

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council schedules a roundtable on “Proposed Resolution 22-356, Sense of the Council Regarding the Paris Agreement on Climate Change Resolution of 2017”
- D.C. Council schedules a public roundtable on the “Summer Modernizations of District of Columbia Public Schools”
- D.C. Council schedules a public roundtable on the “Revitalization of Cleveland Park’s Commercial Corridor”
- Alcoholic Beverage Regulation Administration solicits public comment on the proposed amendments to the Civil Penalty Schedule in Title 23 of the D.C. Municipal Regulations
- Office of the City Administrator establishes regulations for quasi-exterior signage in the District
- Office of Public-Private Partnerships amends the submission deadline for the Delivery of Smart Street Lighting Project
- Public Service Commission schedules community hearings to get public comments on the Biennial District of Columbia Power Line Underground Infrastructure Improvement Projects Plan

DISTRICT OF COLUMBIA REGISTER

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MAYOR

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ENROLLED ORIGINAL

CORRECTED COPY

AN ACT

D.C. ACT 22-74

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 5, 2017

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election ward.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Marijuana Cultivation Center Relocation Emergency Amendment Act of 2017”.

Sec. 2. Section 7(d)(3) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06(d)(3)), is amended by adding a new subparagraph (C) to read as follows:

“(C) Any applicant that submitted an application on July 19, 2015, for a registration to operate a cultivation center shall be allowed to modify the location of the cultivation center on its application without negatively affecting the current status of the application.”.

Sec. 3. Fiscal impact statement.

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

Sec. 4. Effective date.

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

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
June 9, 2017

ENROLLED ORIGINAL

CORRECTED COPY

AN ACT

D.C. ACT 22-75

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 5, 2017

To amend, on an emergency basis, the District of Columbia Election Code of 1955 to allow members of the Board of Elections to hold employment in the federal government and to change the date of primary elections to ensure compliance with federal law; to amend the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to remove the redundant 8-day, pre-primary election filing date; and to amend the Prohibition on Government Employee Engagement in Political Activity Act of 2010 to clarify the definition of "employee".

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Primary Date Alteration Emergency Amendment Act of 2017".

Sec. 2. 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 4(a)(3) (D.C. Official Code § 1-1001.04(a)(3)) is amended by striking the phrase "and no active office, position, or employment in the federal government".

(b) Section 5(b)(1) (D.C. Official Code § 1-1001.05(b)(1)) is amended by striking the phrase "2nd Tuesday in June" and inserting the phrase "3rd Tuesday in June" in its place.

(c) Section 10(a) (D.C. Official Code § 1-1001.10(a)) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "2nd Tuesday in June" and inserting the phrase "3rd Tuesday in June" in its place.

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

(A) Subparagraph (A) is amended by striking the phrase "2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;" and inserting the phrase "3rd Tuesday in June of each even-numbered year" in its place.

(B) Subparagraph (B) is amended by striking the phrase "2nd Tuesday in June of 2016 and the 1st Tuesday in September of each even-numbered year thereafter;" and inserting the phrase "3rd Tuesday in June of each even-numbered year" in its place.

(C) Subparagraph (C) is amended by striking the phrase "2nd Tuesday of June of 2016 and the 1st Tuesday of September of every 4th year thereafter" and inserting the phrase "3rd Tuesday in June of 2018 and every 4th year thereafter" in its place.

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Sec. 3. Section 309(b) 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 § 1-1163.09(b)), is amended by striking the phrase “8 days before an election” and inserting the phrase “8 days before a special or general election” in its place.

Sec. 4. Section 2(3)(A)(iii) 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 § 1-1171.01(3)(A)(iii)), is amended by striking the phrase “, after January 1, 2018”.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Primary Date Alteration Amendment Act of 2017, passed on 1st reading on May 16, 2017 (Engrossed version of Bill 22-197), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 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
June 5, 2017

ENROLLED ORIGINAL

CORRECTED COPY

AN ACT

D.C. ACT 22-76

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 13, 2017

To amend, on an emergency basis, the Inclusionary Zoning Implementation Amendment Act of 2006 to reflect the changes to the inclusionary zoning regulations adopted by the Zoning Commission for the District of Columbia on October 17, 2016; and to amend the District of Columbia Administrative Procedure Act, the Housing Production Trust Fund Act of 1988, and section 47-902 of the District of Columbia Official Code to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Inclusionary Zoning Consistency Emergency Amendment Act of 2017".

Sec. 2. The Inclusionary Zoning Implementation Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), is amended as follows:

(a) Section 101 (D.C. Official Code § 6-1041.01) is amended as follows:

(1) The existing paragraph (1) is redesignated as paragraph (1A).

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

“(1) “Eligible household” means a household of one or more individuals with a total annual income adjusted for household size equal to or less than 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations.”.

(3) Paragraph (2) is amended by striking the phrase “11 DCMR § 2602.1” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.

(4) Paragraph (3) is amended by striking the phrase “low- and moderate-income households as required by the Inclusionary Zoning Program” and inserting the phrase “eligible households as required by the Inclusionary Zoning Program or by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations” in its place.

(5) Paragraph (4) is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*), this act, and the

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regulations” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, this act, and the regulations and administrative issuances” in its place.

(6) Paragraph (5) is amended to read as follows:

“(5) “Median Family Income” or “MFI” means the median family income for a household in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development, adjusted for family size without regard to any adjustments made by the United States Department of Housing and Urban Development for the purposes of the programs it administers.”.

(7) Paragraph (6) is repealed.

(b) Section 102(b) (D.C. Official Code § 6-1041.02(b)) is amended by striking the phrase “Chapter 26 of Title 11” and inserting the phrase “Chapter 10 of Title 11-C” in its place.

(c) Section 103 (D.C. Official Code § 6-1041.03) is amended as follows:

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

(A) Paragraph (3) is amended by striking the phrase “low-income households shall be set so that a household earning 50% of the Metropolitan Statistical Area median” and inserting the phrase “eligible households shall be set so that an eligible household earning 50% of the MFI, 60% of the MFI, 80% of the MFI, or other percentage of the MFI established by an order approving a Planned Unit Development pursuant to Chapter 3 of Title 11-X of the District of Columbia Municipal Regulations” in its place.

(B) Paragraph (4) is repealed.

(2) Subsection (b) is amended by striking the phrase “, but shall not become effective until” and inserting the phrase “and shall become effective upon” in its place.

(d) Section 107 (D.C. Official Code § 6-1041.07) is amended as follows:

(1) Paragraph (2) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(2) Paragraph (6) is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*)” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.

(3) Paragraph (9) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(e) Section 109(a) (D.C. Official Code § 6-1041.09(a)) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

(2) Paragraph (6) is amended by striking the phrase “low- or moderate-income households” and inserting the phrase “eligible households” in its place.

Sec. 3. Section 102(8)(E) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-502(8)(E)), is amended by striking the phrase “Chapter 26 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR 2600 *et seq.*)” and inserting the phrase “Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations” in its place.

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Sec. 4. Section 3(c)(17) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2802(c)(17)), is amended by striking the phrase “low- and moderate-income households” and inserting the phrase “eligible households” in its place.

Sec. 5. Section 47-902(23) of the District of Columbia Official Code is amended by striking the phrase “low- and moderate-income household” and inserting the phrase “eligible household” in its place.

Sec. 6. Applicability.


This act shall apply as of June 5, 2017, which is the effective date of the amendments to the inclusionary zoning regulations, set forth at Chapter 10 of Title 11-C of the District of Columbia Municipal Regulations, that were promulgated by the Zoning Commission for the District of Columbia on October 17, 2016 in its Notice of Final Rulemaking and Zoning Commission Order No. 04-33G (63 DCR 15404).

Sec. 7. Fiscal impact statement.

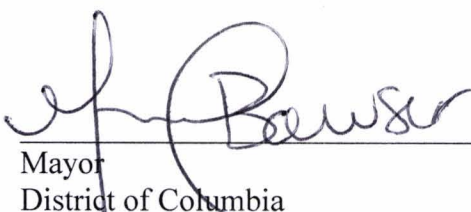
The Council adopts the fiscal impact statement in the committee report for the Inclusionary Zoning Consistency Amendment Act of 2017, passed on 1st reading on May 16, 2017 (Engrossed version of Bill 22-104), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
June 5, 2017

ENROLLED ORIGINAL

A RESOLUTION

22-143

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 6, 2017

To declare the existence of an emergency with respect to the need to order the closing of a portion of the public alley system in Square 2960, bounded by Eastern Avenue, N.W., Georgia Avenue, N.W., Alaska Avenue, N.W., Kalmia Road, N.W., and 12th Street, N.W., in Ward 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Closing of a Public Alley in Square 2960, S.O. 15-53893, Emergency Declaration Resolution of 2017”.

Sec. 2. (a) There exists an immediate need to approve emergency legislation to close a portion of the public alley system in Square 2960, as shown on the Surveyor’s plat filed in S.O. 15-53893.

(b) The purpose of the alley closing is to facilitate a mixed-use development project with ground-floor retail and residential apartments located at 7828 Georgia Avenue N.W., Lot 17 in Square 2960, which is bounded by Eastern Avenue, N.W., Georgia Avenue, N.W., Alaska Avenue, N.W., Kalmia Road, N.W., and 12th Street, N.W., in Ward 4. The alley proposed to be closed is a dead-end north/south alley, which is accessible from Kalmia Road and provides alley rear access to the subject property only. The proposed development will consist of a 6-story structure at approximately 75 feet in height, offering 194 residential units, an approximately 56,000 square-foot grocery store, and 271 parking spaces.

(c) The proposed building will occupy 94% of the site, including all portions of the existing alley proposed to be closed. Accordingly, there will be no need for the alley upon completion of the proposed development.

(d) A permanent version of this legislation will have first reading on June 6, 2017 and will be considered by the Council on second reading on June 27, 2017. Making the closing effective sooner than congressional review would otherwise allow will enable the project to proceed without the risk of delay.

ENROLLED ORIGINAL

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Closing of a Public Alley in Square 2960, S.O. 15-53893, Emergency Act of 2017 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

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

REVISED

NOTICE OF PUBLIC HEARING AND ROUNDTABLE ON

**B22-257, the District of Columbia Green Finance Authority Act of 2017;
PR22-261, the Sense of the Council Reaffirming the District's Commitment to
Climate Change Action Resolution of 2017; and
PR22-356, Sense of the Council Regarding the Paris Agreement on Climate Change
Resolution of 2017**

Friday, July 14, 2017 at 11:00 a.m.
in Room 500 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On Friday, July 14, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, will hold a public hearing on B22-257, the District of Columbia Green Finance Authority Act of 2017 and PR22-261, the Sense of the Council Reaffirming the District's Commitment to Climate Change Action Resolution of 2017; and a roundtable on PR22-356, the Sense of the Council Regarding the Paris Agreement on Climate Change Resolution of 2017. The hearing and roundtable will take place concurrently and begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

B22-257, the District of Columbia Green Finance Authority Act of 2017, would establish a green bank as an instrumentality of the District government to provide public investment in and assistance with financing of projects supporting energy efficiency, clean energy, and stormwater management. The bill also establishes a fund to be used by the green bank, authorizes the bank to issue bonds, and establishes a board of directors to manage the bank. PR22-261, the Sense of the Council Reaffirming the District's Commitment to Climate Change Action Resolution of 2017, would reaffirm the District's commitment to continued and expanding its efforts to reduce its contribution to climate change and its effects on District residents. PR22-356, the Sense of the Council Regarding the Paris Agreement on Climate Change Resolution of 2017, would declare that the Council commits to working with the Executive to meet the goals of the Paris Agreement on climate change and that the District to join coalitions of other jurisdictions working cooperatively to meet the goals of the Paris Agreement.

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

their testimony. Witnesses should bring eight copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 28, 2017.

This notice has been revised to include a roundtable on PR22-365, the the Sense of the Council Regarding the Pairs Agreement on Climate Change Resolution of 2017.

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

NOTICE OF PUBLIC ROUNDTABLE ON

Summer Modernizations of District of Columbia Public Schools

July 13, 2017 at 11:00 a.m.
in Room 412 of the John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington, DC 20004

On July 13, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember David Grosso, Chairperson of the Committee on Education, will hold a joint public roundtable to discuss the Department of General Services (“DGS”) summer modernizations of District of Columbia Public Schools (“DCPS”) school facilities. The roundtable will begin at 11:00 in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of the roundtable is to review the District’s school modernization plans for the summer for the over 20 schools currently undergoing modernization. The roundtable will also review modernizations over the fall of 2016 and spring of 2017.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 27, 2017

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR
COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT
KENYAN R. MCDUFFIE, CHAIR

NOTICE OF PUBLIC ROUNDTABLE ON

The Revitalization of Cleveland Park's Commercial Corridor

July 12, 2017 at 6:00 p.m.
at the University of the District of Columbia Student Center
4200 Connecticut Ave., NW, Washington, DC 20008

On July 12, 2017, Councilmember Mary M. Cheh, Chairperson of the Committee on Transportation and the Environment, and Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Business and Economic Development, will hold a joint public roundtable to discuss the revitalization of Cleveland Park's commercial corridor. The roundtable will begin at 6:00 p.m. at the University of the District of Columbia Student Center, 4200 Connecticut Avenue, N.W.

Recently, the Cleveland Park commercial corridor has experienced a loss of store fronts and there is a general sense that the area is in need of revitalization. The purpose of the roundtable is to hear from government officials, businesses, residents, and various stakeholders about the problems as they see them and their ideas for renewing the vitality of the corridor.

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

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Benjamin at the following address: Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. Statements may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on July 26, 2017.

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

B22-343, Commission on the Arts and Humanities Temporary Amendment Act of 2017 and **B22-363**, Southwest Waterfront Exemption Temporary Amendment Act of 2017 were adopted on first reading on June 27, 2017. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on July 11, 2017.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22-52 Request to reprogram \$520,000 of Fiscal Year 2017 Local funds budget authority from the Child and Family Services Agency (CFSA) to the Department of Behavioral Health (DBH) (360,000) and the Department of Youth Rehabilitation Services (DYRS) (\$160,000) was filed in the Office of the Secretary on June 21, 2017. This reprogramming ensures that DBH will be able to obtain a new Mobile Assessment and Referral Center van and DYRS will be able to fund improvements to the New Beginnings Youth Development Center.

RECEIVED: 14 day review begins June 22, 2017

Reprog. 22-53 Request to reprogram \$700,000 of Fiscal Year 2017 Special Purpose Revenue funds budget authority within the Department of Housing and Community Development (DHCD) was filed in the Office of the Secretary on June 21, 2017. This reprogramming ensures that DHCD will be in compliance with the current grant agreement with the Greater Washington Urban League and be able to provide critical services to District government employees who are eligible to become first-time homebuyers in the District of Columbia through the EHAP program.

RECEIVED: 14 day review begins June 22, 2017

Reprog. 22-54

Request to reprogram \$525,471 of Fiscal Year 2017 Local funds budget authority within the Office of the Chief Medical Examiner (OCME) (\$425,471) and from OCME to the Pay-As-You-Go (Paygo) Capital Fund (\$100,000) was filed in the Office of the Secretary on June 21, 2017. This reprogramming ensures that OCME will be able to establish a Capital Facilities Renovation and Upgrades program (CFRUP); purchase additional supplies, furniture, and equipment; perform new information technology (IT) projects; fund employee training; and support Facilities' Architecture and Furniture design efforts.

RECEIVED: 14 day review begins June 22, 3017

Reprog. 22-55

Request to reprogram \$1,200,281 of Fiscal Year 2017 Local funds budget authority within the Office of the Chief Technology (OCTO) was filed in the Office of the Secretary on June 21, 2017. This ensures that OCTO will be to perform the migration and roll out of Microsoft Office 365, a major IT project targeted for completion before the end of the current fiscal year, and cover the costs of Ironport, a security software license.

RECEIVED: 14 day review begins June 22, 3017

Reprog. 22-56

Request to reprogram \$2,000,000 of Fiscal Year 2017 Local funds budget authority within the Fire and Emergency Medical Services Department (FEMS) was filed in the Office of the Secretary on June 22, 2017. This ensures that FEMS has adequate funding to support ongoing fleet maintenance and repair needs for ambulances, pumpers, trucks, and other emergency response unit vehicles.

RECEIVED: 14 day review begins June 23, 3017

Reprog. 22-57

Request to reprogram \$1,941,152 of Capital funds budget authority and allotment within the Department of General Services (DGS) was filed in the Office of the Secretary on June 22, 2017. The reprogramming is necessary to support various small capital improvement projects, and will close out work and cost overruns, due to unforeseen conditions, at the Engine Companies 16 and projects.

RECEIVED: 14 day review begins June 23, 3017

Reprog. 22-58 Request to reprogram \$800,000 of Fiscal Year 2017 Local funds budget authority within the Department of Youth Rehabilitation Services (DYRS) was filed in the Office of the Secretary on June 27, 2017. The reprogramming ensures that DYRS will be initiatives that align with strategic priorities, including the replacement of security cameras at the New Beginnings Youth Development Center and Youth Services Center.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-59 Request to reprogram \$1,000,000 of Fiscal Year 2017 Local funds budget authority within the Department of Human Services (DHS) was filed in the Office of the Secretary on June 27, 2017. The reprogramming ensures that funds will be available to support Family Services Administration households experiencing homelessness.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-60 Request to reprogram \$200,000 of Pay-As-You-Go (Paygo) Capital funds budget authority and allotment from the Department of Parks and Recreation (DPR) to the Local funds budget of the Department of General Services (DGS) was filed in the Office of Secretary on June 27, 2017. The reprogramming is needed to fund various computer lounge upgrades for DPR recreation centers.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-61 Request to reprogram \$2,800,000 of Capital funds budget authority and allotment within the District of Columbia Public Schools (DCPS) was filed in the Office of the Secretary on June 27, 2017. The reprogramming is necessary to fund portions of the Login Elementary School modernization capital project, which is scheduled for work over the summer.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-62

Request to reprogram \$1,905,212 of Capital funds budget authority and allotment within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on June 27, 2017. The reprogramming is needed to continue alley construction in FY 2017.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-63

Request to reprogram \$1,500,000 of Fiscal Year 2017 Local funds budget authority within the Office of Unified Communication (OUC) was filed in the Office of the Secretary on June 27, 2017. The reprogramming is needed to support programmatic initiatives that will enhance both the 911 and 311 service delivery.

