of the terrace. While supportive of the terrace architecturally, ANC 6D stated that absent very strict controls over the use of the terrace that the peace and quiet of adjacent residential properties will be diminished, and thus encouraged the Applicant to continue working with ANC 6D to identify a solution that would address this concern.
79. The Commission accords great weight to the views of the ANC and finds that with the terrace use restrictions and enforcement process that will be incorporated into the Pier 4 Building lease with the tenant having access to the terrace and as a condition in this Order, that the Applicant has successfully addressed the concerns of the ANC 6D.

U.S. Commission of Fine Arts

80. At its March 17, 2016, meeting, the U.S. Commission of Fine Arts ("CFA") reviewed and granted concept approval to the Pier 4 PUD. (Ex. 23C.)

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project "offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience." (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve this application as a first-stage PUD modification and second-stage PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, FAR, lot occupancy, parking and loading, or for yards and courts. The Commission may

also approve uses that are permitted as special exceptions that would otherwise require approval by the District of Columbia Board of Zoning Adjustment.

3. Development of the Property in accordance with the plans approved by this Order, the Pier 4 Plans, carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.
4. Both the PUD Site and the Property meet the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The Pier 4 PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the PUD guidelines; the parameters of the first-stage PUD, as modified by this Order; and the authority vested in the Commission to grant deviations therefrom.
6. The requested first-stage PUD modification to change the approved use on Pier 4 from residential to commercial is consistent with the W-1 zoning of the Property, and is appropriate for both the Property and the PUD Site. Furthermore, the impacts of the Pier 4 Building will not be unacceptable provided the Applicant complies with the conditions of this Order.
7. The requested second-stage PUD is substantially in accordance with the elements, guidelines, and conditions of the first-stage PUD, as modification by this Order; and therefore, should be approved. Pursuant to § 2408.6, if the Commission finds the second-stage PUD application to be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage PUD approval, the Commission shall approve the second-stage PUD, including any guidelines, conditions, and standards that are necessary to carry out the Commission's decision. As set forth above, the Commission so finds.
8. The second-stage PUD can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
9. The Applicant's requests for technical zoning flexibility from the parking, loading, and penthouse enclosure requirements of the Zoning Regulations is consistent with the Comprehensive Plan, and the requests for flexibility for certain design aspects of the Pier 4 Building are appropriate. Moreover, the project benefits and amenities approved as part of the first-stage PUD are reasonable trade-offs for the requested flexibility.
10. Approval of the Pier 4 PUD is appropriate because the proposed development is not inconsistent with the Comprehensive Plan for the National Capital. In addition, the proposed development will promote the orderly development of the Property, and PUD

Site, in conformity with the entirety of the Zone Plan, as embodied in the Zoning Regulations and Map of the District of Columbia.

11. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP reports and its oral testimony at the hearing. As explained in this decision, the Commission finds OP's recommendation to grant the application persuasive.
12. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give great weight to the affected ANC's recommendations. The Commission has carefully considered ANC 6D's recommendation for approval and finds that with the terrace use restrictions and enforcement process that have been developed by the Applicant, in coordination with ANC 6D, which will be incorporated into the Pier 4 Building lease with the tenant having access to the terrace and as a condition in this Order, that the Applicant has successfully addressed the concern of ANC 6D regarding use of the Pier 4 Building terrace.
13. The application for a PUD is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application for approval of the first-stage PUD modification and second-stage PUD for Pier 4 of the Southwest Waterfront redevelopment project, subject to the guidelines, conditions and standards set forth below.

Condition A-2 of Z.C. Order 11-03 is modified to read as follows (insertions are shown in bold, underlined type):

2. *Project Uses and Density.* The PUD shall be a mixed-use development devoted to residential, hotel, retail, service, institutional, cultural and office uses as shown on the approved Plans, **except that the Pier 4 Building shall be developed with the office and other uses approved in Z.C. Order No. 11-03F.** The PUD shall have a maximum landside density of 3.87 FAR (3.19 FAR including private rights-of-way) and a combined gross floor area of approximately 3,165,000 square feet. Waterside uses shall have a maximum potential density of 0.68 FAR, or 114,000 square feet of gross floor area.

A. Project Development

1. The Pier 4 PUD shall be developed with an office building in accordance with the architectural plans submitted by the Applicant, dated May 6, 2016, and marked as Exhibits 23A1–23A4 in the case record, as modified by the guidelines, conditions and standards herein.
2. The Pier 4 Building shall have a maximum height of 43 feet, as measured from the average grade where Pier 4 meets the land to the top of the parapet, and contain approximately 31,936 square feet of gross floor area.
3. The Applicant shall provide a minimum of 20 parking spaces for the Pier 4 Building, and per the flexibility granted by the Commission, the Applicant shall locate the parking spaces offsite in accordance with the interim and final parking plans included as Sheets 0.9 and 0.10 of the Pier 4 Plans.
4. The Applicant shall have flexibility with the design of the Pier 4 PUD in the following areas:
 - a. From the loading requirements to provide no dedicated loading facilities on Pier 4. Loading and unloading activities for the Pier 4 PUD shall occur along the roadway that extends through the adjacent Waterfront Park, which has been designed to accommodate such activity, and within the southern security gates at the head of Pier 4, as appropriate, and shall adhere to the specific restrictions and guidance on loading operations stated in Condition C-2 of this Order;
 - b. From the parking requirement to allow required parking to be located offsite in accordance with the interim and final parking plans included as Sheets 0.9 and 0.10 of the Pier 4 Plans;
 - c. From the penthouse enclosure requirements to permit two separate mechanical penthouse enclosures consistent with the roof plan included in the Pier 4 Plans;
 - d. To adjust the total amount of office gross floor area by no more than five percent;
 - e. To vary the location and design of interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the building;

- f. To make refinements to exterior building details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code, or that are necessary to obtain a final building permit or any other applicable approvals; and
- g. To vary the final selection of the exterior building materials within the color ranges and material types as proposed, based on availability at the time of construction.

B. Public Benefits

1. Prior to the issuance of a certificate of occupancy, the Applicant shall demonstrate that the Pier 4 Building has been designed to achieve a LEED-Gold rating, generally consistent with the score sheet submitted as Sheet 1.22 of the Plans. (Ex. 23A4.)
2. Prior to issuance of a certificate of occupancy, the Applicant shall establish the Project Association for the Southwest Waterfront PUD that will be responsible for maintenance and improvements of the private roadways, alleys, bicycle paths, promenade, sidewalks, piers, parks and signage within the PUD Site. Additionally, the Project Association will be responsible for programming and staging events within the PUD Site. The Project Association will fund maintenance and programming elements of the common elements of the Southwest Waterfront PUD through a Common Area Maintenance ("CAM") assessment charge to each development component within the Southwest Waterfront PUD. The Applicant shall create, manage and operate the Project Association during the "developer control period," which begins on the effective date of the Declaration of Covenants between the District of Columbia and the Applicant and ends five years after issuance, or deemed issuance, of the last certificate of completion for all portions of the Southwest Waterfront PUD, and unit certificates of completion for each residential condominium unit.
3. During construction of the Southwest Waterfront PUD, the Applicant shall abide by the terms of the executed First Source Employment Agreement with the Department of Employment Services to achieve the goal of utilizing District residents for at least 51% of the new jobs created by the Southwest Waterfront PUD. Prior to issuance of a building permit for the construction of the Pier 4 Building, the Applicant shall complete the Construction Employment Plan of the First Source Employment Agreement outlining the hiring plan for the project. The Applicant and the contractor, once selected, shall use best efforts to coordinate apprenticeship opportunities with construction trades organizations, the D.C. Students Construction Trades Foundation, and other training and job placement

organizations to maximize participation by District residents in the training and apprenticeship opportunities in the overall Southwest Waterfront PUD.

4. **During the life of the project**, in accordance with the LDA, the Applicant shall abide by the executed CBE Agreement with the Department of Small and Local Business Development to achieve, at a minimum, 35% participation by certified business enterprises in the contracted development costs for the design, development, construction, maintenance, and security for the project to be created as a result of the overall Southwest Waterfront PUD. (Z.C. Case No. 11-03, Ex. No. 4J) The Applicant shall comply with the LDA requirement to lease 20% of the retail space throughout the Wharf to “unique” and/or “local” businesses, which will include CBEs.

C. Transportation Mitigation

1. **For the life of the Project**, the Applicant shall abide by the TDM program and monitoring plan approved as part of the first-stage PUD.
2. **For the life of the Project**, to accommodate the expected loading demand of the Pier 4 Building and mitigate any potential impacts that may result from the loading flexibility granted by the Commission, the Applicant shall implement the following specific restrictions and guidance regarding loading operations for the Pier 4 Building:
 - a. Trucks using the loading area will not be allowed to idle and must follow all District guidelines for heavy vehicle operation including but not limited to DCMR 20 - Chapter 9, § 900 (Engine Idling), the regulations set forth in DDOT's Freight Management and Commercial Vehicle Operations document, and the primary access routes listed in the DDOT Truck and Bus Route System;
 - b. All service and loading traffic using large vehicles, over 24-foot in length (i.e. something larger than a UPS or FedEx van), must be scheduled with an Operations Manager. Loading activity will be scheduled to avoid major events and busy times along the waterfront promenade and at Waterfront Park;
 - c. The Operations Manager will supervise all deliveries that require use of vehicles larger than a van (24-foot truck or larger) to the loading area. The Operation's Manager will monitor vehicle, bicycle, and pedestrian traffic on the promenade and along the Waterfront Park roadway, and direct truck movements to minimize conflicts; and

- d. Loading activities will not be permitted during peak periods when traffic volumes are highest or at times that would conflict with trash collection. Peak periods are defined as weekdays (excluding holidays) from 7:00 a.m.-9:00 a.m. and 4:00 p.m.-6:00 p.m. Delivery vehicles (van size or smaller) will be discouraged from performing deliveries during these times as well.

D. Other Mitigations

1. ***For the life of the Project,*** use of the Pier 4 Building's third-floor outdoor terrace shall be conducted at all times in accordance with the following use restrictions, which shall also be included in the Pier 4 Building lease with the tenant that has access to the terrace:
 - a. Occupancy of the terrace at any one time shall be limited to the lesser of 150 people or the maximum occupancy permitted under applicable District of Columbia laws and regulations. The green roof planted portion of the terrace shall not be included in any calculation of occupiable space;
 - b. Events on the terrace shall be completed by 9:00 pm on Sunday-Thursday, and 11:00 pm on Friday, Saturday and holidays;
 - c. The terrace may not be marketed, advertised, or used as a venue open to the general public "for rent," or rented to an unrelated third party;
 - d. Events having more than approximately 75 guests will be limited to not more than four events in any given calendar month, and notice of such events shall be provided by the tenant having access to the terrace to the Applicant in advance of the event;
 - e. Amplified live music shall not be permitted at any time on the terrace. Instrumental or recorded music conveyed via speakers, or other sound system, shall be permitted, but must conclude at least 30 minutes prior to the hours for completion of events noted above. A maximum of four speakers shall be used at any given time, and shall comply at all times with the requirements of the DC Noise Control Act. The location of all speakers shall be limited to the third-floor terrace area at end of the Pier 4 Building, and all speakers shall be positioned such that they are pointed towards Hains Points (i.e., away from the bulkhead); and
 - f. The Applicant shall hold the tenant having access to the terrace responsible for strict compliance with the DC Noise Control Act. Any costs associated with the Applicant's enforcement of this provision shall be the responsibly of the Applicant and/or the tenant.

2. The Applicant shall use commercially reasonable efforts to promptly enter into an agreement with the Boards for purposes of memorializing stipulations (a)–(g) included in Exhibit A, Paragraph 2 of the Applicant’s post-hearing submission. (Ex. 55A.)
3. Construction of the Pier 4 Building shall take place during the normal construction hours permitted under the DC Building Code (12 DCMR § 105.1.2 – Permitted Construction Hours) of Monday through Saturday from 7:00 a.m.-7:00 p.m., excluding legal holidays, The Applicant shall not pursue after-hours construction of the Pier 4 Building.

E. Miscellaneous

1. No building permit shall be issued for the Pier 4 PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division, DCRA. Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. The Pier 4 PUD shall be valid for a period of two years from the effective date of Z.C. Order No. 11-03F. Within such time, an application must be filed for a building permit for the construction of the project as specified in 11 DCMR § 2409.1. Construction of the project must commence within three years of the effective date of Z.C. Order No. 11-03F.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expressions, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On June 16, 2016, upon the motion of Commissioner Miller, as seconded by Vice Chairperson Cohen, the Zoning Commission **APPROVED** the application by a vote of **5-0-0** (Anthony J. Hood, Marcie E. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

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

In accordance with the provision of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *DC Register*, that is on August 26, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 13-14B(1)
Z.C. Case No. 13-14B**

**JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the
Office of the Deputy Mayor for Planning and Economic Development
(Modification to Consolidated Planned Unit Development)
July 11, 2016**

By Z.C. Order No. 13-14B, the Zoning Commission for the District of Columbia (“Commission”) granted the application of JAIR LYNCH Development Partners, on behalf of Vision McMillan Partners and the Office of the Deputy Mayor for Planning and Economic Development (collectively, the “Applicant”) for approval of a modification to a consolidated planned unit development (the “Modified PUD”) for development of Parcel 4 of the McMillan Reservoir Slow Sand Filtration Site, as approved in Z.C. Order No. 13-14 (corrected), dated November 10, 2014, and effective April 17, 2015. The parties to Z.C. Case No. 13-14B were the Applicant and Advisory Neighborhood Commission (“ANC”) 5E.

On June 10, 2016, the Office of Zoning served the parties with copies of Z.C. Order No. 13-14B approving the Modified PUD. Z.C. Order No. 13-14B was published in the *DC Register* on June 17, 2016, and became final and effective upon publication.

Pursuant to 11 DCMR § 3029.5, on June 27, 2016, ANC 5E filed a motion for rehearing of a limited portion of Z.C. Order No. 13-14B relating to the configuration of the Parcel 4 Building’s separated/segregated affordable senior residential units and compliance with the Fair Housing Act (the “Motion”). (Exhibit [“Ex.”] 58.) The Motion asserted that: (i) the configuration of the Parcel 4 Building is not in compliance with the requirements of the federal Fair Housing Act (the “FHA”), as amended by the Housing for Older Persons Act of 1995 (the “HOPA”), and will result in social-economic and racial separation/segregation of its senior citizen and market-rate residents; and (ii) that the Applicant failed to provide the Commission with a copy of the final rules and regulations for HOPA that were published in 1999 by the United States Department of Housing and Urban Development (“HUD”).

By letter dated July 5, 2016, the Applicant requested that the Commission deny the Motion (“Request for Denial”) because: (i) the issue raised in the ANC’s request had already been addressed by the Commission as part of the Modified PUD proceedings, as well as during the proceedings for Z.C. Case No. 13-14; (ii) the ANC’s request was not relevant to the scope of the Modified PUD; and (iii) the issue raised pertains to compliance with the Fair Housing Act and is not related to any zoning-related matter that falls within the Commission’s jurisdiction. (Ex. 59.) On July 11, 2016, at its regularly scheduled public meeting, the Commission considered the ANC’s motion for rehearing of a limited portion of Z.C. Order No. 13-14B. For the reasons discussed below, the Commission denied the Motion.