RECEIVED: 14 day review begins June 28, 2017

Reprog. 22-64

Request to reprogram \$10,334,527 of Fiscal Year 2017 Local funds budget authority within the Department of Health Care Finance (DHCF) was filed in the Office of the Secretary on June 27, 2017. The reprogramming ensures that DHCF will be able to support DC Access System contracts and audits and properly align personal services costs.

RECEIVED: 14 day review begins June 28, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 30, 2017
Protest Petition Deadline: August 14, 2017
Roll Call Hearing Date: August 28, 2017
Protest Hearing Date: October 25, 2017

License No.: ABRA-106444
Licensee: 3301, Inc.
Trade Name: Chapter 2
License Class: Retailer's Class "C" Restaurant
Address: 3301-3305 12th Street, N.E.
Contact: Dinesh Tandon: 202-460-7431

WARD 5 ANC 5B SMD 5B04

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 Roll Call Hearing date on August 28, 2017 at 10 a.m., 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 October 25, 2017 at 4:30 p.m.

NATURE OF OPERATION

A new restaurant serving Indian cuisine. Seating capacity of 100 inside. Total Occupancy Load of 120. Summer Garden with 20 seats. The restaurant will not include Entertainment, Dancing or Cover Charge.

HOURS OF OPERATION INSIDE PREMISES

Sunday through Thursday 8 am – 12 am, Friday and Saturday 8 am – 2 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION INSIDE PREMISES

Sunday through Thursday 11 am – 12 am, Friday and Saturday 11 am – 2 am

HOURS OF OPERATION IN THE OUTDOOR SUMMER GARDEN

Sunday through Saturday 8 am – 12 am

HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION IN THE OUTDOOR SUMMER GARDEN

Sunday through Saturday 11 am – 12 am

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

Placard Posting Date: June 23, 2017
Protest Petition Deadline: August 7, 2017
Roll Call Hearing Date: August 21, 2017
Protest Hearing Date: October 18, 2017

License No.: ABRA-105767
Licensee: 46 Hospitality, LLC
Trade Name: **Jackie Lee's
License Class: Retailer's Class "C" Tavern
Address: 116 Kennedy Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 4

ANC 4B

SMD 4B08

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 **Roll Call Hearing date on August 21, 2017 at 10 a.m., 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 **October 18, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A Retailer's Class "C" Tavern that will be serving American foods along with alcoholic beverages with a Total Occupancy Load of 163 seats. Offering Live Entertainment. Sidewalk Café with a seating capacity of 40.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 11:00 am - 2:00 am, Monday through Thursday 5:00 pm- 2:00 am, Friday 5:00 pm – 3:00 am, Saturday 11:00 am – 3:00 am

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

Sunday 11:00 am - 12:00 am, Monday through Friday 5:00 pm – 12:00 am, Saturday 11:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: June 30, 2017
Protest Petition Deadline: August 14, 2017
Roll Call Hearing Date: August 28, 2017
Protest Hearing Date: October 25, 2017

License No.: ABRA-106618
Licensee: Supra, LLC
Trade Name: Supra
License Class: Retailer's Class "C" Restaurant
Address: 1013 M Street, N.W.
Contact: David Taylor: (202) 546-1536

WARD 2

ANC 2F

SMD 2F07

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 **Roll Call Hearing date on August 28, 2017 at 10 a.m., 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 **October 25, 2017 at 1:30 p.m.**

NATURE OF OPERATION

New Class "C" Restaurant serving Georgian food and offering alcoholic beverages. Total Occupancy Load of 126.

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

Sunday 10:00 am – 12:00 am, Monday through Thursday 11:30 am – 12:00 am, Friday 11:30 am – 1:00 am, Saturday 10:00 am – 1:00 am

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

Placard Posting Date: June 23, 2017
Protest Petition Deadline: August 7, 2017
Roll Call Hearing Date: August 21, 2017
Protest Hearing Date: October 18, 2017

License No.: ABRA-105767
Licensee: 46 Hospitality, LLC
Trade Name: **TBD
License Class: Retailer's Class "C" Tavern
Address: 116 Kennedy Street, N.W.
Contact: Andrew Kline: (202) 686-7600

WARD 4

ANC 4B

SMD 4B08

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 **Roll Call Hearing date on August 21, 2017 at 10 a.m., 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 **October 18, 2017 at 1:30 p.m.**

NATURE OF OPERATION

A Retailer's Class "C" Tavern that will be serving American foods along with alcoholic beverages with a Total Occupancy Load of 163 seats. Offering Live Entertainment. Sidewalk Café with a seating capacity of 40.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES, SERVICE AND CONSUMPTION FOR INSIDE PREMISES

Sunday 11:00 am - 2:00 am, Monday through Thursday 5:00 pm- 2:00 am, Friday 5:00 pm – 3:00 am, Saturday 11:00 am – 3:00 am

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

Sunday 11:00 am - 12:00 am, Monday through Friday 5:00 pm – 12:00 am, Saturday 11:00 am – 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARING

1:30 P.M. – 3:30 P.M., WEDNESDAY, AUGUST 9, 2017

FRANK D. REEVES MUNICIPAL CENTER
ALCOHOLIC BEVERAGE CONTROL BOARD HEARING ROOM
2000 14TH STREET, N.W., SUITE 400 SOUTH, 4TH FLOOR
WASHINGTON, D.C. 20009

The Alcoholic Beverage Control Board (Board) will hold a hearing to receive public comment on its proposal to permanently amend the Civil Penalty Schedule located in 23 DCMR § 800. Proposed amendments to the Civil Penalty Schedule include:

- Incorporating new infractions and penalties, including those passed by the Council for the District of Columbia in the Omnibus Alcoholic Beverage Regulation Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-260);
- Changing the tier for certain infractions from “primary to secondary” or “secondary to primary”;
- Allowing the Board to issue discretionary warnings for infractions that are not presently eligible for receiving a warning; and
- Correcting D.C. Official Code and DCMR citations.

The Board will adopt these rules on a permanent basis following 30 days of publication in the *D.C. Register* and upon approval from the Council of the District of Columbia. Review complete details of the proposal in the Notice of Emergency and Proposed Rulemaking.

HEARING INFORMATION

WHEN: 1:30 p.m. on Wednesday, August 9, 2017

WHERE: Alcoholic Beverage Control Board Hearing Room, 2000 14th Street, N.W., Suite 400 South,
4th Floor, Washington, D.C. 20009

Individuals and representatives of organizations that want to testify should contact ABRA General Counsel Martha Jenkins by **Friday, August 4, 2017:**

- Call - (202) 442-4456
- Email - abralegal@dc.gov
(include full name, title, and organization, if applicable, of the person(s) testifying in the email)

Witnesses should bring six (6) copies of their written testimony to the Board. Testimony may be limited to five minutes in order to permit each person an opportunity to be heard.

Members of the public that are unable to testify in person are encouraged to provide written comments, which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Friday, August 18, 2017**, at ABRA's mailing address or e-mail address stated above.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING**

TIME AND PLACE: **Thursday, September 14, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 14-11D (Text Amendment to Subtitle A § 301 – 11 DCMR (Vesting Provision for Z.C. Case No. 14-11B))

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (OP), in a report dated May 12, 2017, petitioned the Zoning Commission for the District of Columbia (Commission) to amend § 301 of Subtitle A of Title 11 DCMR to add a limited exception to 11-A DCMR § 301 4, which provides that development rights do not vest until a building permit is issued.

This limited exception concerns building permit applications that were filed and accepted as complete by the Department of Consumer and Regulatory Affairs (DCRA) on or before March 27, 2017 that proposed the construction of a rear wall of an attached or semi-detached building in an R-2, R-3, R-13, R-17, R-20, or RF zone that would extend farther than ten feet (10 ft.) beyond the farthest rear wall of an adjoining principal residential building on an adjoining property. March 27th is the date that the Commission took final action to adopt a rule prohibiting such construction without a special exception.

That prohibition became effective upon the publication Z.C. Order No. 14-11B on April 28, 2017. Thus, in accordance with Subtitle A § 301.4, any pending building permit application proposing such construction in the above-reference zones could no longer go forward without a redesign or special exception. The Department of Consumer and Regulatory Affairs reported that at least twenty (20) such applications were filed and accepted as complete on or before March 27, 2017, and several had already received zoning clearance. The proposed rule would permit such applications to be processed if not substantially changed after filing.

At its regular public meeting held May 22, 2017, the Commission adopted the limited exception on an emergency basis, authorized the publication of a combined Notice of Emergency and Proposed rulemaking, and set down this case for a public hearing.

The Notice of Emergency and Proposed Rulemaking also appears in this edition of the *D.C. Register*. Because the proposed amendment is to Subtitle A, which is part of the Commission's Administrative Regulations (*See* 11 DCMR § 200.3), no referral to the National Capital Planning Commission will be made. Therefore, once this hearing is concluded, all of the prerequisites for the Commission to take final action on this rule will have been met.

¹ This case was previously scheduled for September 7, 2017.

The following amendment to the Administrative Regulations is proposed:

Title 11 DCMR, ZONING REGULATIONS OF 2016, is amended as follows:

A new § 301.14 is added to § 301, BUILDING PERMITS, of Chapter 3, ADMINISTRATION AND ENFORCEMENT, of Title 11-A, AUTHORITY AND APPLICABILITY, to read as follows

301.14 Notwithstanding Subtitle A § 301.4, Subtitle D §§ 306.3, 306.4, 706.3, 706.4, 1006.2, 1006.3 1206.3, and 1206.4, and, Subtitle E §§ 205.4 and 205.5, a rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property provided that the building permit application for such construction was filed and accepted as complete by the Department of Consumer and Regulatory Affairs on or before March 27, 2017 and not substantially changed after filing.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of Subtitle Z, Chapter 5.

How to participate as a witness.

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

Time limits.

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

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

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

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

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

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

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

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

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗?如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለሚተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አዎንት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

OFFICE OF THE CITY ADMINISTRATOR

NOTICE OF FINAL 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 of the following amendment 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 rulemaking revises 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 discernible from a property other than the property on which the sign is located, and to regulate such signs in the same manner as exterior signs under Appendix N.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on August 26, 2016 at 63 DCR 11000. One comment was received during the public comment period. The commenter stated that the proposed rule would make many current signs in the District out of conformance; would generate confusion for landlords and sign companies in trying to determine whether changes in sight lines from construction would bring the regulation into play, raising potential enforceability issues; and would muddle the distinction between exterior and interior signs. The commenter recommended that if the rulemaking were to move forward, the clauses regarding writing that is legible, or an image that is clearly discernible, from property other than the property on which the sign is located should be removed. The Office of the City Administrator ("Office") determined that no change to the proposed rule should be made based on the comment. Removal of the clause recommended by the commenter would vitiate the purpose of the rulemaking, which is to regulate certain interior signs with writing that is legible, or an image that is clearly discernible, from public property, such as streets and sidewalks. Moreover, the agency does not agree with the commenter's statement that the proposed rule would make many current signs in the District out of conformance. If a sign was lawfully permitted and lawfully constructed before the effective date of the emergency rulemaking referenced above (July 12, 2016), and continued to lawfully exist as of that date, it would not be considered unlawful because of this rulemaking. (However, if a permit renewal or a new permit is required for an existing sign (for example, because of a modification to the sign), the sign might then be required to comply with the standards in the rulemaking, depending on the rules in effect at that time.) Further, the Office believes that the rule is understandable and enforceable as written, and any questions a landlord or sign company may have regarding a specific sign can be addressed through conversations with the code official or the code official's staff. Finally, the rulemaking makes no changes in the distinction between interior and exterior signs, but rather regulates certain interior signs in the same manner as exterior signs are regulated. No changes have been made to the text of the rule as proposed.

The Council of the District of Columbia approved the rules in Proposed Resolution 22-34, Signs Appendix Amendment Approval Resolution of 2016, deemed approved on January 18, 2017. The initial emergency rulemaking was extended through a second emergency rulemaking

adopted on November 4, 2016, and published in the *D.C. Register* on that date at 63 DCR 13718, and a third emergency rulemaking was published March 3, 2017 at 64 DCR 2407. These rules were adopted as final on June 27, 2017 and will become effective upon publication of this notice in the *D.C. Register*.

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.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in § 302(14) of the District of Columbia Health Occupations Revision Act of 1985 (“Act”), effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor’s Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-95; 63 DCR 2203 (February 26, 2016)), hereby gives notice of the adoption of amendments to Chapter 82 (Physical Therapy Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to amend the physical therapy assistant regulation to include the new requirement for continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”), in accordance with § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

The rulemaking was published in the *D.C. Register* as a proposed rulemaking on April 14, 2017 at 64 DCR 3536. No comments were received and there has been no change to the rule as proposed. This rule was adopted as final on June 14, 2017 and will be effective upon publication of the notice in the *D.C. Register*.

Chapter 82, PHYSICAL THERAPY ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 8206, CONTINUING EDUCATION REQUIREMENTS, is amended to read as follows:

8206 CONTINUING EDUCATION REQUIREMENTS

- 8206.1 Subject to § 8206.2, this section shall apply to applicants for the renewal, reactivation, or reinstatement of a license.
- 8206.2 This section shall not apply to applicants for an initial license or applicants for the first renewal of a license.
- 8206.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Board in accordance with § 8207.
- 8206.4 To qualify for the renewal of a license, an applicant shall have completed thirty (30) hours of approved continuing education credit during the two (2)-year period preceding the date the license expires. Beginning with the licensure period starting on February 1, 2019, the required thirty (30) hours of continuing education shall also include two (2) hours of LGBTQ continuing education.

- 8206.5 Beginning with the licensure period ending January 31, 2015, not more than one-half (1/2) of the total number of hours of continuing education required for renewal, reinstatement, or reactivation of a license may be obtained from online courses, home study, or any distance education.
- 8206.6 To qualify for reactivation of a license, a person in inactive status within the meaning of section 511 of the Act (D.C. Official Code § 3-1205.11) who does not possess a valid, active physical therapy assistant license in any jurisdiction of the United States shall submit proof of having completed, within one (1) year prior to the submission of the reactivation application, fifteen (15) hours of approved continuing education for each year that the applicant was in inactive status up to a maximum of seventy-five (75) hours and two (2) hours of LGBTQ continuing education .
- 8206.7 To qualify for reactivation of a license, a person in inactive status within the meaning of Section 511 of the Act (D.C. Official Code 3-1205.11) who maintains a valid, active license in another jurisdiction of the United States shall establish his or her current competency to the Board's satisfaction, which may include proving completion of approved continuing education within a period of no more than five (5) years preceding the date of the reactivation application. An applicant under this subsection shall also complete two (2) hours of LGBTQ continuing education.
- 8206.8 To qualify for reinstatement of a license, an applicant shall submit proof of having completed, no more than two (2) years before the date of the reinstatement application, fifteen (15) hours of approved continuing education credit for each year that the applicant was not licensed in the District and two (2) hours of LGBTQ continuing education.
- 8206.9 Except as provided in § 8206.10, an applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification by the sponsor of completion, by signature or stamp.

- 8206.10 Applicants for the renewal of a license shall only be required to prove completion of the required continuing education credits by submitting proof pursuant to § 8206.9 if required to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 8206.11 The Board may periodically conduct a random audit of licensees to determine compliance with the continuing education requirements. A licensee who is selected to participate in the Board’s continuing education audit shall, within thirty (30) days after receiving notice of the selection, submit proof of having completed the required continuing education credits during the two (2)-year period immediately preceding the date the license expires.

Section 8299, DEFINITIONS, is amended as follows:

Subsection 8299.1 is amended as follows:

The following definition is added before the definition of “Applicant”:

Act – the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code §§ 3-1201 *et seq.* (2016 Repl.)).

The following definition is added before the definition of “Physical therapist”:

LGBTQ continuing education – continuing education focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5) (2016 Repl.)).

The following definition is added after the definition of “Practice of physical therapy”:

Valid, active license – a license to practice physical therapy in any jurisdiction that is currently valid and has been valid during the relevant period.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**AND****Z.C. ORDER NO. 08-06J****Z.C. Case No. 08-06J****(Text Amendment – 11 DCMR)****(Minor Modifications to Zoning Commission Order No. 08-06A)****June 12, 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 Rep1.)), hereby gives notice of its adoption of amendments to Subtitles B (Definitions, Rules of Measurement, and Use Categories); C (General Rules); D (Residential House (R) Zones); G (Mixed-Use (MU) Zones); K (Special Purpose Zones); and X (General Procedures) of Title 11 (Zoning Regulations of 2016) 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 became effective on September 6, 2016.

A full explanation for the corrections and modifications proposed may be found in the Office of Planning (OP) report, which appears as Exhibit 1 in this case, and which may be accessed on the Office of Zoning website at <http://dcoz.dc.gov>.

A Notice of Proposed Rulemaking was published in the April 28, 2017 edition of the *D.C. Register* at 64 DCR 4070. The notice included a proposed amendment to the definition of “Flat, residential,” which is codified at 11-B DCMR § 100.2. Although OP first recommended the amendment, it later rescinded that recommendation in a supplemental report. However, because the Commission’s initial deliberations did not specifically address the issue, the proposed amendment was published. At its regularly scheduled public meeting held May 8, 2017, the Commission expressly stated that it agreed with OP’s supplemental report and therefore authorized the publication of a revised notice without the proposed amendment. That revised notice was published in the May 19, 2017 edition of the *D.C. Register* at 64 DCMR 4782 for a fourteen (14) day comment period.

The Commission received three comments in response to the notices, all of which concerned the following proposed amendment to the definition of “lot occupancy” in Subtitle B.

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings ~~and structures~~ on the lot.

The comments noted that OP’s basis for the amendment was to conform the definition with rules of measurement for lot occupancy set forth in 11-B DCMR §§ 312.1 and 312.2, which did not include the phrase “and structures.” The comments noted that the reasons those rules of measurement did not contain the phrase was because it had been removed through an earlier

amendment recommended by OP in the mistaken belief the phrase did not appear in the definition.

Regardless of the origins of the original amendment, the Commission concludes that the use of the phrase “or structures” in the definition was erroneous. Both the definition of “percentage of lot occupancy” in the 1958 Zoning Regulations and the current definition of “lot occupancy” reference “building area” as the basis for the calculation, and both the 1958 and current definitions of “building area” define the term as the “maximum horizontal projected area of a principal building and its accessory buildings.” Structures are not mentioned.

Adding structures to the calculation of lot occupancy would represent a fundamental change to the computation. The legislative history of the current Zoning Regulations includes no suggestion that the Commission intended to authorize such a drastic change and the absence of the phrase “and structures” from the former and current definitions of “building area” bolsters the Commission’s view that the use of the phrase in the definition and rules of measurement for lot occupancy was likely a drafting error.

The Commission therefore concluded that the proposed amendment to the definition of “lot occupancy” was technical in nature and therefore made no changes to this or any of the other amendments published in the revised notice of proposed rulemaking.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

Title 11-B DCMR, DEFINITIONS, RULES OF MEASUREMENT, AND USE CATEGORIES, is amended as follows:

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

The definition of “Lot Occupancy” is amended to read as follows:

Lot Occupancy: The percentage of the total area of a lot that is occupied by the total building area of all buildings on the lot.

Title 11-C DCMR, GENERAL RULES, is amended as follows:

Chapter 3, SUBDIVISION, is amended as follows:

Subsections 304.4 and 304.5 of § 304, RULES OF MEASUREMENT FOR LOT WIDTH, are deleted, and new §§ 303.4 and 303.5 of § 303, LOT FRONTAGE, are added to include the former subsection’s text as follows:

303 LOT FRONTAGE

...

303.4 Each new lot being created to be used and occupied by a single dwelling unit or flat building, shall have a street frontage measured along the street lot line a distance equal to at least forty percent (40%) of the required minimum width of lot and in no case less than fourteen feet (14 ft.).

303.5 Each new lot being created to be used and occupied by an apartment house shall have a street frontage measured along the street line a distance of not less than thirty feet (30 ft.).

304 RULES OF MEASUREMENT FOR LOT WIDTH

...

304.4 [DELETED]

304.5 [DELETED]

Chapter 7, VEHICLE PARKING, is amended as follows:

Paragraph (a) of § 702.3 of § 702, EXEMPTIONS FROM MINIMUM PARKING REQUIREMENTS, is amended to read as follows:

702.3 Vehicle parking shall not be required:

- (a) For a detached single dwelling unit, a semi-detached single dwelling unit, an attached single dwelling unit, rowhouse, or flat within the R and RF zones, if the lot does not have access to an open, improved, and public alley with a right of way of ten feet (10 ft.) width minimum;

...

Subparagraphs (1) and (5) of paragraph (b) of § 710.2 of § 710, LOCATION RESTRICTIONS, is amended to read as follows:

710.2 Vehicle parking spaces shall be located:

...

- (b) On an open area of the lot, except:
 - (1) Between a building restriction and a front lot line;
- ...
- (5) Within all R and RF zones of, any surface parking lot for more than ten (10) parking spaces shall be located a minimum of six feet (6 ft.) from any property line, with the space between the surface

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

parking lot and the property line providing landscaping and screening consistent with Subtitle C §§ 714 and 715.

Chapter 15, PENTHOUSES, is amended as follows:

Subparagraph (2) of paragraph (c) of § 1502.1 of § 1502, PENTHOUSE SETBACKS, is amended as follows:

1502.1 Penthouses, screening around unenclosed mechanical equipment, rooftop platforms for swimming pools, roof decks, trellises, and any guard rail on a roof shall be setback from the edge of the roof upon which it is located as follows:

...

(c) A distance equal to its height from the side building wall of the roof upon which it is located if:

(1) ...

(2) In the R-1 through R-3 and RF zones, it is on any building not described in Subtitle C § 1502.1(c)(1) that is:

...

The introductory paragraph of § 1504.1 of § 1504, RELIEF TO PENTHOUSE REQUIREMENTS, is amended as follows:

1504.1 Relief to the requirements of Subtitle C §§ 1500.6 – 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:

...

Title 11-D DCMR, RESIDENTIAL HOUSE (R) ZONES, is amended as follows:

Subsection 1203.4 through 1203.7 of § 1203, HEIGHT, of Chapter 12, GEORGETOWN RESIDENTIAL HOUSE ZONES – R-19 AND R-20, are renumbered to eliminate a duplicative § 1203.4 and the renumbered § 1203.5 is amended as follows:

1203.4 In R-19 and R-20 zones, and 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.

1203.5- In R-19 and R-20 zones, any ~~parapet~~, pergola, railing, or similar roof structure, or penthouse shall not exceed the permitted building height by more than four feet (4 ft.).

1203.6 An institutional building or structure may be erected to a height no 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 foot of height in excess of that authorized in the zone in which it is located.

1203.7 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.).

Title 11-G DCMR, MIXED-USE (MU) ZONES, is amended as follows:

Chapter 3, MIXED-USE ZONES – MU-1 AND MU-2, is amended as follows:

Subsections 305.1 and 305.2 of § 305, REAR YARD, are amended to read as follows:

305.1 A minimum rear yard of 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 wall, but not less than twelve feet (12 ft.) shall be required above a horizontal plane as described in Subtitle G § 305.2 in the MU-1 and MU-2 zones.

305.2 A horizontal plane may be established at twenty feet (20 ft.) above the mean finished grade at the middle of the rear of the structure for the purposes of measuring rear yards.

...

Title 11-K DCMR, SPECIAL PURPOSE ZONES, is amended as follows:

Chapter 2, SOUTHEAST FEDERAL CENTER ZONES - SEFC-1 THROUGH SEFC-4, is amended as follows:

Paragraph (b) of § 203.1 of § 203, HEIGHT (SEFC-1), is amended to read as follows:

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) ...

(b) For a site within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to Subtitle K § 202.1, the maximum permitted building height shall be that permitted by the Height Act.

Chapter 5, CAPITOL GATEWAY ZONES - CG-1 THROUGH CG-7, is amended as follows:

Subsection 504.8 of § 504, DEVELOPMENT STANDARDS (CG-4), is amended by deleting its current text and replacing it with new text so that it reads as follows:

- 504.8 For the CG-4 zone, a rear yard is required only for residential uses. If required, the rear yard shall be:
 - (a) A minimum 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 wall, but not less than twelve feet (12 ft.) shall be provided;
 - (b) Established no lower than the first level of residential use; and
 - (c) Measured as follows:
 - (1) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
 - (2) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

Subsection 505.7 of § 505, DEVELOPMENT STANDARDS (CG-5), is amended as follows:

- 505.7 A minimum rear yard of twelve feet (12 ft.) shall be provided for residential use in the CG-5 zone, in accordance with the following conditions:
 - (a) Where a lot abuts an alley, the rear yard may be measured from the center line of the alley to the rear wall of the building or other structure; and
 - (b) Where a lot does not abut an alley, the rear yard shall be measured from the rear lot line to the rear wall of the building or other structure.

...

Title 11-X DCMR, GENERAL PROCEDURES, is amended as follows:

Chapter 3, PLANNED UNIT DEVELOPMENTS, is amended as follows:

Subsection 304.3 of § 304, PLANNED UNIT DEVELOPMENT EVALUATION STANDARDS, is amended to read as follows:

304.3 In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.

Subsections 1001.3 and 1001.4 of § 1001, VARIANCE TYPES, of Chapter 10, VARIANCES, are amended to read as follows:

1001.3 Examples of area variances are requests to deviate from:

...

(e) The prohibition against certain enlargements and additions to nonconforming structures as stated at Subtitle C § 202; and

...

1001.4.1 A use variance is a request to permit:

...

(c) An expansion of a nonconforming use prohibited by Subtitle C § 204.

On January 30, 2017, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took action to **APPROVE** publication of the proposed rulemaking at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve.).

On May 8, 2017, upon the motion of Commissioner Turnbull, as seconded by Commissioner Shapiro, the Zoning Commission took action to **APPROVE** publication of a revised proposed rulemaking for a shortened period at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller, not present, not voting).

On June 12, 2017, upon the motion of Commissioner Shapiro, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 30, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING**AND****Z.C. ORDER NO. 08-06K****Z.C. Case No. 08-06K****(Text Amendment – 11 DCMR)****(Minor Modifications to Zoning Commission Order No. 08-06A)****June 12, 2017**

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 Rep1.)), hereby gives notice of its adoption of amendments to Subtitle U (Use Permissions) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR), as technical corrections to the amendments made by Z.C. Order No. 08-06A (Order). That Order, which took the form of a Notice of Final Rulemaking, adopted comprehensive amendments to the Zoning Regulations that became effective on September 6, 2016.

The proposed amendments correct an inadvertent omission of a child/elderly development center and an adult day treatment facility as matter of right uses in the Residential Flats (RF) zones. The uses had been permitted as a matter of right in the R-4 zone, which was re-designated as RF zones as of effective date of the Zoning Regulations of 2016. The provision in Residential Apartment (RA) zones that permits these same uses is also proposed to be amended so that both the RF and RA provision will be similarly stated.

A Notice of Proposed Rulemaking was published in the May 5, 2017 edition of the *D.C. Register* at 64 DCR 4247. No comments were received and no changes were made to the text as proposed.

The amendments shall become effective upon publication of this notice in the *D.C. Register*.

Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

Subsection 301.1 of § 301, MATTER-OF-RIGHT USES (RF), of Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is amended by adding new paragraphs (m) and (n) and to make conforming changes to paragraphs (k) and (l) as follows:

301.1 The following uses shall be permitted as a matter of right in an RF zone subject to any applicable conditions:

...¹

(k) Medical care uses;

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

- (l) A multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587, or 2589, in existence as of December 14, 2015 with a valid certificate of occupancy, or a building permit application for a multiple dwelling that was officially accepted by DCRA as being complete prior to December 14, 2015, provided that the multiple dwelling shall not be expanded in gross floor area, lot occupancy, number of stories, building height, penthouse height, or number of units. Said multiple dwelling, however, may be repaired, renovated, remodeled, or structurally altered;
- (m) Child/elderly development center located in a building that was built as a place of worship and that has been used continuously as a place of worship since it was built; provided, that all of the play space required for the use by the licensing regulations shall be located on the same lot on which the center or facility is located; and
- (n) Child/elderly development center or adult day treatment facility, provided, that the use shall be limited to no more than sixteen (16) individuals, not including staff.

Subsection 401.1 of § 401, MATTER-OF-RIGHT USES (RA), of Chapter 4, USE PERMISSIONS RESIDENTIAL APARTMENT (RA) ZONES, is amended by revising its first sentence and paragraph (c) as follows:

401.1 The following uses shall be permitted as a matter of right in an RA zone subject to any applicable conditions:

...

- (c) Child/Elderly development center or adult day treatment facility provided, that the use shall be limited to no more than twenty-five (25) individuals not including staff;

...

On February 13, 2017, upon the motion of Commissioner Turnbull, as seconded by Commissioner May, the Zoning Commission took action to **APPROVE** publication of the proposed rulemaking at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve.).

On June 12, 2017, upon the motion of Chairman Hood, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 30, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer (CPO) of the District of Columbia, pursuant to the authority set forth in Sections 204 and 1106 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code §§ 2-352.04 and 2-361.06 (2016 Repl.)) (the “Act”), hereby gives notice of the intent to adopt the following rulemaking to add a new Chapter 30 (Inherently Governmental Functions) to Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (DCMR).

This rulemaking implements Sections 3(a)(1), 3(a)(2), and 3(f), of the Procurement Integrity Transparency, and Accountability Amendment Act of 2015 (PITAAA), effective October 8, 2016 (D.C. Law 21-158; D.C. Official Code §§ 2-351.04 (34A), (37B), and 2-352.05a (2016 Repl.)) that prohibits contracting for services that are inherently governmental functions, and establishes standards procedures for acquiring services closely associated with an inherently governmental function. This rulemaking is necessary to provide legal certainty to contracting officers, programmatic staff, and other stakeholders regarding District procurement.

The CPO gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 30, INHERENTLY GOVERNMENTAL FUNCTIONS, is added to Title 27 DCMR, CONTRACTS AND PROCUREMENT, to read as follows:

CHAPTER 30 INHERENTLY GOVERNMENTAL FUNCTIONS

3000 GENERAL PROVISIONS

3001 INHERENTLY GOVERNMENTAL FUNCTIONS

3002 FUNCTIONS CLOSELY ASSOCIATED WITH AN INHERENTLY GOVERNMENTAL FUNCTION

3003 WAIVER

3004 [RESERVED]

3005 [RESERVED]

3006 [RESERVED]

3099 DEFINITIONS

3000 GENERAL PROVISIONS

3000.1 The contracting officer shall not award a contract or otherwise obligate the District for any service that is an inherently governmental function.

3000.2 The contracting officer may award a contract for the performance of a function closely associated with an inherently governmental only if the head of a using agency benefited by the performance of the contract:

- (a) Finds that appropriate District government employees cannot reasonably perform the function at issue;
- (b) Ensures that appropriate District government employees supervise contractor performance of the contract and perform all inherently governmental functions under the contract; and
- (c) Addresses any organizational conflict of interest of the contractor in the performance of the functions closely associated with an inherently governmental function under the contract.

3001 INHERENTLY GOVERNMENTAL FUNCTIONS

3001.1 An inherently governmental function involves, among other things, the interpretation and execution of the laws of the District to:

- (a) Bind the District to take or not to take some action by contract, policy, regulation, authorization, order, or otherwise;
- (b) Appoint, direct, or control officials or employees of the District;
- (c) Approve District government policy;
- (d) Approve the final selection or non-selection of individuals for District government employment;
- (f) 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;
- (g) With respect to contracts to procure goods or services for the District:
 - (1) Determine what supplies or services are to be acquired by the District, and at what prices; provided, that the Director or his or her designee may give a contractor authority to acquire supplies for the District at prices within specified ranges or quantities and subject to other reasonable conditions considered appropriate;
 - (2) Participate as a voting member on any source-selection board, unless the contractor has:
 - (A) Been hired by the District for its specific technical expertise; and
 - (B) No conflict of interest exists with regard to the contract or vendors under consideration by the source-selection board.

- (3) Approve any contractual documents, to include documents defining requirements, incentive plans, and evaluation criteria;
 - (4) Award contracts;
 - (5) 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;
 - (6) Terminate contracts;
 - (7) Determine whether contract costs are reasonable, allocable, or allowable; or
 - (8) 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.
- (h) Make a final adjudication in a civil or criminal proceeding;
 - (i) Collect, control, and disburse fees, royalties, fines, taxes, and other public funds, unless authorized by law; and
 - (j) Direct the conduct of criminal investigations.

3001.2 Inherently governmental functions do not normally include, among other things, services that involve or relate to:

- (a) Gathering information for or providing advice, opinions, recommendations, or ideas to District government employees or officials;
- (b) Budget preparation, including activities such as workload modeling, fact finding, efficiency studies, and cost analyses;
- (c) Government reorganization and planning activities;
- (d) Conducting analyses or feasibility studies, or providing strategy options to be used by agency personnel in developing policy;
- (e) Developing regulations;
- (f) Supporting acquisition planning;

- (g) Evaluating contract proposals, participating as a technical advisor to a source selection board, or serving as a nonvoting member of a source selection board;
- (h) Supporting contract management;
- (i) Developing statements of work;
- (j) Supporting agency responses to Freedom of Information Act requests, provided that such support is primarily technical or administrative in nature and does not involve making final decisions about document release or production;
- (k) Providing information regarding agency policies or regulations, such as attending conferences on behalf of an agency, conducting community relations campaigns, or conducting agency training courses;
- (l) Providing alternative dispute resolution services such as arbitration or mediation;
- (m) Inspection services;
- (n) Providing legal advice and interpretations of regulations and statutes to District officials;
- (o) Representing the District as outside litigation counsel, bond counsel, or disclosure counsel, or in any legal proceedings, provided that District or an instrumentality thereof retains final decision-making authority on all dispositive matters;
- (p) Special non-law enforcement, security activities that do not directly involve criminal investigations, such as prisoner detention or transport and non-military national security details;
- (q) Routine voucher and invoice examination; and
- (r) Functions that are primarily ministerial and internal in nature, such as building security, mail operations, operation of cafeterias, housekeeping, facilities operations and maintenance, warehouse operations, motor vehicle fleet management operations, or other routine electrical or mechanical services.