Subsection 3029.6 provides the following:

A motion for reconsideration, rehearing, or re-argument shall state specifically the respects in which the final order is claimed to be erroneous, the grounds of the

motion, and the relief sought. No request for rehearing shall be considered by the Commission unless new evidence is submitted that could not reasonably have been presented at the original hearing. If a rehearing is granted, notice shall be given as in the case of an original hearing.

(11 DCMR § 3029.6 (emphasis added).)

The Commission finds that ANC 5E did not submit any new evidence that could not have been presented at the public hearing. First, the issue raised by ANC has previously been addressed by the Commission on two occasions. Following the March 10, 2016, public hearing on the Modified PUD, ANC 5E Commissioner Bertha Holliday, as an individual, submitted a request to reopen the record to submit her testimony stating that the public hearing had concluded prior to her arrival. At its March 14, 2016, public meeting, the Commission granted Ms. Holliday's request. In her testimony, Ms. Holliday expressed, among other things, concern regarding the configuration and location of the Parcel 4 Building as it relates to the compliance with FHA requirements. (Ex. 46A-46B.) On March 24, 2016, the Applicant responded to each of the concerns raised in Ms. Holliday's testimony. (Ex. 52.) With respect to the concerns related to the Parcel 4 Building configuration, the Applicant stated that "the separation of the proposed senior-affordable units from the proposed market-rate units is required in order to comply with the legal requirements of the [FHA] exemption to the general rule prohibiting discrimination based on familial status that is afforded to senior housing." In addition, the Applicant stated that this same issue regarding the configuration of the Parcel 4 Building had been previously addressed during the initial consolidated PUD proceedings. Furthermore, as correctly stated in the Request for Denial submitted by the Applicant, not only has the issue related to the configuration of the Parcel 4 Building been addressed by the Commission in two separate proceedings, but the specific issue being raised, this time by the ANC, is related to compliance with the FHA, a federal act passed by Congress and implemented through regulations issued by HUD.

Therefore, upon consideration of the record in this application, the Motion, and the Request for Denial, the Commission finds that ANC 5E did not submit any new evidence that could not have been presented at the public hearing; and in fact, the evidence was submitted after the hearing was concluded, which the Commission accepted into the record, considered, and deemed to be irrelevant to the modification request. Further, the Commission concludes that the findings in Z.C. Order No. 13-14B are supported by testimony and evidence in the record. Therefore, the Commission concludes that the Motion does not meet the requirements of 11 DCMR §§ 3029.5 and 3029.6. Furthermore, as an independent basis for denial, the Commission concludes that the issue raised in the ANC's request for rehearing, even if considered new evidence, is not related to any zoning-related matter that falls within the Commission's jurisdiction. Thus, for the reasons stated above the Motion is **HEREBY DENIED**.

On July 11, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **DENIED** the Motion at its public meeting by a vote of

4-0-1 (Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to deny, Anthony J. Hood not having participated, not voting).

In accordance with the provisions of 11 DCMR § 2038, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on August 26, 2016.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND**

**ZONING COMMISSION ORDER NO. 14-11A
Z.C. Case No. 14-11A**

**(Minor Modification to Z.C. Order No. 14-11 – Text Amendment to Chapters 1, 3, 4, 26,
31, and 32, Maximum Height and Minimum Lot Dimension Requirements and Use
Permissions in the R-4 District)**

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 FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 15-09
Z.C. Case No. 15-09
(Residents of Lanier Heights & ANC 1C)
Map Amendment @ Squares 2580-2584, 2586W, 2587, and 2589
July 27, 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
ZONING COMMISSION ORDER NO. 16-06
Z.C. Case No. 16-06
Jemal's Lazriv Water, LLC
(Capitol Gateway Overlay District Review @ Square 666, Lot 15)
July 7, 2016

Pursuant to notice, the Zoning Commission for the District of Columbia ("Commission") held a public hearing on June 9, 2016, to consider an application filed by Jemal's Lazriv Water, LLC ("Applicant") for review and approval of a mixed-use redevelopment project at 1900 Half Street, S.W. (Lot 15 in Square 666) (the "Property"), pursuant to §§ 1603 and 1610 of the Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR" or "Zoning Regulations"), which apply to new construction or uses in the CG Overlay on any lot located within the CG/W-2 Zone District. The application also requested (i) a variance from the maximum building height requirements of 11 DCMR § 1603.4; (ii) a variance from the loading requirements of 11 DCMR § 2201.1; and (iii) special exception relief to provide multiple penthouses at multiple heights (§§ 411.6 and 411.9) and to provide penthouses that do not comply with the setback requirements from an open court (§ 411.18(c)(5)). Relief was also requested pursuant to 11 DCMR §§ 936.1 and 1601.7, which make 11 DCMR § 411 applicable to penthouses in the Waterfront and CG Overlay Districts, respectively. The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

1. On March 23, 2016, the Applicant filed an application for review and approval of a mixed-use building pursuant to 11 DCMR §§ 1603 and 1610, which apply to new construction or uses in the CG Overlay on any lot located within the CG/W-2 Zone District. The Applicant also requested variance and special exception relief from the maximum building height requirements (11 DCMR § 1603.4); the loading requirements (11 DCMR § 2201.1); and the penthouse requirements (11 DCMR §§ 411.6, 411.9, 411.18(c)(5), 936.1, and 1601.7).
2. The Applicant filed a prehearing submission in support of the application on May 20, 2016 ("Prehearing Submission"). (Exhibits ["Ex."] 14, 15-15C.) The Prehearing Submission included a statement summarizing the application's compliance with the applicable provisions of the CG Overlay regulations and justification for the requested areas of variance and special exception relief. The prehearing submission also included updated architectural drawings, a Comprehensive Transportation Review ("CTR") Report, and resumes of expert witnesses that might testify in support of the application at the public hearing.
3. On May 27, 2016, the Office of Planning ("OP") submitted a report indicating its support for the application subject to the following: (i) commitment to a higher level of LEED; (ii) resolution of the shoreline treatment with the District Department of Transportation ("DDOT"), the District Department of Energy and Environment ("DOEE"), and the

Federal Emergency Management Agency (“FEMA”); (iii) submission of additional details regarding the terrace spaces at the Anacostia Riverwalk Trail (“Riverwalk”), including materials, views, and sections; and (iv) final design of the Riverwalk. The OP report stated that the application addressed the evaluation criteria for the CG Overlay and noted its support for the requested height and loading variances and the penthouse special exception. (Ex. 16.)

4. On May 31, 2016, DDOT submitted a report indicating that it had no objection to the application with the following conditions:
 - a. Provide a more robust transportation demand management (“TDM”) plan with the following elements:
 - i. Provide a TransitScreen or similar device displaying real-time transportation schedules;
 - ii. Provide an initial one-year Capital Bikeshare annual membership to all residents; and
 - iii. Provide a Capital Bikeshare station, including full cost of installation and the first year of operations and maintenance;
 - b. Construct a sidewalk along at least one side of Half Street, between T Street and S Street, preferably the east side;
 - c. Design and construct an approximately 200-foot cycle track to be separated from the street between the Riverwalk and Water Street along T Street; and
 - d. Design and install appropriate pavement marking and signage for both blocks of Water Street to ensure safe operations, with a curb extension and striping at the T Street intersection designed as needed to ensure roadway widths on each block match.

The report also expressed the agency’s expectation that the Applicant continue to work with DDOT on design of the public realm surrounding the site, providing an updated design at the southeast corner of the Half/Water intersection, the reconstruction of Half, T, and Water Streets, and preparing a loading management plan. (Ex. 18.)