3002**FUNCTIONS CLOSELY ASSOCIATED WITH AN INHERENTLY GOVERNMENTAL FUNCTION**

3002.1 Functions closely associated with inherently governmental functions include services that involve or relate to:

- (a) The evaluation of another contractor’s performance when the evaluation is not to be used to determine whether payment should be made to the contractor and in what amount;
- (b) The approval of final contract documents; and
- (c) The use of or access to confidential information or proprietary information.

3003 WAIVER

3003.1 The Director may waive compliance with any of the requirements of this chapter for any contract in effect on October 8, 2016, and for any option period exercised under such contract, so long as the option period was provided for in the contract as of October 8, 2016.

3003.2 Notwithstanding § 3003.1 of this chapter, the requirements of this chapter shall apply to any contract or option period in effect on October 8, 2021.

3004 [RESERVED]

3005 [RESERVED]

3006 [RESERVED]

3099 DEFINITIONS

3099.1 The following terms used in this chapter shall have the following meanings ascribed:

Confidential information – any information which is available to an employee of the District of Columbia only because of the employee’s status as an employee of the District of Columbia and is not a matter of public knowledge or available to the public upon request.

Director – the Director of the Office of Contracting and Procurement or the District of Columbia Chief Procurement Officer.

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 D.C. Official Code § 2-352.05a.

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 D.C. Official Code § 2-352.05a.

Proprietary information – information, including trade secrets, data, formulas, patterns, compilations, programs, devices, methods, techniques, or processes, which have the following characteristics:

- (a) The information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; or
- (b) The information is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Using agency – any subordinate or independent agency, department, board, commission, employee, or instrumentality of the District government that utilizes any supplies, services, or construction procured pursuant to the Act and subject to the regulations promulgated thereunder.

All persons desiring to comment on the subject matter of this proposed rulemaking should submit comments, in writing, to the Chief Procurement Officer, 441 4th Street N.W., 700 South, Washington, D.C. 20001. Comments may be sent by email to OCPRulemaking@dc.gov or may be submitted by postal mail or hand delivery to the address above. Comments must be received no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be obtained at the same address.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, (“Department”), pursuant to the authority set forth in Section 19(a) of the District of Columbia Pharmacist and Pharmacy Regulation Act of 1980, effective September 16, 1980 (D.C. Law 3-98; D.C. Official Code § 47-2885.18(a) (2015 Repl.)); Mayor’s Order 98-48, dated April 15, 1998; Section 4902 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 (2012 Repl.)); and Mayor’s Order 2007-63, dated March 8, 2007, hereby gives notice of her intent to adopt the following amendment to Chapter 19 (Pharmacies) of Subtitle B (Public Health and Medicine) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The purpose of this rulemaking is to codify the minimum temperature at which the sink in a pharmacy’s dispensing and compounding area shall provide hot running water, and to clarify that the pharmacy’s dispensing and compounding area must include soap or detergent that can be dispensed from a dispenser.

The Director hereby gives notice of her intent to adopt this amendment, in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Chapter 19, PHARMACIES, of Title 22-B DCMR, PUBLIC HEALTH AND MEDICINE, is amended as follows:

Section 1907, PHYSICAL STANDARDS, is amended as follows:

Subsection 1907.4 is amended as follows:

Paragraph (g) is amended to read as follows:

- (g) Have a sink and goose-neck faucet within the dispensing and compounding area for the immediate access and use of all pharmacy personnel, maintained in a sanitary condition, which shall provide hot running water no less than one hundred and ten degrees Fahrenheit (110° F) (forty-three and one-third degrees Celsius (43.3° C)), cold running water, and shall include:
 - (1) Soap or detergent from a dispenser; and
 - (2) Air-driers or single-use towels.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002.

Copies of the proposed rules may be obtained between the hours of 8:15 a.m. and 4:45 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF PROPOSED RULEMAKING**
RULEMAKING 3-2014-01 – UTILITY CONSUMER BILL OF RIGHTS

1. The Public Service Commission of the District of Columbia (“Commission”), pursuant to its authority under D.C. Official Code §§ 2-505 (2016 Repl.) and 34-802 (2012 Repl.), hereby gives notice of its intent to adopt the following amendments to Chapter 3 (Consumer Rights and Responsibilities) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”), commonly referred to as the “Consumer Bill of Rights” (“CBOR”).

The proposed rules clarify various requirements for Energy Suppliers.

The Commission shall take final rulemaking action not less than forty-five (45) days after publication of this notice in the *D.C. Register*.

Chapter 3, CONSUMER RIGHTS AND RESPONSIBILITIES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 308, USE OF CUSTOMER’S INFORMATION, is amended as follows:

- 308.1 An Applicant or a Customer need not disclose his or her Social Security number to the Utility, Energy Supplier, or Telecommunications Service Provider to obtain or maintain service. Upon requesting a Customer’s Social Security account number, the Utility, Energy Supplier, or Telecommunications Service Provider shall inform the Customer that the provision of the number is voluntary and will not affect the provision of service to that Customer
- 308.3 Unless a Customer consents in writing, Utility, Energy Supplier or Telecommunications Service Provider may not disclose or use information that is about the Customer or the Customer’s use of service except to the Commission. The Utility, Energy Supplier, or Telecommunications Service Provider shall reasonably protect the confidentiality of customer information.
- 308.4 The restrictions in §§ 308.2 and 308.3 above do not apply to lawful disclosures for bill collection, credit rating reports, or to assist Customers who have had, or may have, their service involuntarily disconnected. It shall be the responsibility of the Utility, Energy Supplier or Telecommunications Service Provider to obtain and maintain the written consent to disclose or use information about the Customer or the Customer’s use of service. A Customer’s shall be made available to the Commission upon request.

Section 309, PRIVACY PROTECTION POLICY, is amended as follows:

- 309.1 Each Utility, Energy Supplier or Telecommunications Service Provider shall institute a Privacy Protection Policy to protect against the unauthorized disclosure or use of information about a Customer or a Customer's use of service. A copy of that Policy shall be made available through electronic means or a hardcopy to the Customer and to the Commission.

Section 310, GROUNDS FOR DISCONNECTION, is amended as follows:

- 310.3 Disconnection of natural gas or electric utility service for non-payment of bills, failure to post a cash Security Deposit, or failure to comply with the terms of a DPA where natural gas or electricity is used as the primary source of heating the residence is prohibited:
- (a) During the day preceding and the day of a forecast when the National Weather Service forecast for the District of Columbia is ninety-five (95°) degrees Fahrenheit or above or of thirty-two (32°) degrees Fahrenheit or below during any time of a day as based on National Weather Service (NWS) actual temperature forecasts and National Weather Service (NWS) wind chill factor and heat index temperature forecasts; or
 - (b) During the day preceding and the day of a forecast when the National Weather Service forecast for the District of Columbia is ninety-five (95°) degrees Fahrenheit or above or of thirty-two (32°) degrees Fahrenheit or below during a holiday or weekend as based on National Weather Service (NWS) actual temperature forecasts and National Weather Service (NWS) wind chill factor and heat index temperature forecasts.

Section 321, PUBLICATION OF CONSUMER PAMPHLET, is amended as follows:

- 321.1 Each Utility, Energy Supplier, and Telecommunications Service Provider shall prepare a consumer pamphlet in English and Spanish in layman's terms summarizing the rights and responsibilities of Customers in accordance with these and other applicable rules. Prior to distribution, the Utility, Energy Supplier, or Telecommunication Service Provider shall provide the Commission and OPC with a copy of the consumer pamphlet. OPC shall submit any comments on the consumer pamphlet to the Commission and to the Utility, Energy Supplier, and Telecommunication Service Provider within ten (10) business days. If the Commission does not reject or otherwise act on the pamphlet within thirty (30) days of its filing, the consumer pamphlet shall be deemed approved.

Section 325, FORMAL HEARING PROCEDURES, is amended as follows:

- 325.3 If a review of the Formal Complaint by the Hearing Officer determines that the Complainant is solely requesting monetary damages or compensatory relief, the

Office of General Counsel shall issue an order dismissing the case with prejudice for failure to state a claim upon which relief may be granted and for lack of jurisdiction by the Commission.

- 325.4 The Commission shall provide notice of the hearing by personal service, by first-class mail or other technological means, as authorized by the Commission, to the Customer and the Customer's Designated Representative and to the Utility, Energy Supplier or Telecommunications Service Provider. Service shall be made by first-class mail postage prepaid at least fourteen (14) days prior to the hearing date unless the parties agree on a shorter time. The notice shall also state that in the event that the Complainant fails to attend a scheduled hearing without evidence of good cause, the hearing officer may dismiss the Complaint with prejudice. The hearing officer may reschedule any hearing to a date or time agreed upon by the parties or, upon notice and for good cause shown, at the request of any party.
- 325.5 A party requesting a second continuance will be required to provide good cause for the continuance. If the party is the Complainant and he or she does not provide good cause, as determined by the hearing officer, the Complaint may be dismissed, with prejudice. If the party is a Utility, Energy Supplier or Telecommunications Service Provider and it fails to provide good cause, the matter may be heard, without continuance. The hearing officer may, at his or her discretion, postpone or adjourn a hearing for reasonable cause. If a hearing is continued, adequate notice shall be provided to the parties.
- 325.6 In the event the Complainant fails to attend any scheduled hearing without good cause, the hearing officer may dismiss the Complaint with prejudice.
- 325.7 In the event a Utility, Energy Supplier or Telecommunications Service Provider fails to attend a scheduled hearing without good cause, the hearing officer may hear evidence and render a decision.
- 325.8 Upon a reasonable request from each other, the parties shall, within the timeframe prescribed in Chapter 1 of Title 15, provide all information they have that is relevant to the matters at issue in the Complaint including relevant documents, Account data, files and the names of witnesses. Nothing herein shall preclude a party from filing a request or motion to compel responses to information requests.
- 325.9 Parties may examine any relevant records of the Commission. However, information deemed to be confidential may be reviewed in a manner that is consistent with the Commission's Rules of Practice and Procedure.
- 325.10 On any issue or procedure where Chapter 3 of Title 15 is silent, the hearing officer may at his or her discretion utilize Chapter 1 of Title 15 regulations as appropriate.

- 325.11 Parties may represent themselves or be represented by counsel, conservator, legal guardian or someone with power of attorney. If a Complainant proceeds *pro se*, the hearing officer may construe the pleadings liberally. If it appears to the hearing officer that a party appearing without an attorney should be represented by an attorney, the hearing officer shall suggest that the party secure counsel or contact the Office of the People's Counsel concerning representation and allow a reasonable time to secure such representation.
- 325.12 Parties shall have the right to present evidence, call witnesses, and present written and oral argument.
- 325.13 Witnesses shall testify under oath, and the parties shall have the right to examine and cross-examine all witnesses.
- 325.14 The hearing officer may, in his or her discretion, limit any line of questioning, testimony and the time for argument.
- 325.15 Unless otherwise ordered by the hearing officer, the Complainant's witnesses shall testify first, followed by the Utility's, Energy Supplier's or Telecommunications Service Provider's witnesses. A reasonable opportunity will be afforded all parties to present rebuttal evidence.
- 325.16 The hearing officer may elicit testimony from any witness regarding the issue(s) in dispute.
- 325.17 The hearing officer has the obligation, especially when a Complainant is not represented by counsel, to ensure that all material facts are developed to the fullest extent consistent with his or her responsibility to preside impartially throughout the proceeding.
- 325.18 The formal rules of evidence shall not apply, but the hearing officer shall exclude irrelevant or unduly repetitious evidence.
- 325.19 Parties may stipulate to any facts, and such stipulation shall be put into evidence.
- 325.20 All proceedings shall be recorded or transcribed by a certified court reporter. The transcriptions shall be made available promptly to any party upon request, at the party's expense.

Subsection 326.2 of Section 326, DECISION AND APPEALS, is amended to read as follows:

- 326.2 Complaints requesting monetary damages as the sole form of relief shall be dismissed with prejudice by the hearing officer for failure to state a claim upon which relief may granted and for lack of jurisdiction by the Commission.

Section 327, CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS, is amended to read as follows:

327 CUSTOMER PROTECTION STANDARDS APPLICABLE TO ENERGY SUPPLIERS

- 327.1 This section sets forth billing, Deposit, Enrollment, Termination of Contract, supplier switching, advertising and minimum Contract standards that apply to Energy Suppliers, Marketers, Aggregators, and Consolidators licensed to provide competitive electric and gas services by the Public Service Commission of the District of Columbia. If a Customer has a Complaint about an alleged violation of this section, the Complaint procedures in § 320 of these regulations shall apply.
- 327.2 An Energy Supplier may not engage in a marketing, advertising, Solicitation or trade practice that is unlawful, misleading, or deceptive as set forth in D.C. Official Code § 28-3904.
- 327.3 An Energy Supplier shall not engage in Cramming.
- 327.4 An Energy Supplier shall not engage in Slamming.
- 327.5 Any prohibition regarding the disclosure of Account status and Customer information should not preclude Energy Suppliers from obtaining or providing Account status and Customer information for acquisition or sale of a book of business as long as the review of such information during a proposed acquisition or sale is subject to confidentiality agreements.
- 327.6 Energy Suppliers must maintain documentation to substantiate any advertisement of energy supply that contains specific environmental claims. Such documentation shall be made available, upon request, through a hard copy or other technological means.
- 327.7 Any Solicitation of energy supply that contains any specific offering to a residential Customer must at a minimum include the following in writing:
- (a) The Energy Supplier's name, address, telephone number, and web site address, if applicable;
 - (b) The Energy Supplier's District of Columbia license number in a clear and conspicuous manner;
 - (c) The price offered for natural gas supply or electricity supply could be fixed or variable in nature. An explanation of a variable rate should indicate that:
 - (1) A variable price may be based on market conditions; and

- (2) There is no limit to the amount of the increase to a variable price; and
- (3) The amount of your monthly bill based on a variable price could increase substantially from the amount of the initial introductory price;
- (d) A statement that the advertised price is only for the specified natural gas supply or electricity supply and does not include any additional tax, Utility Distribution Service Charge, or other Utility fee or Charge;
- (e) Any minimum Contract duration necessary to obtain an advertised price;
- (f) A statement of minimum use requirements, if any; and
- (g) If the advertisement offers several services and does not break out individual prices for the services, the following disclaimer must accompany the advertisement: “Disclaimer: This offer includes several services at a single price. You should compare this price to the total of the prices you currently pay for each of the individual services.”

327.8 An electricity supply or natural gas supply Contract with a Customer shall, at a minimum, contain the following material terms and conditions:

- (a) A list and description of the Contract services;
- (b) A statement of minimum use requirements, if any;
- (c) A description of any time of use restrictions, including the time of day or season;
- (d) A price description of each service, including all fixed and variable costs;
- (e) A notice that the Contract does not include Utility Charges;
- (f) A billing procedure description;
- (g) In the case of consolidated billing, a notice that the Customer acknowledges that Customer billing and payment information may be provided to the Energy Supplier;
- (h) A statement of Contract duration, including initial time period and any rollover provision;
- (i) A Deposit requirement, if any, including: the amount of the Deposit; a description of when and under what circumstances the Deposit shall be

returned; a description of how the Deposit may be used; and a description of how the Deposit shall be protected;

- (j) A description of any fee or Charge and the circumstances under which a Customer may incur a fee or Charge;
- (k) A statement that the customer may rescind the contract within three (3) business days from the start of the Rescission Period;
- (l) A statement that the Energy Supplier may terminate the Contract early including the circumstances under which early cancellation by the Energy Supplier may occur; the manner in which the Energy Supplier shall notify the Customer of the early cancellation of the Contract; the duration of the notice period before early cancellation; remedies available to the Customer if early cancellation occurs;
- (m) A statement that the Customer may terminate the Contract early including the circumstances under which early cancellation by the Customer may occur; the manner in which the Customer shall notify the Energy Supplier of the early cancellation of the Contract; the duration of the notice period before early cancellation; and remedies available to the Energy Supplier if early cancellation occurs; and the amount of any early cancellation fee;
- (n) A statement describing Contract renewal procedures, if any;
- (o) A dispute resolution procedure;
- (p) The Commission's telephone number and website address; and
- (q) The Office of the People's Counsel's telephone number and website address.

327.9 If an Energy Supplier receives a request from a Customer not to receive any Solicitations from that solicitor, the Energy Supplier shall no longer contact the Customer. If an Energy Supplier receives a request from a Customer not to receive a particular type of Solicitation from that solicitor, which includes but not limited to, in-person Solicitation, telephone Solicitation, electronic Solicitation or any form of mail or post card by the solicitor, the Energy Supplier shall not use that type of solicitation with that customer in the future.

327.10 Nothing in these regulations shall affect the applicability of any Federal or District telephone Solicitation and consumer protection laws and regulations including, but not limited to, the fines and penalties thereunder for violation of such laws and regulations. Any Energy Supplier soliciting customers by telephone shall comply with all applicable District and federal laws, including the Telephone Consumer Protection Act of 1991 (15 USC §§ 6151 *et seq.*) and the

Telemarketing Consumer Fraud and Abuse Prevention Act of 1994 (15 USC §§ 6101 *et seq.*).

- 327.11 There are three (3) principal ways in which a residential Customer may enter into a Contract with an Energy Supplier:
- (a) Through a recorded verbal consent via the telephone solicitation;
 - (b) Electronic contract; or
 - (c) Written contract.
- 327.12 An Energy Supplier may not use “negative option contracts,” in which Contracts are created if the Customer takes no action. Therefore, an Energy Supplier may not enter into a Contract with a Customer if the Customer simply refrains from action.
- 327.13 If a Customer wishes to enter into a Contract with an Energy Supplier, the Energy Supplier may request from the Customer the following information, by telephone, in writing, or Internet or other technological means:
- (a) The customer’s name;
 - (b) Billing address;
 - (c) Service address;
 - (d) Electronic mail address;
 - (e) Telephone number;
 - (f) Utility Account and any other number designated by the utility as necessary to process an enrollment;
 - (g) Employment information; and
 - (h) Usage information.
- 327.14 An Energy Supplier may ask for additional information beyond that specified in Subsection 327.13 only after first informing the Customer of his or her right not to provide such information.
- 327.15 An Energy Supplier shall advise a Customer that he/she has the right to rescind the Contract agreement within a three (3) business day period and that the Rescission Period begins on one of the following dates:

- (a) When the Customer signs the Contract;
- (b) When a positive Third-Party Verification or electronic recording has been made;
- (c) When the Customer transmits the electronic acceptance of the Contract electronically; or
- (d) If the Contract is mailed by the Energy Supplier to the Customer, when the Contract is received by the Customer. There shall be a rebuttable presumption that a Contract correctly addressed to a Customer with sufficient first class postage attached shall be received by the Customer three (3) days after it has been properly deposited in the United State mail.

327.16

FOR A TELEPHONE SOLICITATION: Telephone Solicitations shall be made only between the hours of 9 a.m. and 9 p.m. If a residential Customer is solicited to enter into a contract by telephone, whether the Energy Supplier or its authorized agent first contacts the Customer or the Customer calls the Energy Supplier or its authorized agent in response to a direct mail solicitation, the Energy Supplier or its authorized representative shall:

- (a) Begin the conversation by accurately stating the following:
 - (1) His or her name;
 - (2) The name of the business or organization calling;
 - (3) The nature of the call, *i.e.*, a Solicitation;
 - (4) A brief description of the subject-matter being solicited; and
 - (5) An offer to the Customer to hear the full Solicitation.
- (b) Describe the rates, terms, and conditions of the Contract:
- (c) Arrange to have the Customer's intent to contract with the Energy Supplier independently verified. To verify a residential Customer's intent to Contract with an Energy Supplier by telephone, an Energy Supplier must utilize either:
 - (1) An Independent Third-Party telephone verification; or
 - (2) An automated, computerized system; or

- (3) An electronic recording of the entire conversation between the Customer and the Energy Supplier which the Energy Supplier shall maintain for three (3) years.

327.17 All verifications performed pursuant to Subsection 327.16 shall be required to ask the Customer the following questions:

- (a) “Are you the Customer of record?”
- (b) “Did you agree to switch your natural gas supply service or electric supply service to [New Supplier]?” and
- (c) “Is [Customer’s address] your correct address?” or “Is [Customer’s Utility Account number] your correct Utility Account number?”

327.18 Once the Customer’s Contract choice is verified by an Independent Third-Party Verifier or an electronic recording is made and the Energy Supplier has verified the customer’s account with the Utility, the Energy Supplier shall, within five (5) business days from the day the Customer agreed telephonically to Contract with the Energy Supplier, provide to the Customer via U.S. mail or electronic mail a complete written Contract. At this time the Energy Supplier shall also explain and provide notice of the Customer’s rescission rights.

327.19 Once a positive verification has been obtained or an electronic recording has been made, and a written contract has sent to the customer, and after the rescission period has expired, the Energy Supplier shall transmit the Enrollment transaction to the Natural Gas or the Electric Utility, whichever is appropriate.

327.20 FOR AN INTERNET SOLICITATION: The Energy Supplier may post on its website an electronic version of its solicitation for the supply of natural gas or electricity. The electronic solicitation shall include:

- (a) An electronic application form for the Customer to enter into a Contract for the supply of natural gas or electricity;
- (b) An electronic version of the actual Contract;
- (c) Instructions on how the Customer may rescind the Contract; and
- (d) A link to the Commission’s website to obtain the applicable rules and regulations governing the relationship between the Customer and the Energy Supplier.

327.21 After the Customer completes the electronic application form and electronically accepts the Contract terms and conditions, the Customer has three a (3) business

day Rescission Period from the completed online Contract authorization date to rescind his or her Contract.

327.22 Upon receipt of the Customer's electronic application and electronic acceptance of the Contract terms and conditions and after the Rescission Period has expired, the Energy Supplier shall transmit the enrollment transaction to the Natural Gas Utility or the Electric Utility, whichever is appropriate.

327.23 FOR HOME SOLICITATIONS: Home solicitations shall be limited to the hours between 9 a.m. and sunset. During a home Solicitation, the Energy Supplier or its authorized agent shall:

- (a) Present the Customer with a photo identification card that identifies the name of the person making the solicitation and the name of the Energy Supplier that he or she is representing;
- (b) Begin the conversation by stating the following:
 - (1) The name of the business or organization;
 - (2) The nature of the visit, *i.e.*, a Solicitation;
 - (3) A brief description of the subject matter being solicited;
 - (4) Ask the customer if he/she would like to hear the full Solicitation;
- (c) Present the Customer with a complete copy of the written or electronic Contract being offered and obtain the Customer's consent consistent with one of the methods described in Subsection 327.11;
- (d) Obtain either an Independent Third-Party telephone verification of the Customer's intent. Include a statement in the Contract under the conspicuous Caption "BUYER'S RIGHT TO CANCEL" which states: "If this agreement was solicited at or near your residence, and you do not want the goods or services, you may cancel this agreement by mailing a notice to the seller. The notice must say that you do not want the goods or services and must be mailed before midnight on the third business day after you signed this agreement. This notice must be mailed to: (name and address of seller)."; and
- (e) After the Rescission Period has expired, transmit the enrollment transaction to the Natural Gas Utility or the Electric Utility, whichever is appropriate.

327.24 FOR DIRECT MAIL SOLICITATIONS: If a residential Customer is solicited at home through a direct mail solicitation by an Energy Supplier, the Energy

Supplier shall follow the solicitation and contracting requirements in Subsections 327.7 and 327.8, respectively, and Subsections 327.13 and 327.14 with respect to telephone solicitation if the customer calls the Energy Supplier or its authorized representative in response to the direct mail solicitation.

- 327.25 In the event of a dispute over the existence of a Contract, the Energy Supplier shall bear the burden of proving the Contract's existence.
- 327.26 When using any of the permitted forms of solicitation, the Energy Supplier shall provide the Customer with a notification of his or her right to rescind the Contract pursuant to Subsection 327.15.
- 327.27 Upon completion of the Customer's electronic enrollment request and after the Recession Period has expired, the Energy Supplier shall transmit the enrollment transaction to the Natural Gas Utility or Electric Utility, whichever is appropriate.
- 327.28 For purposes of these rules, the electronic submission of the application to contract with the Energy Supplier constitutes an "electronic signature" and an executed Contract.
- 327.29 The Electric Utility shall accept the last Enrollment submitted by an Energy Supplier. If the Customer submits an electronic application and electronic Contract, the Energy Supplier shall acknowledge the Customer's submission with a Confirmation of receipt of the electronic enrollment within twenty-four (24) hours of receipt.
- 327.30 It is the responsibility of the Energy Supplier to provide its website address to the Natural Gas Utility or Electric Utility and the Natural Gas Utility or Electric Utility shall include a link to the Energy Supplier's website on its website.
- 327.31 For electronic contracting, the Energy Supplier's website shall allow the Customer to print or save a copy of the Contract.
- 327.32 During the electronic enrollment procedure, each web screen shall clearly display a "Cancel" icon enabling the Customer to terminate the Enrollment transaction at any time. In addition, the cancellation feature shall be clearly explained to the Customer at the beginning of the electronic enrollment process.
- 327.33 At the completion of the electronic enrollment process, and at the end of the three (3) business day Rescission Period, the Energy Supplier, at the Customer's request, shall provide a secure website location or a telephone number where the Customer can verify that he or she has been enrolled in the Energy Supplier's program.

- 327.34 All online transactions between Energy Suppliers and Customers shall be encrypted using Secure Socket Layer (SSL) or similar encryption standards to ensure the privacy of Customers information consistent with Subsection 309.1.
- 327.35 The Electric Utility shall transfer a Customer to a competitive electricity supplier in no later than 3 business days after receiving the notice of an enrollment transaction from the competitive electricity supplier. The Electric Utility shall transfer a customer to Standard Offer Service in no later than 3 business days after receiving the Customer's request.
- 327.36 Not less than seven (7) days before the first day of the next month each Energy Supplier shall provide to the Natural Gas Utility a list of new Customers to be supplied by that Energy Supplier beginning with the first day of the next month.
- 327.37 Once the Natural Gas Utility processes a Customer Enrollment from an Energy Supplier, the Natural Gas Utility shall not accept another Enrollment from any other Energy Supplier for that Customer until it receives notice of the Termination of the Customer's Contract.
- 327.38 Energy Suppliers must process all Customer cancellation requests within three (3) business days after receipt of the cancellation request.
- 327.39 The transmittal of an EDI Transaction by the Electric Supplier to the Electric Utility shall not occur until after the three (3) business day Rescission Period.
- 327.40 The transmittal of an enrollment transaction by the Gas Supplier to the Gas Utility shall not occur until after the three (3) business day Rescission Period.
- 327.41 Upon an Energy Supplier's Enrollment of a Customer, the Energy Supplier shall provide to the Customer, within a reasonable period of time the following:
- (a) A statement of Enrollment;
 - (b) A description of the agreed-upon billing option and the Company's billing date if applicable and if different from the Utility's; and
 - (c) Customer service information (including toll-free telephone number, mailing address, and dispute resolution process information).
- 327.42 The Customer shall notify the Energy Supplier, not the Utility, of his or her intent to rescind the Contract within the Rescission Period. If the Customer does not request to rescind their Contract within the three (3)-business day Rescission Period, the enrollment shall be considered effective. If the Customer notifies the Energy Supplier of his or her intent to rescind the Contract within the three (3)-business day Rescission Period, the Contract is deemed invalid and non-binding.

- 327.43 After the three (3)-business day Rescission Period expires and the Enrollment is processed by the Utility, the relationship between the Customer and the Energy Supplier shall be governed by the terms and conditions contained in the Contract.
- 327.44 An Energy Supplier shall provide the Customer with written notice of Contract expiration or termination at least thirty-five (35) days before the expiration or termination of the current Contract. The Energy Supplier's written expiration or termination notice shall include the following:
- (a) Final Bill payment instructions;
 - (b) A statement informing the Customer that unless the Customer selects a new Energy Supplier, Termination of Contract shall return the Customer to the Utility; and
 - (c) The Commission's telephone number and website address.
- 327.45 If an Energy Supplier's Contract provides for voluntary renewal of the Contract or for automatic renewal of the Contract (also known as an "Evergreen Contract"):
- (a) The Energy Supplier shall provide written notice to the Customer of the pending renewal of the Contract at least forty-five (45) days before the renewal is scheduled to occur;
 - (b) Written notice of any changes to the material terms and conditions (including, but not limited to, changes to the rate, the billing option or the Billing Cycle), shall be provided with or before the forty-five (45) day written notice. The notification of renewal and of any change in Contract terms shall be highlighted and clearly stated; and
 - (c) If the Contract is an Evergreen Contract, the forty-five (45) day written notice shall inform the Customer how to terminate the renewal of the Contract without penalty and advise the Customer that terminating the Evergreen Contract without selecting another Energy Supplier shall return the Customer to Natural Gas Sales Service or Electric Standard Offer Service. The written notice shall also inform the Customer that the Commission has additional information on the energy supply choices available to the Customer. The telephone number and website for the Commission shall be included in the written notice.
- 327.46 Within twenty-four (24) hours after making changes to its publically available current offers (as posted on the Commission's website), an Energy Supplier shall provide the Commission Secretary with information regarding the changes in its rates, charges and services that are being made so that the Commission has current information about the Energy Supplier.

- 327.47 An Energy Supplier shall post on its website current and understandable information about its rates, charges and services.
- 327.48 An Energy Supplier shall not conduct Meter readings unless the Energy Supplier has installed, owns, and reads metering equipment, consistent with the applicable Utility's tariff.
- 327.49 If an Energy Supplier's charges are based on usage, an Energy Supplier shall rely on the Meter reading (actual, estimated, or customer meter readings) provided to it by the respective Utility, unless the Energy Supplier has installed, owns, and reads metering equipment, consistent with the applicable Utility's tariff.
- 327.50 An Energy Supplier may, at the election of a Customer, bill a Customer in accordance with a level payment billing plan. If an Energy Supplier utilizes the billing services of a Utility, an Energy Supplier may use the level payment plan as part of the Utility's billing service. The Energy Supplier shall inform the Customer of this option and explain how the monthly payments are calculated. Prior to implementation of the level payment billing plan, the Energy Supplier shall provide the Customer with the following information in writing:
- (a) An acknowledgement that the Customer shall be on the level payment billing plan effective the next billing period;
 - (b) An estimate of the Customer's use on an annual basis and an explanation of how the monthly payment has been calculated;
 - (c) An indication that the final bill for the level payment billing plan effective period shall reflect the last level payment billing plan installment adjusted for any difference between actual and budgeted usage. Amounts overpaid shall be credited to the Customer's account or refunded, if requested by the Customer. Amounts underpaid that are equal to or greater than the monthly payment may be paid in up to three (3) monthly installments; and
 - (d) Final bills are issued when either a Customer account is closed or in the case of a Customer with an Energy Supplier, the supply contract is closed or changed. Any level payment billing plan in effect shall be reconciled upon rendering the final bill. Amounts underpaid shall be due within twenty (20) days of final bill rendering. Amounts overpaid shall be refunded or credited to the Customer's utility account within twenty (20) days of final bill rendering.
- 327.51 The Energy Supplier may perform a periodic analysis of a Customer's level payment billing plan and notify the Customer, within twenty-one (21) days thereafter, if actual usage varies significantly from that upon which the level payment billing plan was based and give the Customer an opportunity for revision of the level payment billing plan. If an Energy Supplier utilizes the billing

services of a Utility, the Customer may have an opportunity for revision of the level payment billing plan at the same time as the Utility allows under the Utility's level payment billing plan procedures or at a time designated by the Energy Supplier.

327.52 If the Customer enters into a Deferred Payment Agreement ("DPA") with the Utility pursuant to § 306, and the Energy Supplier utilizes the billing services of the Utility, the Utility may include the Energy Supplier's balance as part of its DPA.

327.53 Any Energy Supplier that violates this section, either directly or through its authorized agent, may be subject to Penalties and Sanctions, including license revocation, upon notice given by the Commission.

Section 399, DEFINITIONS, is amended as follows:

399.1 When used in this chapter, the following terms and phrases shall have the meaning ascribed:

Energy Supplier: a person, including an Electricity Supplier, Natural Gas Supplier, Aggregator, Broker, or Marketer, who generates or produces natural gas or electricity, sells natural gas or electricity, or purchases, brokers, arranges, or markets natural gas or electricity for sale to customers. The term applies to persons engaged in distributed generation. The term excludes the following: (A) building owners, lessees, or managers who manage the internal distribution system serving such building and who supply natural gas or electricity solely to occupants of the building for use by the occupants; (B)(i) any person who purchases natural gas or electricity for its own use or for the use of its subsidiaries or affiliates; or (ii) any apartment building or office building manager who aggregates natural gas or electric service requirements for his or her building(s), and who does not: (I) take title to natural gas or electricity; (II) market natural gas or electric services to the individually-metered tenants of his or her building; or (III) engage in the resale of natural gas or electric services to others; (C) property owners who supply small amounts of power, at cost as an accommodation to lessors or licensees or the property; and (D) a Consolidator.

Slamming (for Energy Suppliers): the practice of switching, or causing to be switched, a Customer's natural gas or electric supplier Account without the express authorization of the Customer.

2. All persons interested in commenting on the subject matter of this proposed rulemaking action may submit written comments and reply comments not later than thirty (30) and forty-five (45) days, respectively, after publication of this notice in the *D.C. Register* with Brinda

Sedgwick-Westbrook, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, DC 20005. Persons with questions concerning this Notice should call 202-626-5150. Copies of the proposed rules may be obtained by visiting the Commission's website at www.dcpssc.org or at cost, by contacting the Commission Secretary at the address provided above.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-146
June 21, 2017

SUBJECT: Delegation of Authority to the Deputy Mayor for Planning and Economic Development to Solicit Offers, Accept Unsolicited Offers, and Execute Certain Documents with Respect to the Land and Improvements Located at 925 13th Street, N.W., and known for taxation and assessment purposes as Lot 808 in Square 285 (the "**Property**")

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), section 1 of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211, D.C. Official Code § 10-801 *et seq.*) (2013 Repl. and 2016 Supp.); and section 1(c) 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(c)) (2016 Repl.), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development is delegated the authority to solicit offers, accept unsolicited offers, and execute on behalf of the District of Columbia any and all documents related to the disposition, development, or use of the Property, including, but not limited to, easements, license agreements, use agreements, lease agreements, right of entry agreements, covenants, and other associated documents and to take all actions necessary or useful for or incidental to the solicitation, disposition, and development of the Property.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order supersedes all previous Mayor's Orders to the extent of any inconsistency therein.

4. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* February 9, 2015.