5. On May 31, 2016, DOEE submitted a report that generally addressed development issues that are part of the early stages of design and entitlement of the project. The major issues included the project’s level of commitment to sustainability and LEED certification, the design and configuration of the Riverwalk trail, and items related to floodplain management and shoreline treatment. (Ex. 17.)
6. The Applicant filed a supplemental prehearing submission on June 8, 2016, wherein it requested a waiver from 11 DCMR § 3013.8 in order for the Commission to accept, less

than 20 days prior to the public hearing, additional information responding directly to issues raised in the OP, DDOT, and DOEE reports. (Ex. 22-22D.) The supplemental submission included: (i) a description of the Applicant's commitment to LEED-Silver; (ii) the Applicant's proposed process for removing the building from the 100 year floodplain, consistent with policies and procedures set forth by FEMA and DOEE; (iii) revised architectural sheets correcting inconsistencies related to the design and materials of the residential terraces facing the Anacostia River; (iv) revised architectural sheets showing the proposed width and design of the Riverwalk trail; and (v) a commitment to DDOT that the Applicant agreed to each of its conditions, including a revised site plan and public space improvement diagram showing the extent of the public space improvements outside of the Property.

7. The Commission held a hearing on the Application on June 9, 2016. Parties to the case included the Applicant and Advisory Neighborhood Commission ("ANC") 6D, the ANC within which the Property is located. Proper notice of the hearing was provided by the Office of Zoning pursuant to 11 DCMR § 3015.
8. Witnesses appearing at the hearing on behalf of the Applicant included Paul Millstein and Andrea Gourdine of Douglas Development; Kevin Sperry of Antunovich Associates; Jeff Lee of Lee & Associates; and Jim Watson of Gorove/Slade Associates. Mr. Sperry, Mr. Lee, and Mr. Watson were recognized by the Commission as experts in their respective fields of architecture, landscape architecture, and transportation engineering.
9. On June 20, 2016, the Applicant submitted proposed Findings of Facts and Conclusions of Law and a consolidated set of architectural plans and elevations ("Plans") (Ex. 28, 29A1-29A3.)
10. At its July 7, 2016 public meeting, the Commission took final action to approve the application. The Commission determined that the project satisfies all applicable requirements of the CG Overlay District.

Project Overview

11. The Property consists of Lot 15 in Square 666. Square 666 is located in the southwest quadrant of the District and is bounded by T Street to the north, the Anacostia River to the east, U Street to the south, and Water Street and Half Street to the west. The Property is the only lot in Square 666 and has an angled rectangular shape with a total land area of approximately 110,988 square feet.
12. The Property is presently improved with an existing and mostly vacant nine-story office building that was constructed circa 1976. The existing building has a height of 90 feet and approximately 665,928 square feet of gross floor area with a density of 6.0 floor area ratio ("FAR"). On-site parking for 691 vehicles is located within the building and exterior on-site loading is located on the Property to the north of the building. The building was originally constructed for use by the General Services Administration for Federal occupancy and was used as an office building for several decades.

13. The Applicant proposed to redevelop the Property by renovating and adaptively reusing the existing building as a mixed-use apartment house with approximately 427 residential units and approximately 24,032 square feet of retail use. In order to provide a quality residential building and take full advantage of its location along the Anacostia River waterfront, the Applicant proposed to remove significant portions of the existing building by cutting out approximately 215,217 square feet of gross floor area (1.9 FAR). Removing density from the building in this manner results in the creation of two large open courts and a sideways “E”-shaped building that faces the river.
14. The renovated building will include approximately 450,711 square feet of gross floor area (4.06 FAR). The Applicant will maintain two and a half levels of the existing below-grade parking garage that will accommodate 312 vehicles (300 zoning-compliant spaces and 12 tandem spaces), with ingress and egress from T Street. On-site loading will be provided in its existing location along T Street, adjacent to the parking entrance, such that all vehicular access is consolidated on the north side of the Property. The overall building height will remain at 90 feet for the majority of the building, except for a new two-foot, 3-inch roof slab located on the center portion of the roof to reinforce the new rooftop mechanical equipment and amenity space, and a new five-foot pool deck.
15. The existing building is skinned in a brutal concrete panel with a punched window system, which will be replaced with a new curtain wall and metal panel system, suitable for a residential tower with exterior balconies, operable windows, and high performing energy efficiency. The exterior skin of the upper portion of the renovated building is a collection of de-saturated, cool colors, intended to create a visually interesting palette for the burgeoning neighborhood. At its base, the building will be skinned in a panelized rain screen, more natural and earth-toned in both coloration and tactility. The upper levels of the building will be set back considerably to create public and private exterior spaces, all partially shaded by light, open trellises. These details will create a visual interest towards the open area of the Anacostia River, while maintaining a more urban expression of density towards the city. The floor plates will be sculpted to convert the office building into an efficient residential layout, providing optimum light and views from every unit and two large public green spaces above the retail podium for public amenities such as green areas and gathering spaces.
16. The project includes significant sustainable elements, including electric vehicle charging stations in the garage, significant open space and green roofs, low-plumbing fixtures, bio-retention structures, drought-tolerant plantings and high-efficiency irrigation equipment, recycled and regional materials with low-emitting coatings, adhesives, and flooring, and ample long- and short-term bicycle storage for residents, visitors, retail employees, and retail customers. The Applicant is also reusing significant portions of the existing building’s structural floors, walls, roof, and mechanical equipment, which will reduce production and use of new materials.
17. The Applicant will construct a major portion of the Anacostia Riverwalk, which will emphasize the Property’s connection to the Anacostia River and enhance the interface

between the built environment and the tidal landscape. The Riverwalk is a separated, multi-use trail that has been designed to safely accommodate pedestrians and cyclists along the Anacostia River and through connections back into the infrastructure of the existing street grid surrounding the Property. The portion of the Riverwalk adjacent to the Property will orient a pedestrian path closest to the River, with a wide landscape buffer between the bicycle-path located closer to the building. The pedestrian portion of the Riverwalk will incorporate seating elements to allow for moments of rest and observation. A larger plaza will be provided at the termination of T Street along the River to create an overlook towards the River and provide a connection to future extensions of the Riverwalk to the north.

Capitol Gateway Overlay District Design Requirements

18. Pursuant to 11 DCMR §§ 1610.1 and 1610.2, for property located in the CG/W-2 Zone District, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, are subject to review and approval by the Commission in accordance with the provisions of 11 DCMR §§ 1610.3 through 1610.9. In this case, 11 DCMR §§ 1610.5 and 1610.6 are not applicable. Pursuant to 11 DCMR § 1610.3, an Applicant requesting approval under the CG Overlay District review provisions must demonstrate that the proposed building's architectural design, siting, landscaping, sidewalk treatment, and operation are of a superior quality, pursuant to the design and use requirements of 11 DCMR §§ 1610.3(a)-(f). Finally, 11 DCMR § 1603 sets forth a number of specific requirements that apply to all new buildings, structures, or uses within the CG/W-2 Zone District. As described below, the Commission finds that the project is consistent with each of these requirements and with all of the applicable purposes of the CG Overlay.

The Project Meets the Requirements of 11 DCMR § 1603

19. The project is subject to the requirements of 11 DCMR § 1603 because it involves a new use within the CG/W-2 Zone District.¹ The Commission finds that the project meets the requirements of 11 DCMR § 1603.
20. Subsection 1603.4 permits a maximum building height of 70 feet and a maximum site density of 5.0 FAR. However, the existing building has a height of 90 feet and the site has an existing density of 6.0 FAR. In order to successfully adaptively reuse the existing building, the Applicant will maintain the existing building height of 90 feet, except for a small portion of the roof which will be slightly taller due to installation of a new roof slab and pool deck. The Applicant will simultaneously reduce the Property's density from 6.0 FAR to 4.06 FAR by removing approximately 215,217 square feet of gross floor area from the building.