MURIEL BOWSER
MAYOR

ATTEST:



LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

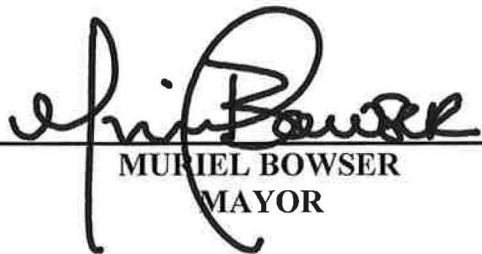
Mayor's Order 2017-147
June 26, 2017

SUBJECT: Appointment — Walter Reed Army Medical Center Site Reuse Advisory Committee

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 6a of the Walter Reed Army Medical Center Base Realignment and Closure Homeless Assistance Submission Approval Act of 2012, effective December 24, 2013, D.C. Law 20-61, D.C. Official Code § 10-1906 (2017 Supp.), it is hereby **ORDERED** that:

1. **CAROLINE KENNEY**, is appointed as the Master Developer's designee to the Walter Reed Army Medical Center Site Reuse Advisory Committee, to serve at the pleasure of the Mayor.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-148
June 26, 2017

SUBJECT: Appointments — Statewide Independent Living Council


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 93-148, dated September 29, 1993, it is hereby **ORDERED** that:

1. **DARREN E. MOORE** is appointed as a representative from private businesses and organizations that provide services for individuals with disabilities member of the Statewide Independent Living Council ("**Council**"), filling a vacant seat, for a term ending November 3, 2019.
2. **PHYLLIS PENDLETON** is appointed as an advocate of and for individuals with disabilities member of the Council, replacing Hedayati Siavosh, to serve the remainder of an unexpired term ending November 3, 2017, and for a new term to end November 3, 2020.
3. **DONNA WATTS** is appointed as an individual with a disability member of the Council, filling a vacant seat, for a term ending November 3, 2018.
4. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

OFFICE OF ADMINISTRATIVE HEARINGS**DISTRICT OF COLUMBIA COMMISSION ON SELECTION AND TENURE OF
ADMINISTRATIVE LAW JUDGES****NOTICE OF PUBLIC MEETING**

In accordance with D.C. Code § 2-576(1), the District of Columbia Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings (Commission) hereby gives notice that it will meet in order to consider the reappointment of five Administrative Law Judges. The members will vote to close a portion of the meeting pursuant to D.C. Code § 2-575(b)(10), which permits closed meetings in order to “discuss the appointment, employment, assignment, performance evaluation, compensation, discipline, demotion, removal, or resignation of government appointees, employees, or officials.”

The meeting will be held on Thursday, June 29, 2017 at 11:00 a.m. at the following location:

Office of Administrative Hearings
441 Fourth Street NW, Suite 450 North
Washington, DC 20001

For further information, please contact Shauntinique Steele at nikki.steele@dc.gov or 202-741-5303.

AGENDA

- I. Call to Order (Board Chair)**
- II. Roll Call**
- III. Consideration of the Reappointment of Administrative Law Judges**
 - a. Nicholas Cobbs**
 - b. Sharon Goodie**
 - c. Scott Harvey**
 - d. Mary Masulla**
 - e. Arabella Teal**
- IV. Vote to Close Remainder of Meeting Pursuant D.C. Code § 2-575(c)(1).**
- V. Discussion of Pending Personnel Issues and Scheduling for Next Meeting**
- VI. Adjournment (Board Chair)**

BRIDGES PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****The Literacy Lab**

Bridges Public Charter School intends to enter into a sole source contract with The Literacy Lab for tutors to be placed within the school. These tutors are serving as effective reading assistants specifically equipped to promote educational achievement.

- Bridges Public Charter School establishes the sole source with The Literacy Lab intended for the low cost and high quality initiatives in reading as a fundamental that will lead to student achievement.
 - For further information regarding this notice, contact bids@bridgespcs.org no later than **4:00 pm Wednesday, July 12, 2017**.

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****IT Services**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY 17-18

- IT Services

Proposals should be submitted in PDF format and for any further information regarding this notice to bids@bridgespcs.org no later than **4:00 pm Wednesday, July 12, 2017**.

BRIDGES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Payroll Services**

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY 17-18

- Payroll Services

Proposals should be submitted in PDF format and for any further information regarding this notice at bids@bridgespcs.org no later than **4:00 pm Wednesday, July 12, 2017**.

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

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

- **STEM Program for Kindergarten Students**
- **General Contractor Painting and Building Repair**
- **School Nurse**

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

Cedar Tree Academy will receive bids until Friday, July 14, 2017, no later than 2:00PM.

CENTER CITY PUBLIC CHARTER SCHOOLS
REQUEST FOR PROPOSALS

School Painting

Center City Public Charter Schools is soliciting proposals from qualified vendors for the following:

Center City PCS is interested in rebranding its Center City PCS – Trinidad Campus. As such, we are looking for a company to paint the entire building. The job would need to be completed no later than August 7, 2017, and as such would be considered a summer blitz.

To obtain copies of full RFPs, please visit our website: www.centercitypcs.org/contact/request-for-proposal. The full RFPs contain guidelines for submission, applicable qualifications, and deadlines.

Contact Person

Mr. Kelly Dickens
kdickens@centercitypcs.org

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION

NOTICE OF PUBLIC MEETING

District of Columbia - Board of Barber and Cosmetology
1100 4th Street SW, Room E-300, Washington DC 20024
Monday, July 10, 2017
AGENDA

1. **CALL to ORDER**- *10:00 a.m. (Public Session)*
2. **ATTENDANCE**
3. **COMMENTS** from the Public
4. **DRAFT MINUTES** – *June 5, 2017 - vote*
5. **CORRESPONDENCE**
6. **OLD BUSINESS**
 - A. Practitioners Forum Review – June 26, 2017
 - B. NIC 2017 Conference Dates (**August 3rd-7th**) Charleston, WV
 - C. NABBA Conference (**September 17th – 21st**) Charleston, SC
7. **NEW BUSINESS**
 - A. Body Art Practitioners Letter
8. **BOARD COMMITTEES**
 - A. Forum and Education Committee Meeting Planning and Meeting Dates
9. **EXECUTIVE SESSION - (CLOSED TO PUBLIC)**

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.
10. **FINAL RECOMMENDATIONS/ACTIONS**
11. **ADJOURN - vote**

Next Scheduled Regular Meeting is **Tuesday October 10, 2017 at 9am.**
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 Funeral Directors
1100 4th Street SW, Room E300
Washington, DC 20024**

MEETING AGENDA

**July 6, 2017
1:00 PM.**

1. Call to Order – 1:00 p.m.
2. Board Members and Staff
3. Comments from the Public
4. Draft Minutes, June 1, 2017
5. 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) (13) (14) to discuss complaints/legal matters, applications and legal counsel report.
6. Old Business
7. New Business
8. Adjourn
9. Next Scheduled Board Meeting – September 7, 2017 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
July 18, 2017**

1. Call to Order – 1:00 p.m.
2. Introduction of New Board Members
3. 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.
4. Attendance (Start of Public Session) – 2:20 p.m.
5. Comments from the Public
6. Minutes - Draft, May 2017
8. Recommendations
9. Old Business
10. New Business
11. Adjourn

Next Scheduled Regular Board Meeting, September 19, 2017 (August Recess)
1100 4th Street, SW, Room 300B, Washington, DC 20024

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OCCUPATIONAL AND PROFESSIONAL LICENSING DIVISION**

NOTICE OF PUBLIC MEETING

**District of Columbia Board of Professional Engineers
1100 4th Street SW, Room 380
Washington, DC 20024**

AGENDA

**July 27, 2017 ~ 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 17, 2017
Location: 1100 4th Street SW, Conference Room E300

**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

**July 19, 2017
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, June 28, 2017
7. Executive Session (Closed to the Public)
8. Old Business
9. New Business
10. Adjourn
11. Next Scheduled Board Meeting – September 20, 2017 at 10:00 a.m.

**D.C. DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

July 2017

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Grace Yeboah Ofori	Board of Accountancy	RECESS	8:30 am-12:00pm
Patrice Richardson	Board of Appraisers	19	8:30 am-4:00 pm
Patrice Richardson	Board Architects and Interior Designers	RECESS	8:30 am-1:00 pm
Andrew Jackson	Board of Barber and Cosmetology	10	10:00 am-1:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-8:30 pm
Sheldon Brown	Board of Funeral Directors	6	12:00pm-4:00 pm
Avis Pearson	Board of Professional Engineering	27	9:00 am-1:30 pm
Leon Lewis	Real Estate Commission	11	8:30 am-1:00 pm
Jennifer Champagne	Board of Industrial Trades	18	1:00pm-3:30 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**

NOTICE OF PUBLIC MEETING

**District of Columbia Real Estate Commission
1100 4th Street, S.W., Room 300
Washington, D.C. 20024**

AGENDA

July 11, 2017

1. Call to Order - 9:30 a.m. (Public Session)
2. Attendance (Public Session)
3. Executive Session (Closed to the Public) pursuant to the authority of D.C. Official Code Section 2-575(b)(4)(A) to seek the advice of counsel, D.C. Official Code Section 2-575(b)(9) to discuss disciplinary matters, and D.C. Official Code Section 2-775(b)(13) to deliberate upon a decision in an adjudication action or proceeding) – 9:30 am-10:00 am
 - A. Legal Committee Recommendations
 - B. Review – Applications for Licensure
4. (Public Session) – 10:00 a.m.
5. Comments from the Public
6. Minutes - Draft, June 13, 2017
7. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2017 Calendar
 - F. Correspondence
8. Old Business

Agenda – Real Estate Commission

Page Two

9. New Business

- A. Report – Real Estate Educators Association Annual Conference, Miami, Florida, June 23-26, 2017
- B. Report - Meeting with Councilmember Bonds – “Common Interest Community Manager Licensing Act of 2017”

10. Adjourn

Next Scheduled Regular Meeting, September 12, 2017
1100 4th Street, SW, Room 300B, Washington, DC 20024

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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**

NOTICE OF FINAL DETERMINATION

June 20, 2017

Address:	Square:	Lot:
2904 O Street, SE	5548	0013

The Department of Consumer and Regulatory Affairs (DCRA), has reviewed and **granted** a Special Exemption for the above property for real property tax years for 2007 (October 1, 2007 – September 30, 2008) and 2009 (October 1, 2008 – September 30, 2009) for the following reasons:

You provided sufficient evidence to support your extraordinary circumstances and hardship. Pursuant to D.C. Code §42-3131§.06 (b), Paragraph 5, “A vacant building shall be exempted by the Mayor in extraordinary circumstances and upon a showing of substantial undue economic hardship.

(B) The exemption may be granted for a period of up to 24 months, subject to renewal on the basis of continuing extraordinary circumstances and substantial undue economic hardship.”

DCRA will immediately notify the Office of Tax and Revenue (OTR) to reclassify the subject property as exempt or Class 1/Class 2.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION**ADVANCED NOTICE OF PROPOSED RULEMAKING****SPECIAL EDUCATION**

On Monday, June 26, 2017, the Office of the State Superintendent of Education (OSSE) posted an Advance Notice of Proposed Rulemaking (ANPR) providing draft proposed revisions to Chapter 30 (Special Education) in Title 5-E (Original Title 5 – Education) of the District of Columbia Municipal Regulations (DCMR) on the OSSE website at: <http://osse.dc.gov/service/policies-and-regulations>. The ANPR provides proposed revisions to the regulatory framework governing the education of students with disabilities in the District of Columbia.

To ensure an opportunity for the public to provide input prior to formal rulemaking, the ANPR will be posted for thirty (30) calendar days and open for public comment within the same period. The public comment period begins Monday, June 26, 2017 and will close Wednesday, July 26, 2017. A Notice of Proposed Rulemaking will be published in the District of Columbia Register thereafter, providing further opportunity for public comment prior to final adoption of the rules. All comments received will be taken into consideration as part of the proposed rulemaking process prior to final adoption of these rules. In addition, final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of the Notice of Proposed Rulemaking in the D.C. Register

Persons desiring to comment on the ANPR should file comments to the attention of Elisabeth Morse, Deputy Assistant Superintendent of Elementary, Secondary, and Specialized Education, via email at osse.publiccomment@dc.gov with the subject “ANPR – Special Education”, or via mail at 810 First Street, NE, 8th Floor, Washington, DC 20002.

Additionally, OSSE invites stakeholders to participate in a webinar providing an overview of the draft proposed regulations on Wednesday, July 12, 2017 at 10:00am. Please register for the webinar at: <https://register.gotowebinar.com/register/8022025125126805250>. For more information or questions regarding the ANPR, please contact Christie Weaver-Harris at Christie.Weaver-Harris@dc.gov.

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

The District of Columbia Board of Elections hereby gives notice that there are vacancies in three (3) Advisory Neighborhood Commission offices, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 3D07, 7B03 and 7F07

Petition Circulation Period: **Monday, July 3, 2017 thru Monday, July 24, 2017**

Petition Challenge Period: **Thursday, July 27, 2017 thru Wednesday, August 2, 2017**

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

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

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

DEPARTMENT OF FORENSIC SCIENCES**NOTICE OF PUBLIC MEETING****Science Advisory Board Meeting****Friday, July 21, 2017****9:00 a.m.****Draft Agenda**

On Friday, July 21, 2017, the Department of Forensic Sciences will be hosting the Science Advisory Board Meeting. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202-727-8267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

Roll Call, Review of Minutes from last meeting, Approval of Minutes

Quality Update – Brittany Graham

Public Health Lab Update – Dr. Anthony Tran

Old Business, New Business

Closing and adjournment

FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Dance Program and Professional Development for Science Teachers

Friendship Public Charter School is seeking bids from prospective vendors to provide;

- Dance program for students ages 5 through 11
- Professional Development for Science Teachers using student-centered, engagement based instructional models that align to standard system-wide approach for K-12

The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, Wednesday, July 12, 2017. No proposals will be accepted after the deadline. Questions can be addressed to ProcurementInquiry@friendshipschools.org.

**FRIENDSHIP PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS EXTENSION**

Construction Management Services

Friendship Public Charter School is soliciting proposals from qualified vendors for Construction Management Services. The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. The deadline has been extended and the proposals are due no later than 4:00 P.M., EST, Wednesday, July 12, 2017. No proposal will be accepted after the deadline. Questions can be addressed to: ProcurementInquiry@friendshipschools.org. -- **Bids not addressing all areas as outlined in the RFP will not be considered.**

DEPARTMENT OF HEALTH

PUBLIC NOTICE

The District of Columbia Board of Dentistry (“Board”) hereby gives notice, pursuant to § 405 of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2012 Repl.), of the following meeting dates and public hearings:

Wednesday, July 19, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, August 16, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, September 20, 2017, the Board will hold an open session (public) meeting, which will begin at 9:30 a.m. and end at 10:30 a.m., or when there is no further open session business for the Board to consider. Following the open (public) session, the Board will meet in executive (closed/non-public) session to seek the advice of counsel to the board, pursuant to D.C. Official Code § 2-575(b)(4); to discuss disciplinary matters pursuant to D.C. Official Code § 2-575(b)(9); and to discuss ongoing or planned investigations pursuant to D.C. Official Code § 2-575(b)(14).

Wednesday, October 18, 2017, the Board will not have a regularly scheduled Board meeting.

Wednesday, October 25, 2017, the Board will conduct a disciplinary hearing in the matter of Tomell Dubose, DDS, at 9:30 a.m. In accordance with 17 DCMR § 4109.1, the hearing is open to the public. Following the open (public) session, the Board will meet in executive (closed/non-public) session to deliberate upon the case.

Unless otherwise scheduled, the District of Columbia Board of Dentistry meets on the third Wednesday of each month at 899 North Capitol Street, NE, 2nd Floor, Washington, D.C. 20002. The agendas for all open (public) session meetings will be posted at least one business day before the meeting on the Board of Ethics and Government Accountability website at <http://www.bega-dc.gov/board-commission/meetings> and on the DOH website at www.doh.dc.gov.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
June 28, 2017

On JUNE 28, 2017 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

The meeting will be open to the public from 8:30 am to 10:30 am to discuss various agenda items and any comments and/or concerns from the public.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will then move to Closed Session from 10:30 am until 4:45 pm to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Frank B. Meyers, J.D.

DEPARTMENT OF HEALTH**STATE HEALTH PLANNING AND DEVELOPMENT AGENCY****NOTICE OF INFORMATION HEARING**

Pursuant to D.C. Official Code § 44-406(b) (4), the District of Columbia State Health Planning and Development Agency ("SHPDA") will hold an information hearing on the application of Direct Care Home Health Services, LLC to Acquire Nursing Unlimited Services, Inc. - Certificate of Need Registration No. 17-4-5. The hearing will be held on Wednesday, July 12, 2017, at 10:00 a.m., at 899 North Capitol Street, N.E., 6th Floor, Room 6002, Washington, D.C. 20002.

The hearing shall include a presentation by the Applicant, describing its plans and addressing the certifications required pursuant to D.C. Official Code § 44-406(b) (1). The hearing includes an opportunity for affected persons to testify. Persons who wish to testify should contact the SHPDA at (202) 442-5875 before 4:45 p.m. on Tuesday, July 11, 2017. Each member of the public who wishes to testify will be allowed a maximum of five (5) minutes. Written statements may be submitted to:

The State Health Planning and Development Agency
899 North Capitol Street, N.E.
Sixth Floor
Washington, D.C. 20002

Written statements must be received before the record closes at 4:45 p.m. on Wednesday, July 19, 2017. Persons who would like to review the Certificate of Need application or who have questions relative to the hearing may contact the SHPDA on (202) 442-5875.

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

NOTICE OF AGENCY CHANGE OF USE AT 625 T STREET NW

Pursuant to D.C. Code § 1-309.10(b), the District hereby gives notice of a change of use of District owned real property located at 625 T Street, N.W., and further identified as Lot 0025 in Square 0440 (the “Property”).

The Property consists of approximately 2,000 square feet of unused and vacant space on the corner of T Street N.W. and Florida Avenue N.W., across from the Howard Theatre.

The District intends to enter into a short term interim use license with T Street Cornerstone, LLC to activate the Property with new farmers’ market uses, craft and fashion show uses, and create a temporary public event and art exhibition space.

ANC 1B has been informed of the change of use for the Property.

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

**NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE § 10-801**

The District will conduct a public meeting to receive public comments on the proposed surplus of District property. **Please note that written comments will be accepted until Tuesday, August 1, 2017.** The date, time, and location shall be as follows:

Property: Truxton Circle, 1520-1522 North Capitol Street, NW

Date: Monday, July 17, 2017

Time: 7:00-9:00 p.m.

Location: Mt. Sinai Baptist Church
1615 3rd Street, NW
Washington, DC 20001

Contact: Tsega Bekele, Tsega.Bekele@dc.gov
(202) 724-2370

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICEFORMAL CASE NO. 1137, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO INCREASE EXISTING RATES AND CHARGES FOR GAS SERVICE

1. The Commission issued its final Order and Opinion in this case on March 3, 2017.¹ In that Order, the Commission approved an increase in Washington Gas Light Company's ("WGL" or "Company") distribution service rates in the amount of \$8,510,251. The Commission allowed an overall rate of return for WGL of 7.57 percent on a rate base of \$255,674,210. Among other changes, the Commission also approved WGL's Multifamily Piping Program ("MPP") as a two-year pilot program.

2. On May 12, 2017, by Order No. 18768, in response to an application for reconsideration filed by DC Climate Action ("DCCA"), the Commission "recognize[d] that no evaluation criteria for the MPP [had] been established to facilitate the Commission's review of the program to determine net economic benefits."² Therefore, to ensure that the Company provided appropriate data for review in the next rate case, the Commission directed Staff to develop and propose evaluation criteria for the MPP and to issue a Notice containing the criteria for comment by interested persons.³

3. To that end, the Commission Staff proposes the following criteria for WGL to track in regards to the MPP during the two-year pilot to assist in the Commission's evaluation of the MPP pilot:

- (1) The numbers of new customers brought on to WGL's system because of the MPP;
- (2) The rate classes the new customers are served under;
- (3) The additional revenue paid by those new customers broken down by customer charge, volumetric charges, surcharges, and demand charges if any;
- (4) The cost of the subsidy/incentive provided under the MPP and the NPV calculation (including cost and rate assumptions);

¹ *Formal Case No. 1137, In the Matter of the Application of Washington Gas Light Company for Authority to Increase Existing Rates and Charges for Gas Service* ("Formal Case No. 1137"), Order No. 18712, rel. March 3, 2017 ("Order No. 18712").

² *Formal Case No. 1137*, Order No. 18768, issued on May 12, 2017 ("Order No. 18768") at ¶24.

³ Order No. 18768 at ¶24.

- (5) The cost of any service line extensions or other equipment WGL would add to rate base to serve new customers brought in under the MPP;
- (6) Impact of new customers on current class ROR including the rate of return for the new MPP customers as a subclass using the cost allocation principles approved within this case;
- (7) Any deviations in customer demand and usage over the two-years from what was used to estimate the MPP subsidy, including any customer abandonments of natural gas service; and
- (8) A comparison of the efficiency levels of gas furnaces and gas water heaters installed in MPP projects as compared to the efficiency of those appliances available in the local marketplace during the two year pilot period; and
- (9) Overall benefits to ratepayers compared to the overall costs⁴ for the MPP pilot program.⁵

4. All persons interested in commenting on the proposed evaluation criteria may submit comments, in writing, no later than July 24, 2017, with reply comments due by August 4, 2017, with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800. Washington, D.C. 20005.

⁴ The overall costs should include, but are not limited to marketing, sales and administration for the MPP.

⁵ The basic evaluation will be a comparison of all the costs of the MPP pilot compared to the NPV of the stream of benefits that would inure to ratepayers using WGL's authorized ROR. The benefits to ratepayers should also include, for example, any reduction to the fixed costs per therm as WGL anticipated.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA**NOTICE OF COMMUNITY HEARINGS****PUBLIC INPUT SOUGHT ON BIENNIAL DISTRICT OF COLUMBIA POWER
LINE UNDERGROUND INFRASTRUCTURE IMPROVEMENT PROJECTS
PLAN****(THE “BIENNIAL DC PLUG PLAN”)****FORMAL CASE NO. 1145, IN THE MATTER OF THE APPLICATIONS FOR
APPROVAL OF BIENNIAL UNDERGROUND INFRASTRUCTURE
IMPROVEMENT PROJECTS PLAN**

This Notice informs the public that the Public Service Commission of the District of Columbia (“Commission”) seeks input on the Potomac Electric Power Company (“Pepco”) and the District of Columbia Department of Transportation (“DDOT”) joint Application to be filed at the Commission on or before July 3, 2017, which is anticipated to request the Commission for: (1) authority to implement a project to underground certain electric distribution feeders in the District of Columbia; (2) approval of the Electric Company Infrastructure Improvement Costs (“Underground Project Charge” or “UPC”) to be imposed and collected by Pepco from its electric distribution service customers to recover the costs incurred for the undergrounding projects; (3) approval of the assessment of the DDOT Underground Electric Company Infrastructure Improvement Charge on Pepco; and (4) approval of the Underground Rider to be imposed and collected by Pepco from its electric distribution service customers to recover the DDOT Underground Electric Company Infrastructure Improvement Charge. By way of background:

- On May 17, 2017, the Mayor of the District of Columbia signed into law the Electric Company Infrastructure Improvement Financing Emergency Amendment Act of 2017 (D.C. Act 22-56) (“ECIIFEEA”), which amends the Electric Company Infrastructure Improvement Financing Act of 2014 (“ECIIFA”) and authorizes the collection and use by the District of Columbia and the electric company, Pepco, of certain charges to finance the undergrounding of certain electric power lines and ancillary facilities. This amendment governs Pepco’s and DDOT’s public-private partnership to bury overhead primary power lines to improve electric service reliability and reduce the impact of storm-related outages in the District of Columbia.
- The new legislation changes a portion of the funding structure for the District of Columbia Power Line Undergrounding (“DC PLUG”) project from bonds issued by the District and securitized by ratepayers as authorized under the original 2014 Act, to a pay-as-you-go structure with the cost imposed on Pepco and recovered by Pepco through a tariff rider authorized under the new amended Act.

- Section 307(a) of the ECIIFEAA requires Pepco and DDOT to jointly file every two (2) years an application for the Commission's approval of a biennial Underground Infrastructure Improvement Projects Plan ("Biennial Undergrounding Plan") consisting of DDOT's Underground Electric Company Infrastructure Improvement Activity and Pepco's planned Infrastructure Activity to be undertaken in a two-year period. The amended Act also authorizes an annually adjusted surcharge to recover costs associated with the Underground Project Charge approved by the Commission. Section 309(d) of the ECIIFEAA requires the Commission to expedite its consideration of an application to approve the Biennial Underground Plans.
- Pursuant to the ECIIFEAA, the Underground Project Charge is an annually adjusted surcharge to be paid by all Pepco distribution customers (except for customers served under Pepco's residential aid discount ("RAD") or a succeeding discount program) for recovery of the Electric Company Infrastructure Improvement Costs, together with Pepco's rate of return as approved by the Commission.

The Commission opened *Formal Case No. 1145* by Order No. 18801, issued on June 15, 2017, to consider applications for approval of the Biennial Undergrounding Plans. That Order also set an expedited discovery schedule as required by the amended Act. Pursuant to the discovery schedule, the Joint Application will not be filed until on or before July 3, 2017; however, due to the expedited nature of this proceeding, the Commission is providing the requisite notice, including the dates, times, and locations of the community hearings before the filing of the Joint Application.

TAKE NOTICE THAT: the Commission will convene three (3) community hearings at the following locations on the specified dates to receive comments from residents in the affected communities:

Friday, July 21, 2017 – 2:30 P.M.
Community of Hope
4 Atlantic Street, SW
Washington, D.C. 20032

Monday, July 24, 2017 – 6:30 P.M.
Trinity University College
O'Connor Auditorium
125 Michigan Avenue, NE
Washington, D.C. 20017

Tuesday, July 25, 2017 – 6:30 P.M.
Temple Sinai
3100 Military Road, NW
Washington, D.C. 20015

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

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

DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

AMENDED NOTICEREQUEST FOR QUALIFICATIONS
NO. DOC318643Delivery of Smart Street Lighting Project

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), in coordination with the District Department of Transportation (“DDOT”) and the Office of the Chief Technology Officer (“OCTO”), hereby gives notice of its release of a Request for Qualifications (“RFQ”) for the Smart Street Lighting Project (“Project”) pursuant to Section 107 of the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228; D.C. Official Code § 2-271.01 et seq.) as implemented through regulations contained in Chapter 48 (Public-Private Partnerships), of Title 27 (Contracts and Procurement) of the D.C. Municipal Regulations (27 DCMR 4802). The Project will modernize the District’s more than 75,000 streetlights by converting them to LED technology with remote monitoring and control capabilities and deploy Smart City technology (“SCT”), including Wireless Access Points that will expand the District broadband Wi-Fi network and serve as a platform for future uses and applications. The RFQ also anticipates that the selected developer will obtain private financing for the Project and operate and maintain the existing and improved lighting systems under a performance-based contract for a period currently envisioned to be no less than ten (10) years and no more than twenty (20) years, while the District retains responsibility for operating and maintaining the SCT.

Statements of Qualification are due by **5:00 p.m. (Eastern) on Monday, August 7, 2017** and will be rejected for failure to meet this deadline or the other requirements outlined in the RFQ.

Interested parties should visit <http://op3.dc.gov/streetlights> for more information and may download the RFQ from <https://ocp.dc.gov/service/ocp-solicitations>.

For additional information, please contact Todd Allen, Contracting Officer, at todd.allen@dc.gov or 202-724-3969.

This notice has been amended to reflect the correct due date for Statements of Qualification, which was misstated in the previous notice published on June 16, 2017.

WASHINGTON GLOBAL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Washington Global Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for the following services:

- Security Personnel Services
- Speech & Language Services
- Student Assessments
- SPED Services (OT/PT/Psychological & Educational Testing)

Proposal Submission

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than **4:00 p.m. EST on Wednesday, July 12, 2017** unless otherwise stated in associated RFP's. Proposals should be emailed to bids@washingtonglobal.org.

No phone call submission or late responses please. Interviews, samples, demonstrations will be scheduled at our request after the review of the proposals only.

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Accounting Services**

Washington Leadership Academy Public Charter School is requesting proposals for accounting services for FY 2017-2018 school year, with options to extend additional years thereafter.

If interested in applying, the following are the areas of information we ask be included in your proposal:

Categories:

- Cost for each key area of service* we are requesting and total
- Point of contact & contact info
- References
- Experience with D.C. public charter schools
- Ability to provide reference data about other D.C. public charter school budgets, especially high schools
- Experience with grant administration including but not limited to: Title V-b CSP Funds, NSLP, IDEA, SOAR, Title I-II

*Key Areas of Service:

- Budgeting
- Accounting & Monthly Close
- Financial Statements, Analysis & Board Support
- Audit & 990 Support
- Payroll Support
- Accounts Payable
- Federal Grants Administration
- Facilities Financing Support

Please submit proposals to Natalie Gould, the Director of Operations, at ngould@wlapcs.org.

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, July 6, 2017 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.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|--|-----------------------|
| 1. Call to Order | Board Chairman |
| 2. Roll Call | Board Secretary |
| 3. Approval of June 1, 2017 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**

Order No. 19027-A of the Motion for Reconsideration on Appeal of Rima Calderon and William Sawicki, pursuant to 11 DCMR §§ 3100 and 3101¹, from a March 19, 2015 decision by the Zoning Administrator, Department of Consumer and Regulatory Affairs, to issue Building Permit No. B1504436, to renovate a hotel in the DC/R-5-D District at premises 1731 New Hampshire Avenue, N.W. (Square 154, Lot 829).

HEARING DATE: June 30, 2015
DECISION DATE: October 27, 2015
ORDER ISSUED: March 7, 2017
RECONSIDERATION DATE: May 10, 2017

ORDER DISMISSING MOTION FOR RECONSIDERATION

Pursuant to 11-Y DCMR § 700, on March 17, 2017, the Department of Consumer and Regulatory Affairs (“DCRA”) filed a motion for reconsideration of the decision of the Board of Zoning Adjustment (“Board”) in Case No. 19027 (Exhibit 45), as set forth in Order No. 19027 issued March 7, 2017. On March 23, 2017, the Property Owner of the subject property also filed a motion to stay effectiveness of Order No. 19027 while the motion for reconsideration was being heard. (Exhibit 46.) The motion for reconsideration was placed on the Board’s meeting agenda of May 10, 2017.

On April 5, 2017, the District of Columbia Court of Appeals advised the Board that a petition to review the Board’s decision to grant the appeal was filed by the party whose appeal was granted. On May 10, 2017, the Board, at a duly noticed public meeting considered the motion for reconsideration.

Subtitle Y § 700.4 of the 2016 Zoning Regulations provides that “[n]o party may file a motion for reconsideration or rehearing after a petition to review an order granting or denying a special exception or variance application or affirming or reversing a decision on appeal **has been filed** with the District of Columbia Court of Appeals and **any pending motion for reconsideration or rehearing shall be dismissed if such a petition is filed.** (emphasis added)

¹ The provisions of Title 11 DCMR cited in the caption of the appeal case (“1958 Zoning Regulations”) were repealed on September 6, 2016 and replaced with new text (“2016 Zoning Regulations”). While Case No. 19027 was decided based on the 1958 Zoning Regulations which were in effect as of March 19, 2015, the date upon which the building permit that is the subject of this appeal was issued, the motion for reconsideration was decided based on the 2016 Zoning Regulations that were in effect when the motion was heard. The repeal of the 1958 Zoning Regulations does not impact on the effectiveness of the decision or Order No. 19027.

Therefore, pursuant to Subtitle Y § 700.4, the motion for reconsideration before the Board must be dismissed, because a petition for review in this matter had been filed and was pending before the District of Columbia Court of Appeals at the time the motion was decided. This is true despite the fact that the motion for reconsideration before the Board was filed before the petition for review was filed with the Court. The rule was intended to address a circumstance when a petition to review a Board order is pending and a party to whom the order was adverse has filed a motion to reconsider the decision. In those circumstances the rule calls for the dismissal of the reconsideration request. Here, DCRA whose decision was reversed by the Board moved to reconsider and then the prevailing party, perhaps with knowledge of the rule's effect, petitioned the Court of Appeals to review the order.² DCRA did not suggest that the Board waive the rule in this circumstance, and therefore the Board dismissed the reconsideration as the rule required.

Accordingly, it is therefore **ORDERED** that the **MOTION** for **RECONSIDERATION** is **DISMISSED**.

VOTE: 3-0-2 (Frederick L Hill, Lesylleé M. White, and Carlton E. Hart to DISMISS; no Zoning Commissioner participating; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: June 20, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

² By Order dated May 22, 2017, the Court of Appeals dismissed the petition without prejudice, based upon its belief that the Board had not acted upon the motion for reconsideration.

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

Application No. 19396-A of Hatem Hatem, pursuant to 11 DCMR Subtitle Y § 703, for a minor modification to the plans approved in BZA Order No. 19396 to permit alteration of the roof plan, to construct a three-story rear addition to an existing three-unit apartment house in the RF-3 Zone at premises 417 4th Street S.E. (Square 793, Lot 828).

The original application (No. 19396) was pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320.2, to construct a three-story rear addition to an existing three-unit apartment house in the RF-3 Zone at premises 417 4th Street S.E. (Square 793, Lot 828).

HEARING DATES (Case No. 19396):	March 22, 2017
DECISION DATE (Case No. 19396):	March 22, 2017
ORDER ISSUANCE DATE (Case No. 19396):	March 31, 2017
MODIFICATION DECISION DATE:	June 14, 2017

SUMMARY ORDER ON REQUEST FOR MINOR MODIFICATION

BACKGROUND

On March 22, 2017, in Application No. 19396, the Board of Zoning Adjustment (“Board” or “BZA”), based on a self-certification, approved the request by Hatem Hatem (the “Applicant”) for a special exception under the RF-use requirements of Subtitle U § 320.2, to construct a three-story rear addition to an existing three-unit apartment house in the RF-3 Zone at premises 417 4th Street S.E. (Square 793, Lot 828). In that approval, the Board approved special exception relief for expansion of the Applicant’s existing apartment building under Subtitle U § 320.2 in the RF-3 Zone.

The Board issued Order No. 19396 on March 31, 2017. (Exhibit 3.) The approval in Case No. 19396 was subject to the approved plans at Exhibit 47 in the record of Case No. 19396.

MOTION FOR MINOR MODIFICATION

On May 11, 2017, the Applicant submitted a request for a minor modification to modify the plans approved by the Board in Order No. 19396 (the “Order”). (Exhibits 1-7.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant requested a minor modification to the plans approved in BZA Order No. 19396 to permit alteration of the roof plan, to construct a three-story rear addition to an existing three-unit apartment house in the RF-3 Zone.

In Application No. 19396, the Applicant requested approval to add on to the rear of their existing apartment building. On March 22, 2017, the Board approved plans for the expansion, with a third floor design that incorporated a 10’ x 10’ third story “cut-out” around the adjacent neighbor’s

chimneys. The “cut-out” was proposed based on an assumption of not being able to raise a neighboring chimney. The Applicant had also submitted plans showing the addition without the chimney “cut-out” (Exhibit 40 in the record of Case No. 19396), assuming that an agreement was reached with the adjacent neighbor to raise the neighbor’s chimney. Since no chimney agreement was in place at that time, the Board approved the application with the plans at Exhibit 47, with the chimney “cut-out”.