¹ Subsections 1603.2 and 1603.3 do not apply in this case because the building was constructed prior to January 7, 2005. Subsection 1603.5 does not apply because the Applicant is not requesting additional on-site or off-site bonus density earned for setbacks.

21. The project complies with 11 DCMR § 1603.4(a) because it will include approximately 3.36 FAR of residential development, which is more than the 2.0 FAR minimum required.
22. Pursuant to 11 DCMR § 1603.4(b), the Applicant requested that the Commission preserve the Applicant's right to transfer any offsite bonus density credits that are created through the project.
23. Pursuant to 11 DCMR § 1603.4(c), the Applicant will comply with the provisions of 11 DCMR §§ 1709.6 through 1709.12 and § 1709.14 regarding transferable development rights.

The Project Meets the Requirements of 11 DCMR § 1610

24. Pursuant to 11 DCMR §§ 1610.1 and 1610.2, for property located in the CG/W-2 Zone District, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, are subject to review and approval by the Commission in accordance with the provisions of 11 DCMR §§ 1610.3 through 1610.9.²
25. Subsection 1610.3 of the CG Overlay provides that in addition to demonstrating that the building meets the standards set forth in 11 DCMR § 3104, an applicant requesting approval under the CG Overlay provisions must also prove that the proposed building meets the requirements of 11 DCMR §§ 1610.3(a) through (f). Subsection 3104.1 of the Zoning Regulations provides that special exceptions should be granted when "the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps." (11 DCMR § 3104.1.)
26. Subsection 1610.3 further provides that the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation of the proposed building must comply with the specific requirements set forth in that section, and must help achieve the objectives of the CG Overlay District, as set forth in 11 DCMR § 1600.2.³ The Commission finds that the proposed building meets the requirements of 11 DCMR § 1610 and is consistent with all of the applicable purposes of the CG Overlay.
27. The project will help assure development of the area with a mixture of residential and retail/service uses, and a suitable height, bulk, and design, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area. (11 DCMR § 1600.2(a).)

² Subsections 1610.5 and 1610.6 are not applicable because they regulate buildings with frontage on Half Street, S.E., south of M Street, S.E., or on Front Street, S.E., south of M Street, S.E. (§ 1610.5) and on South Capitol Street, S.E. (§ 1610.6), which do not apply to the Property.

³ Subsections 1600.2(c) and (e) through (i) are not applicable in this case.

28. The project encourages a variety of support and visitor-related uses through development of new retail/service uses that will increase visibility and walkability to the Property. Construction of the Riverwalk will draw visitors to the area to take advantage of recreational opportunities and views of the River that were not previously available. Safe pedestrian and bicycle connections to the surrounding streets will be provided through the implementation of new widened sidewalks, bicycle lanes, street furniture, pedestrian-oriented lighting, crosswalks, and landscape buffers. (11 DCMR § 1600.2(b).)
29. The project provides an appropriate massing along the Anacostia River and includes significant step-backs and height step-downs to maximize views and create an aesthetically pleasing design. The project includes continuous public open space along the waterfront through the creation of the Riverwalk, with ample space for pedestrians, cyclists, and landscape elements. (11 DCMR § 1600.2(d).)
30. The project will help achieve the objectives of the CG Overlay district. It will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map and will not tend to affect adversely the neighboring property in accordance with the Zoning Regulations and Zoning Map. The Commission finds that the project assures development of the area with a mixture of uses and a suitable height, bulk, and design. (11 DCMR § 1610.3(a).)
31. The project will help achieve the desired mix of uses in the CG Overlay as set forth in 11 DCMR §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses. The Commission finds that the new residential and retail/service uses will help achieve the goals of the CG Overlay. (11 DCMR § 1610.3(b).)
32. The Commission finds that the height, bulk, and architectural design of the building, as shown on the Plans, will be in harmony with the context of the surrounding neighborhood and will significantly improve the adjoining street patterns and circulation. The renovated building provides distinct façade articulation at each elevation and creates an innovative design that connects the building to the surrounding street frontages and the Anacostia River. The Applicant will provide new streetscape improvements on T Street, Half Street, and Water Street, which will support pedestrian and bicycle infrastructure where none currently exist and which will be consistent with the vision for the streetscape set forth in the Buzzard Point Urban Design Framework Plan (“Buzzard Point Plan”), published by the Office of Planning in July, 2014. Moreover, the design and construction of the Riverwalk will help guide future development to this portion of the southwest waterfront. (11 DCMR § 1610.3(c).)
33. The project will minimize potential conflicts between vehicles and pedestrians. Consolidated access for parking and loading will be located on the north side of the Property, which eliminates the existing parking access point at the south side of the Property and reduces the width of the existing curb cut on the north side of the Property. Trash operations will occur from the loading area. All loading and trash trucks will be

- able to access the loading docks without negatively impacting public space between the docks and the nearest DDOT-designated truck routes. Trucks will also be able to make front-in and front-out maneuvers. In addition, a two-way separated cycle track will connect T Street to the Riverwalk on the north side of the building, which will minimize potential bicycle conflicts with parking and loading operations. (11 DCMR § 1610.3(d).)
34. The redesigned building will minimize unarticulated blank walls adjacent to public spaces by offering extensive façade articulation across all of its elevations. Each façade is distinctly and extensively conveyed through irregular patterns and a mixture of materials, fenestration, and colors. (11 DCMR § 1610.3(e).)
 35. The project will be designed with sustainability features and will achieve LEED-Gold certification, such that the building will not have significant adverse impacts on the natural environment. (11 DCMR § 1610.3(f).)
 36. The project incorporates suitably designed public open spaces along the waterfront that are inviting to the public, easily accessible, and particularly appropriate for the Property's unique location. At the request of the ANC, the Applicant is also providing a large dog park on the Property adjacent to the Riverwalk so that building residents have a convenient and aesthetically pleasing location to let their dogs run. (11 DCMR § 1610.4(a).) The Plans incorporate open space treatments and public space access and use for the Riverwalk (11 DCMR § 1610.4(b)), as well as a view analysis that assesses the views and vistas set forth in 11 DCMR § 1610.4(c). The Commission finds that since the building's height and mass already exist along the River and Half Street, the building alterations will have no detrimental impact on the views and vistas of the identified monumental properties and focus areas.

Variance Requests from the Height and Loading Requirements

37. Pursuant to 11 DCMR § 1610.7, the Commission may hear and decide any additional requests for variance or special exception relief needed for the Property, and such requests shall be advertised, heard, and decided together with the application for review and approval for compliance with the CG Overlay provisions. Pursuant to this provision, the Applicant requested area variances from: (i) the maximum building height limitations set forth in 11 DCMR § 1603.4; and (ii) the loading requirements set forth in 11 DCMR § 2201.1.
38. The test for variance relief is three-part: (1) demonstration that a particular piece of property is affected by some exceptional situation or condition; (2) such that, without the requested variance relief, the strict application of the Zoning Regulations would result in some practical difficulty upon the property owner; and (3) that the relief requested can be granted without substantial detriment to the public good or substantial impairment of the zone plan. The Commission finds that variance relief is appropriate in this application.

Exceptional Situation or Condition

39. The Commission finds that the Property is exceptional due to the presence of the existing nine-story office building, which the Applicant will adaptively reuse and renovate as part of this application. The existing building is exceptionally large, with existing heights, density, setbacks, core elements, column spacing, siting, ingress and egress locations, ceiling heights, and parking and loading facilities, much of which cannot be modified or redesigned without significantly altering or destroying the building's structural integrity. The Applicant proposes to remove significant portions of the building's gross floor area in order to provide appropriate massing, create enhanced public access to the River, maximize views in all directions, and appropriately convert the office building to residential use. In doing so, the Applicant has to maintain the majority of the existing structure, which has a direct impact on the ability to comply with the height and loading requirements.
40. The Property itself is also exceptional due to its sloping topography, which ranges from a low point of approximately nine feet in elevation along the River to a high point of approximately 19.29 feet in elevation along Water Street. The Property is also exceptional due to its location directly adjacent to the Anacostia River.

Practical Difficulty

41. The Commission finds that strict application of the Zoning Regulations would result in a practical difficulty to the Applicant because it would significantly constrain the Applicant's ability to adaptively renovate the existing building into a new predominately residential mixed-use project that takes advantage of the Riverfront and incorporates significant new amenities and public access points to the new Riverwalk trail.
42. Height. The Applicant proposes to increase the existing building height of 90 feet in two locations: (i) construction of a two-foot, three-inch-thick roof slab to reinforce the existing roof structure. This roof slab will occupy approximately 20% of the roof area; and (ii) construction of a five-foot-tall pool deck. The pool deck will occupy approximately four percent of the roof area.
43. The Commission finds that the Applicant has to install the two-foot, three-inch roof slab to support the heavier rooftop load that results from the new mechanical equipment and residential amenity spaces. Reinforcement methods cannot be utilized under the roof slab without compromising the ceiling height below. If the Applicant reinforced the roof without raising it, the ceiling height on the upper-most floor would be less than the minimum ceiling height permitted by the Building Code. The Commission also finds that a five-foot pool deck is required to provide a 42-inch-deep pool. For new construction, such a thick pool deck would not be required; however, in this case, the Applicant is preserving the existing roof slab, which requires a deck to be built above the existing roof slab into which the pool will be inserted. Therefore, the Commission finds that strict compliance with the height requirements would result in a practical difficulty to the Applicant.

44. Loading. The Applicant proposes to maintain the building's existing loading facilities, thus requiring a variance to: (i) provide two loading berths where three berths are required; (ii) reduce the size of the required 55-foot loading berth to 40-feet; and (iii) provide one service/delivery space where two spaces are required.
45. The Commission finds that it is practically difficult for the Applicant to meet the requirements of 11 DCMR § 2201.1 because the Applicant is reusing the building's existing loading facilities, which complied with the Zoning Regulations that were in effect when the building was constructed. Providing all of the required loading facilities at their minimum required dimensions would result in a significantly wider curb cut to provide access and the elimination of the proposed cycle track along T Street, which would increase potential pedestrian/bicycle/vehicle conflicts. Moreover, in order to back a 55-foot truck into the loading dock, the truck would need to use the full width of the street, including the bicycle lane, to make the maneuver. Providing the required loading facilities would also require partial demolition of the existing building, since there is insufficient land area between the curb and the building façade to add more or larger exterior loading facilities. Therefore, the Commission finds that strict compliance with the loading requirements would result in a practical difficulty to the Applicant.

No Substantial Detriment to the Public Good or Zone Plan

46. The Commission finds that the requested height and loading relief can be granted without substantial detriment to the public good and without substantial impairment to the zone plan. The proposed height increase will only be located in the center leg of the "E"-shaped building, with approximately 76% of the roof area remaining at 90 feet. Moreover, the increased height is nominal, is significantly set back from the roof edge, and will allow for increased use and enjoyment of the roof by building residents. Due to the mechanical needs of the very large, adaptively reused building, additional mechanical equipment is required to be located on the roof, which necessitates the two-foot, three-inch slab to provide structural support to accommodate additional HVAC units for both residential and commercial uses.
47. The Commission also finds that the existing loading facilities are adequate to serve the project's anticipated loading demand. The residential and retail uses will realistically be able to share the loading facilities with no detriment to the public good or zone plan. Given the size of the residential units, residents are not expected to use 55-foot trucks to move-in or move-out of their units, thus making a 40-foot residential loading berth appropriate in this case.

Special Exception Relief from the Penthouse Requirements

48. Special exception approval is required for: (i) multiple penthouses (11 DCMR § 411.6) to provide a separate designated outside air system ("DOAS") unit on the north leg of the building that is not connected to the main penthouse; (ii) penthouses with multiple heights (11 DCMR § 411.9) because the DOAS unit and the two separate stair tower

enclosures have different heights from the main penthouse; and (iii) penthouse setback (11 DCMR § 411.18(c)(5)) because the three existing stair towers that provide access to the roof are not set back from the open courts in the center of the building. Relief is also required pursuant to 11 DCMR §§ 936.1 and 1601.7, which make 11 DCMR § 411 applicable to penthouses in the Waterfront Zone Districts and the CG Overlay District, respectively.

49. Under 11 DCMR § 411.11, the Board of Zoning Adjustment (“BZA” or “Board”) may grant special exception relief under 11 DCMR § 3104 from 11 DCMR §§ 411.6, 411.9, and 411.18 upon a showing that: (a) operating difficulties such as meeting Building Code requirements for roof access and stairwell separation or elevator stack location to achieve reasonable efficiencies in lower floors; size of building lot; or other conditions relating to the building or surrounding area make full compliance unduly restrictive, prohibitively costly, or unreasonable; (b) the intent and purpose of this chapter and this title will not be materially impaired by the structure; and (c) the light and air of adjacent buildings will not be affected adversely. The Board, and by extension the Commission pursuant to 11 DCMR § 1610.7, has the power to approve penthouse special exceptions under 11 DCMR § 411.11.
50. The Commission finds that the roof plan is consistent with the purpose and intent of the Zoning Regulations. Providing a single penthouse would result in operating difficulties for the residential uses in the building. The Applicant cannot locate the northern DOAS unit within the larger mechanical screen wall of the main penthouse because it must be physically separated from the second DOAS unit, which is located within the main penthouse. The separation is necessary because the two DOAS units utilize separate duct work to provide fresh air into the residential units. The duct work is located in the ceilings of the building’s corridors. If both DOAS units operated from the same side of the roof, the duct work feeding fresh air from the roof into the units would have to be significantly larger (approximately two feet deep), which would result in ceiling heights below the seven-foot, six-inch minimum clearance that is required by the Building Code for the corridors.
51. The Applicant could theoretically connect the main penthouse to the separate DOAS unit by extending a long screen wall or covered structure over the majority of the roof. However, doing so would add significantly more massing to the roof, increase visibility of the penthouse, and draw attention to the roof, which is inconsistent with the intent of the penthouse regulations and contradictory to the Zoning Regulations.
52. The Commission also finds that providing penthouses with multiple heights is reasonable in this case. Although the DOAS unit and the two separate stair tower enclosures have different heights from the main penthouse, as measured from the roof upon which they sit, the elevations are very similar and/or exact. The DOAS unit is at elevation 123.29 feet; the separate stair towers are at elevation 123.54 feet; and the main penthouse is at elevations 123.29 feet, 123.54 feet, and 127.63 feet. Therefore, the Commission finds that the multiple heights will not be perceived from the street and thus notes that the relief will not result in any adverse impacts.

53. Finally, the Commission also finds that providing 1:1 setbacks for the internal stair towers would result in operating difficulties. The stair towers are existing egress stairs within the building that are presently located in the core (middle) of the building. Because the Applicant is cutting out major interior portions of the building, the stair towers will become exposed at the building line, and therefore will not be set back from the open court wall at the roof level. However, these penthouses are set back at least 1:1 from all front, rear, and side building walls, including the river-facing facades, such that the setback relief will not result in any negative impacts, will not adversely affect the light and air of any future adjacent buildings, and will not impair the intent and purpose of the Zoning Regulations.

OP Report

54. By report dated May 27, 2016, OP recommended approval of the application. (Ex. 16.) OP also testified in support of the application at the public hearing. In its report, OP stated that the application successfully addressed most of the evaluation criteria for the CG Overlay and noted its support for the requested height and loading variances and penthouse special exception. The OP report conditioned its support on the following:
- a. Commitment to a higher level of LEED;
 - b. Resolution of the shoreline treatment with DDOT, DOEE, and FEMA;
 - c. Submission of additional details regarding the terrace spaces at the Riverwalk, including materials, views, and sections; and
 - d. Final design of the Riverwalk.
55. At the public hearing, the Applicant committed to achieving LEED-Gold certification, which addressed OP's concern regarding improved environmental design.
56. As described in the Applicant's supplemental prehearing submission (Ex. 22), the Applicant addressed OP's concern regarding shoreline treatment by removing the building from the 100-year floodplain. The Applicant will: (i) re-grade the shoreline with fill material inside the property line; (ii) raise the lowest level of residential units to 14 feet in elevation, which is the elevation of the 500-year floodplain; and (iii) submit a Letter of Map Amendment ("LOMA") to FEMA to officially have the building removed from the floodplain. DOEE and FEMA both confirmed that this is the correct policy and procedure for removing the building from the floodplain.
57. As shown in the updated sheets submitted with the Applicant's prehearing submission (Ex. 22D), the Applicant addressed OP's concerns related to the residential terraces facing the Riverwalk (*see* Sheets 9, 13-15, 28, 30-33, and 36 of the Plans). These sheets provided the views, materials, and sections requested by OP, and are internally consistent within the Plans.

58. Finally, as shown on Sheet 40 of the Plans, the Applicant has worked with OP to provide the optimal dimensions for the Riverwalk design: (i) 10-foot pedestrian trail; (ii) five-foot landscaped area; and (iii) 10-foot bicycle trail. This width is achieved in all locations of the Riverwalk except for approximately 113 linear feet at the southeast corner of the Property, where either (i) an eight-foot pedestrian trail, five-foot landscaped area, and 10-foot bicycle trail is provided, or (ii) an eight-foot pedestrian trail, three-foot landscaped area, and 10-foot bicycle trail is provided. OP indicated its support for this design at the public hearing.

DDOT Report

59. By report dated May 31, 2016, DDOT indicated that it has no objection to the application with the following conditions:
- a. Provide a more robust TDM plan with the following elements:
 - i. Provide a TransitScreen or similar device displaying real-time transportation schedules;
 - ii. Provide an initial one-year Capital Bikeshare annual membership to all residents; and
 - iii. Provide a Capital Bikeshare station, including full cost of installation and the first year of operations and maintenance;
 - b. Construct a sidewalk along at least one side of Half Street, between T Street and S Street, preferably the east side;
 - c. Design and construct an approximately 200-foot cycle track to be separated from the street between the Riverwalk and Water Street along T Street; and
 - d. Design and install appropriate pavement marking and signage for both blocks of Water Street to ensure safe operations, with a curb extension and striping at the T Street intersection designed as needed to ensure roadway widths on each block match. (Ex. 18.)
60. In the Applicant's supplemental prehearing submission (Ex. 22-22D) and at the public hearing, the Applicant agreed to each of DDOT's conditions, including all three TDM conditions. The Applicant submitted revised site plans (Sheets 38-40 of the Plans), which show the extent of the public space and street improvements, including the extended sidewalk along the east side of Half Street, SW, between T and S Streets, SW. At the public hearing, DDOT indicated its support for the Applicant's proposed TDM measures and the revised public space and street improvement plans. All of the aforementioned TDM and transportation mitigation measures have been included as conditions of this Order.

ANC Report

61. By report dated May 23, 2016, ANC 6D reported that at its regularly scheduled and properly noticed public meeting on May 9, 2016, with a quorum of Commissioners present, ANC 6D voted 5-0-0 to support the application with the following concerns and suggestions: (i) consider including low income or affordable units in the project; (ii) address the containment of pet excrement by creating dog comfort areas that provide places where animals can run without destroying public green space; (iii) minimize on-site parking to the greatest extent possible; and (iv) work with ANC 6D to establish an appropriate construction management plan.
62. In response to the ANC's suggestions, the Applicant offered to provide the following: (i) 10 units of affordable housing in the building, set aside for 10 years to households earning up to 60% of the area median income; (ii) a 3,200-square-foot dog park on the property to the north of the building; (iii) 312 on-site parking spaces and a substantial TDM program; and (iv) continued work with ANC 6D to establish an appropriate construction management plan as the project moves forward. As noted below, the Commission believes that it would be inappropriate to include these items as conditions to approval, since they go beyond the scope of the Commission's review of this application. Thus, the ANC's requests are not included as conditions of this Order.

CONCLUSIONS OF LAW

1. The application was submitted pursuant to 11 DCMR §§ 1603 and 1610 for review and approval by the Commission, and pursuant to 11 DCMR § 1610.7 for variance and special exception approval. The Commission concludes that the Applicant has met its burden of proof.
2. The Commission provided proper and timely notice of the public hearing on the application by publication in the *DC Register* and by mail to ANC 6D, OP, and owners of property within 200 feet of the Property.
3. The Commission required the Applicant to satisfy all applicable requirements set forth in 11 DCMR §§ 1603 and 1610. Pursuant to 11 DCMR § 1610.7, the Commission also required the Applicant to meet the requirements for variance relief set forth in 11 DCMR §§ 3103, 1603.4, and 2201.1, and special exception approval set forth in 11 DCMR §§ 3104, 411.6, 411.9, 411.18(c)(5), 936.1, and 1601.7. The Commission concludes that the Applicant has met its burden.
4. The proposed development is within the applicable height, bulk, and density standards for the CG/W-2 Zone District and will not tend to affect adversely the use of neighboring property. The overall project is also in harmony with the general intent and purpose of the Zoning Regulations and Map.

5. The Commission concludes that the proposed project will further the objectives of the CG Overlay District as set forth in 11 DCMR § 1600.2 and will promote the desired mix of uses set forth therein. The design of the renovated building meets the purposes of the CG Overlay and meets the specific design requirements of 11 DCMR §§ 1603.
6. No persons or parties appeared at the public hearing in opposition to the application.
7. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (DC. Law 1-21; D.C. Official Code § 1-309 10(d)) to give great weight to the issues and concerns raised in the written report of the affected ANC. The affected ANC in this case is ANC 6D. The Commission carefully considered ANC 6D's recommendation for approval and concurs in its conclusion to support the granting of the application.
8. As to the ANC's requests to incorporate affordable housing into the project, provide an on-site dog park, and establish a construction management plan, the Commission believes that it would be inappropriate to include these as conditions of its approval. The Commission's authority in this case is limited to whether the Applicant has met the design review, variance, and special exception tests required by the Zoning Regulations, and any conditions of approval should be intended to mitigate identified adverse effects related to that review. Because these requests go beyond the scope of the Commission's review of this application, the Commission declines to include them as conditions of this Order.
9. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163; D.C. Official Code § 6-623.04 (2001)), to give great weight to OP recommendations. The Commission carefully considered the OP report and, as explained in this decision, finds its recommendation to grant the application persuasive. With respect to OP's preference for the Applicant to increase its sustainability commitment, the Commission notes that the project will qualify for at least LEED Gold certification. This commitment has been made a condition of this Order.
10. Based upon the record before the Commission, including witness testimony, the reports submitted by OP, DDOT, DOEE, and ANC 6D, and the Applicant's submissions, the Commission concludes that the Applicant has met the burden of satisfying the applicable standards under 11 DCMR §§ 1603 and 1610.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the application consistent with this Order. The term "Applicant" shall mean the person or entity then holding title to the Property. If there is more than one owner, the obligations under the Order shall be joint and several. If a person or entity no longer holds title to the Property, that party shall have no further obligations under the Order; however, that party remains liable for any violation of any condition that

occurred while an owner. This approval is subject to the following guidelines, standards, and conditions:

1. Approval of the project shall apply to Lot 15 in Square 666.
2. The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case 16-06 dated June 20, 2016 (Ex. 29), as modified by the guidelines, conditions, and standards below.
3. The Applicant shall implement the following TDM measures:
 - a. For the life of the project, the Applicant shall:
 - i. Designate a TDM coordinator who is responsible for organizing and marketing the TDM plan and who will act as a point of contact with DDOT;
 - ii. Distribute move-in transportation welcome packets to each resident upon move-in that includes information such as:
 - a) Promotion of DDOT's goDCgo website;
 - b) Brochures on carsharing, ridesharing, and bikesharing programs;
 - c) Tips on apps and websites to use to navigate public transportation;
 - d) Maps for nearby bicycle trail routes and bike lanes; and
 - e) Maps for Metrorail, Metrobus, and streetcar routes;
 - iii. Provide bicycle parking that exceeds existing regulatory minimums and provide a bicycle maintenance area with a bike pump and set of tools;
 - iv. Provide a TransitScreen or similar device displaying real-time transportation schedules; and
 - v. Provide a Capital Bikeshare station, including the full cost of installation and the first year of operations and maintenance; and
 - b. For the first year of the project, the Applicant shall offer a one-year Capital Bikeshare membership to all building residents; and
4. The Applicant shall incorporate the following transportation mitigation measures:
 - a. Construct a sidewalk along the east side of Half Street, between T Street and S Street, S.W.;

- b. Design and construct an approximately 200-foot cycle track to be separated from the street between the Riverwalk and Water Street, along T Street; and
 - c. Design and install appropriate pavement marking and signage for both blocks of Water Street, S.W., to ensure safe operations, with a curb extension and striping at the T Street intersection designed as needed to ensure roadway widths of each block match.
5. The project shall be designed to include at least the minimum number of points necessary to achieve LEED-Gold certification.
 6. The Applicant shall have flexibility with the design of the project in the following areas:
 - a. To vary the location and design of all interior components, including but not limited to partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not materially change the exterior configuration of the buildings;
 - b. To vary the final selection of exterior materials within the color ranges provided (maintaining or exceeding the same general level of quality) as proposed, based on availability at the time of construction;
 - c. To make refinements to exterior materials, details, and dimensions, including belt courses, sills, bases, cornices, railings, and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit or any other applicable approvals;
 - d. To vary the sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the LEED-Gold certification.
 7. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.1 et seq. (the "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 identification, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violations will be subject to disciplinary action.

On July 7, 2016, upon the motion of Chairman Hood, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at a special public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt). In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*, that is on August 26, 2016.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 849(D)
Z.C. Case No. 97-16C
Lowell School
(PUD Modification @ Square 2745F)
July 11, 2016

At its public meeting on July 11, 2016, the Zoning Commission for the District of Columbia (“Commission”) considered and approved an application from the Lowell School for a minor modification to an approved planned unit development (“PUD”) for property located at premises 1640 Kalmia Road NW, Lots 815 and 817, Square 2745F (“Property”) pursuant to Chapter 24 and the Consent Calendar Regulations of Chapter 30 of the District of Columbia Municipal Regulations (“DCMR”), Title 11, Zoning.

FINDINGS OF FACT

1. The application, which was filed on June 28, 2016, requested a minor modification to a previously approved PUD for property at 1640 Kalmia Road, N.W. (Lots 815 and 817, Square 2745F).
2. The Applicant requested that the application be reviewed pursuant to the Consent Calendar and minor modification provisions of the Zoning Regulations. (11 DCMR § 3030.)
3. By Z.C. Order No. 849, the Commission granted final approval of the PUD, subject to conditions to permit the Applicant to operate a private school on the Property.
4. By Z.C. Order No. 849-B, the Commission approved changes to the PUD.
5. By Z.C. Order No. 849-C, the Commission approved additional modifications to the plans for the PUD that were approved in Z.C. Order No. 849-B.
6. Z.C. Order Nos. 849B and 849C articulated four components to the approvals: (1) expansion of the program to include seventh and eighth graders; (2) increasing the cap on the number of faculty and staff from 60 individuals to 100 individuals; (3) the renovation of and construction of an addition to an existing building, known as Parkside; and (4) demolishing an existing building, known as Fraser, which was to be replaced with a play area and a surface parking area, as well as an addition to the School’s existing gymnasium and pool.
7. The subject of the instant minor modification application is to permit a slightly smaller grassy play area where the demolished Fraser building once stood. The Applicant was granted two options for the play area pursuant to Condition No. 13 of Z.C. Order No. 849B.

8. In Z.C. Order 849C, the Commission approved an addition to the Parkside building to accommodate Lowell's new Middle School. This project has been completed.
9. As part of the approvals, Lowell was granted permission to demolish Fraser and build an addition to its gym as well as a new play area. Fraser has been demolished and the site cleared. At this time, the Applicant is not in a position to build the gym addition and will not likely be in the future. Consequently, it requests that the area which was the footprint of Fraser be allowed to be used as a grassy play area for children albeit slightly smaller than the PUD approved play area approved by the Commission in Condition No. 13 of Z.C. Order No. 849B.
10. The Applicant noted that the subject application does not increase the gross floor area of any building, the height of any buildings, or any required setbacks. It does not change the population caps or transportation issues involved in the previous PUD Orders. Nor does it decrease any parking spaces. It merely allows the School to use the grassy area as a play area without moving forward with the gymnasium.
11. The proposal is consistent with the intent of the PUD approval and has no consequence on the overall project. Rather, this modification is a minor change.
12. The Office of Planning ("OP") submitted a report, dated July 17, 2015 (sic), which noted that OP did not have enough information to evaluate whether or not the proposed modification would be of little or no importance as contemplated under § 3030.2 of the Zoning Regulations.
13. At the public meeting, the Commission requested that the Applicant's representative come forward to answer questions from the Commissioners with regard to notice to neighbors and the Advisory Neighborhood Commission ("ANC"), which he did.
14. ANC 4A, the only other party to the case in Z.C. Order No. 849C, did not participate in this application.
15. One July 11, 2016, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and took action to approve the minor modification.
16. The Commission does not concur with OP and finds that there is sufficient information in the record to support treating the application as a minor modification on the Commission's consent calendar.
17. The Commission further believes that its decision is in the best interest of the District of Columbia and is consistent with the intent of the purpose of the Zoning Regulations and the Zoning Act.
18. The Commission finds that that approving the minor modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the Applicant's modification to the approved plans is consistent with the intent and purpose of the previous PUD approvals made in Z.C. Order Nos. 849, 849A, 849B, and 849C. The Commission concludes that the proposed modifications are in the best interest of the District of Columbia and are consistent with the intent and purpose of the Zoning Regulations and the Zoning Act. The Commission also concludes that the approval of the modification application is not inconsistent with the Comprehensive Plan.

The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975, effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d) to give "great weight" to the issues and concerns raised in the written report of the affected ANC. However, the ANC did not participate in this matter.

The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (DC Law 8-163), D.C. Official Code § 6-623.04), to give great weight to OP's recommendations. OP, by a written report, stated that it did not have sufficient information to conclude whether or not this application constitutes a minor modification. However, the Commission believes, to the contrary, that the record is sufficiently complete to determine that the application is minor and appropriate for the consent calendar.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of this application for review and approval of a modification to an approved planned unit development for the Property. The Commission hereby modifies Condition No. 13, Exhibit 51 (Tab B) of Z.C. Order No. 849B to permit the revised plan contained in Exhibit 1B, of the record in this case.

On July 11, 2016, upon the motion of Vice Chairperson Cohen, as seconded by Commissioner Miller, the Zoning Commission **APPROVED** the application and **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve and adopt).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register* on August 26, 2016.

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