Since that time, the Applicant has reached an agreement with the neighbor to extend their chimneys such that they would be two feet above the future roof of an addition. (Exhibit 6.) Therefore, the Applicant is seeking a modification in the plans approved by the Board, substituting Exhibit 40 plans for the Exhibit 47 plans.¹ The Applicant submitted another set of the plans at Exhibit 40 as part of this modification request. (Exhibit 7.)

Subtitle U § 320.2(m) provides that “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.” This section requires that additions to previously converted apartment buildings must comply with the conversion requirements of 11-U DCMR § 320.2, including Subtitle U § 320.2(f) which states “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 which requires that the Addition not interfere with an adjacent chimney.” (Exhibit 4.)

The adjacent property to the south of the subject property has a chimney within 10 feet of the subject property. At the hearing on March 22, 2017, the Applicant proposed a set of plans which anticipated a chimney agreement (Exhibit 40) and a set of alternative plans (Exhibit 47) which provided a 10-foot by 10-foot “cut-out” option in case a chimney agreement was not reached. At the time of the hearing on March 22, 2017, the Applicant had not yet come to an agreement with the adjacent neighbor to the south. At the hearing on March 22nd, the Board approved the alternative plans at Exhibit 47 which did not require a chimney agreement.

Subsequent to the Board’s decision to approve the application, the adjacent neighbor agreed to have his chimney raised, pursuant to the Chimney Agreement submitted with the modification request at Exhibit 6. Thus, the Applicant is now requesting the Board modify the approved plans and make the plans at Exhibit 40 the approved plans, substituting them for the currently-approved plans at Exhibit 47. Another set of the plans at Exhibit 40 were submitted with the modification request at Exhibit 7 of Application No. 19396-A.

The Office of Planning (“OP”), in its report of June 2, 2017, noted that when the alternative plans were presented during Case No. 19396, OP had no objection to either alternative. (Exhibit

¹ Exhibits 40 and 47 are in the record of Case No. 19396.

11.) The special exception was approved by the Board, with the support of both the Office of Planning (“OP”) and the affected Advisory Neighborhood Commission (“ANC”), ANC 6B. The Applicant stated that this alteration is not a material change, and further indicated that the ANC had reviewed approved this alternative together with the currently-approved proposal, as did the Historic Preservation Review Board. (Exhibit 4.) Also, in its June 2, 2017 report, OP indicated that with the chimney agreement in place, OP would recommend approval of the third floor plans as proposed with the modification request. (Exhibit 11.)

The Merits of the Request for Minor Modification

The Applicant’s request complies with 11 DCMR Subtitle Y § 703.3, which defines a minor modification as “modifications that do not change the material facts upon which the Board based its original approval of the application.”

In the application herein, the Applicant is requesting a minor modification to the plans approved in the Order now that a chimney agreement has been entered into with the neighbor. (Exhibit 6.) The approved plans in Order No. 19396 include a third story chimney “cut-out” based on the then-assumption that no chimney agreement existed. However, during Case No. 19396, the Applicant also submitted alternative plans showing the addition without the chimney “cut-out” should an agreement be reached. The alternative plans were shown to both the ANC and OP at the time of Application No. 19396 and both the ANC and OP reviewed and approved the alternative plans as well as the currently-approved plans. A chimney agreement has been entered into with the adjacent neighbor; therefore, the Applicant is requesting approval of the original set of plans first submitted at Exhibit 40 in Application No. 19396 and again at Exhibit 7 in Application No. 19396-A. This request does not otherwise impact the approved special exception relief under Subtitle U § 320.2. (Exhibit 4.)

Pursuant to Subtitle Y §§ 703.6-703.9, the request for a minor modification shall be served on all other parties to the original application and those parties are allowed to submit comments within 10 days after the request has been filed with the Office of Zoning and served on all parties. The Applicant provided proper and timely notice of the request for minor modification to ANC 6B, the other party to Application No. 19396. (Exhibit 9.) ANC 6B did not submit a report to the record of this application.

The Applicant also served its request on the Office of Planning. OP submitted a report dated June 2, 2017 recommending approval of the requested modification as a minor modification. (Exhibit 11.)

As directed by 11 DCMR Subtitle Y § 703.4, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for a minor modification. Based upon the record before the Board and having given great weight to the OP report filed in this case, the Board concludes that in seeking a minor modification to the plans approved in Case No. 19396, the Applicant has met its burden of proof under 11 DCMR Subtitle Y § 703, that the proposed modification has not changed any material facts upon which the Board based its decision on the underlying application that would undermine its approval.

As noted, the only parties to the case were the ANC and the Applicant. Accordingly, a decision by the Board to grant request would not be adverse to any party and therefore an order containing full finding of facts and conclusions of law need not be issued pursuant to D.C. Official Code § 2-509(c) (2012 Repl.). Therefore, pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application for modification of consequence of the Board's approval in Application No. 19313 is hereby **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 7.**

In all other respects, Order No. 19396 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON MARCH 22, 2017: 4-0-1

(Carlton E. Hart, Frederick L. Hill, Lesylleé M. White, and Anthony J. Hood; one Board seat vacant.)

VOTE ON MINOR MODIFICATION ON JUNE 14, 2017: 4-0-1

(Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Anthony J. Hood (by absentee vote), to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: June 19, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

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

Application No. 19491 of Jurassic Properties, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the rear yard requirements of Subtitle G § 405.2, to construct a restaurant in the MU-4 Zone at premises 2009 18th Street, N.W. (Square 2557, Lot 19).

HEARING DATES: April 26, 2017,¹ May 10, 2017, and May 17, 2017
DECISION DATE: June 7, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 1C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on May 3, 2017, at which a quorum was present, the ANC voted 6-2-0 to support the application. (Exhibit 46.)

The Office of Planning ("OP") submitted a timely report dated April 28, 2017 recommending approval of the application. (Exhibit 43.)

The District Department of Transportation ("DDOT") submitted a timely report dated April 28, 2017, indicating that it had no objection to the grant of the application. (Exhibit 42.) DDOT noted that the Applicant will meet the zoning regulations related to bicycle parking, vehicular parking, and loading.

Comments were submitted in opposition to the application from the resident at 2038 18th Street, N.W. (Exhibit 41), and the resident at 1845 Vernon Street, N.W. provided testimony, comments,

¹ The hearing on the application was administratively rescheduled from April 26, 2017 to May 10, 2017, and then continued to May 17, 2017.

and photographs (Exhibits 45 and 47) in opposition to the application. In his testimony at the hearing, the opposition witness expressed a preference for the Applicant's loading dock being able to accommodate larger box trucks (rather than the 22-foot transit vans proposed) to reduce the number of deliveries to the restaurant, thereby minimizing impacts on traffic in the area.

In light of the testimony at the May 10th hearing, the Board requested a supplemental report from DDOT addressing the issues raised. DDOT submitted a supplemental report dated May 16, 2017, addressing the loading issues and expressing support for the plans as revised. (See Exhibit 51.) DDOT noted that the Applicant's revisions will still meet the zoning regulations.

At the May 10th hearing, the Board also requested a supplemental filing from the Applicant clarifying the turning radius for the loading dock and drawings showing a matter-of-right alternative. The Applicant filed the requested documents on May 12, 2017. (Exhibits 49-50.) At the hearing on May 17, 2017, the Applicant's representative stated that to alleviate the concerns raised by the opposing witness, the Applicant proposes widening the loading berth to a minimum of 15 feet and providing a turning radius "sufficient to allow box trucks at least 18 feet in length to back into and exit from the loading berth when entering and leaving to and from Florida Avenue, N.W." (See Exhibit 53.) At the May 17th hearing, the Board requested the Applicant submit revised plans to reflect the most recent changes regarding loading, as well as the Applicant's proposed conditions, and scheduled its decision on the application for June 7, 2017. The Applicant filed the requested documents on May 23, 2017. (Exhibits 53 and 54.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle G § 405.2. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

The Board noted the ANC's support for the application; however, the ANC report did not provide issues or concerns to which great weight could be afforded. Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, and Subtitle G § 405.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO**

SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 54 – REVISED ARCHITECTURAL DRAWINGS, AND WITH THE FOLLOWING CONDITIONS:

1. The Applicant shall have flexibility to vary the exterior design and materials of the building in order to respond to HPRB comments, so long as the design changes do not conflict with the conditions contained in Subtitle G § 1201.1(a)-(d).
2. The Applicant shall have flexibility to vary the location and configuration of the parking spaces in the partially below-grade parking garage, so long as the number of the parking spaces are provided in accordance with the minimum requirements in the Zoning Regulations.

VOTE: 3-0-2 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White to APPROVE; No Zoning Commission member participating; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: June 19, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS

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APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, 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**

Application No. 19501 of Christian and Susan Charnaux, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the side yard requirement of Subtitle D § 807, to reconstruct and expand the front porch on an existing detached one-family dwelling in the R-14 Zone at premises 2901 49th Street N.W. (Square 1406, Lot 10).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: June 14, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 13.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

Pursuant to 11 DCMR Subtitle Y § 401, this application was tentatively placed on the Board's expedited review calendar for decision without hearing as a result of the applicant's waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3D, and to owners of property within 200 feet of the site. The Board granted the Applicant's motion to waive the 15-day posting requirement. (Exhibits 38 and 39.) The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on May 3, 2017, at which a quorum was in attendance, ANC 3D voted to support the application. (Exhibit 31.)

The Office of Planning ("OP") submitted a timely report dated June 2, 2017, in support of the application subject to the approval of DDOT's Public Space committee (Exhibit 33.) The

District Department of Transportation (“DDOT”) submitted a timely report, dated June 1, 2017, expressing no objection to the approval of the application.¹ (Exhibit 32.)

The Applicant indicated that it has a pending application before the Public Space Committee regarding the intrusion of the porch into the existing side yard setback. (Exhibit 34.)

A letter of support from the Applicant’s adjacent neighbors was submitted to the record as well as a petition with five signatures from neighbors in support of the application. (Exhibit 30.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by Subtitle Y §§ 401.7 and 401.8. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception from the side yard requirement of Subtitle D § 807, to reconstruct and expand the front porch on an existing detached one-family dwelling in the R-14 Zone. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR, Subtitle X § 901.2 and Subtitle D § 807, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR, Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 6 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull to APPROVE; one Board seat vacant.)

¹ In its report, DDOT stated it did object to the size of the porch as it projects more than the allowed five feet beyond the Building Restriction Line into public space and indicated that the Applicant will be required to pursue a public space permit through DDOT’s permitting process. (Exhibit 32.)

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: June 15, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

Application No. 19503 of D.C. Department of General Services, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2, from the minimum parking requirement of Subtitle C § 701.5 to replace an existing recreation center with a new recreation center in the R-1-B Zone at premises 4500 Van Ness Street, N.W. (Square 1560, Lot 805).

HEARING DATE: June 7, 2017

DECISION DATE: June 7, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated May 11, 2017, from the Zoning Administrator, certifying the required relief. (Exhibit 39A.)¹

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 3E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on April 13, 2017, at which a quorum was present, the ANC voted 4-0-0 to support the application on the condition that the Applicant take “all reasonable steps to secure a handicapped space adjacent to the park that complies with all pertinent laws, as DGS has represented it will do.” (Exhibit 28.) In response to the ANC, at the hearing, the Applicant committed to working with DDOT to provide a parking space for residents with disabilities.

The Office of Planning (“OP”) submitted a timely report dated May 19, 2017 recommending approval of the application. (Exhibit 38.)

The District Department of Transportation (“DDOT”) submitted a timely report dated May 25, 2017 indicating that it had no objection to the grant of the application with the condition that “10 additional on-site bicycle racks and wayfinding signage are provided.” (Exhibit 37.) The Applicant submitted a Transportation Demand Management Plan (“TDM”) to address the issues raised by DDOT. (Exhibit 39B.)

¹ The application was initially filed with a self-certification form (Exhibit 5), and subsequently, a Zoning Administrator’s memorandum was submitted, certifying the required relief as a special exception. (Exhibit 39A.) The caption did not change from what was originally advertised.

Five letters were submitted by neighbors and one by the Friends of Friendship Park in support of the application. (Exhibits 29-32, 35, and 42.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle C § 703.2, from the minimum parking requirement of Subtitle C § 701.5. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be averse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle C §§ 703.2 and 701.5, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR Subtitle Y § 101.9, the Board has determined to waive the requirement of 11 DCMR Subtitle Y § 604.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 2B – SITE PLAN - AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall work with DDOT on providing a parking space for residents with disabilities in the general area, as requested by ANC 3E.
2. The Applicant shall implement the Transportation Demand Management plans in Exhibit 39B.

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro to APPROVE; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: June 22, 2017

PURSUANT TO 11 DCMR SUBTITLE Y § 604.11, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO SUBTITLE Y § 604.7.

BZA APPLICATION NO. 19503

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PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR SUBTITLE Y § 604, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT.

PURSUANT TO 11 DCMR SUBTITLE A § 303, 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.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ZONING ADJUSTMENT

441 4TH STREET, N.W.
SUITE 200-SOUTH
WASHINGTON, D.C. 20001

PUBLIC NOTICE OF SPECIAL CLOSED MEETINGS FOR JUNE 21/28,
2017

In accordance with § 405(c) of the Open Meetings Act, D.C. Official Code § 2-575 (c), on June 14, 2017, the Board of Zoning Adjustment voted 4-0-1, to hold a *special closed meeting on WEDNESDAY, June 21st and June 28th*, beginning at 9:00 a.m. for the purpose of obtaining legal advice from counsel and/or to deliberate upon, but not voting on the Remand of Application No. 18878 of Alba 12th Street, LLC to determine whether the record is sufficient for further deliberations or whether more information is needed.

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

**Frederick L. Hill, Chairperson, Carlton E. Hart, Vice-Chairperson,
Lesylleé M. White, Board Member, one seat vacant, and a Member of the Zoning
Commission.**

**Clifford W. Moy, Secretary of the Board of Zoning Adjustment
Sara A. Bardin, Director, Office of Zoning.**

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 08-06J
Z.C. Case No. 08-06J
(Text Amendment – 11 DCMR)
(Minor Modifications to Zoning Commission Order No. 08-06A)
June 12, 2017**

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

Z.C. ORDER NO. 08-06K

Z.C. Case No. 08-06K

(Text Amendment – 11 DCMR)

(Minor Modifications to Zoning Commission Order No. 08-06A)

June 12, 2017

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. 09-03D
Z.C. Case No. 09-03D
Skyland Holdings, LLC
(Modification of Consequence of PUD @ Square 5633)
March 27, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (“Commission”) was held on March 27, 2017. At that meeting, the Commission approved the application of Skyland Holdings, LLC (“Applicant”) for a Modification of Consequence of the Consolidated PUD application approved by Z.C. Order Nos. 09-03 and 09-03A. The property (Lot 22 in Square 5633) that is the subject of this application is Block 2 of the Skyland Town Center Project, which is bound by Naylor Road, S.E., Good Hope Road, S.E., and Alabama Avenue, S.E. (“Property”). The modification request was made pursuant to § 703 of the Commission’s Rules of Practice and Procedures, which are codified in Subtitle Z of Title 11 of the District of Columbia Municipal Regulations (“DCMR”).

FINDINGS OF FACT

BACKGROUND INFORMATION

1. The Property was rezoned to the C-3-A Zone District pursuant to Z.C. Order No. 09-03. The PUD approved in Z.C. Order No. 09-03 created a Town Center with mixed-use retail and residential buildings, accompanying parking facilities, and townhouses on five different Blocks. The original PUD project consisted of approximately 311,000 square feet of retail- and service-related uses and a large format retail store, as well as neighborhood-serving retailers. The residential component of the original PUD project created 450-500 residential units, including a number of affordable housing units, and 20 townhouses. The original PUD project approved 1,698 off-street parking spaces and 76 parking spaces in the internal street system for a total of 1,774 parking spaces. The Applicant, in response to concerns raised by the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”), proposed a Parking Assessment Matrix to potentially limit the amount of parking provided in later stages of the project if earlier projections for parking demand were not reached. Z.C. Order No. 09-03 became effective on September 10, 2010.
2. On November 8, 2012, the Applicant filed a request to modify the original PUD project. The PUD modification application, Z.C. Case No. 09-03A, did not propose significant changes to the original PUD project. The number of residential units in the modified PUD project remained in the approved range of 450-500 units and the amount of retail- and service-related uses increased to approximately 342,000 square feet. The modified PUD project included modifications to all five Blocks. The majority of the Commission’s attention to these modifications focused on the proposed Walmart shopping center to be located on Block 1 and the mixed-use residential building located along Block 2, which included frontage along Naylor Road, S.E. and Good Hope Road, S.E.

3. Z.C. Order No. 09-03A, which became effective on January 17, 2014, approved plans for Block 2 which consolidated the retail parking for Blocks 2, 3, and 4 into a central garage in Block 2 and deleted the above-grade structured parking garages in Blocks 3 and 4. The approved parking structure in Block 2 included a total of 792 parking spaces with 241 parking spaces reserved for the residential uses in Block 2, and 551 parking spaces were to be used for retail parking. Z.C. Order No. 09-03A also reduced the number of parking spaces in Block 1, by approximately 220 parking spaces.

CURRENT APPLICATION

4. The Applicant stated that the modifications proposed in this application are all related to the removal of three levels of above-grade parking in the center of Block 2. The parking garage will now include 447 parking spaces (248 for the residential uses and 199 for the retail uses, a reduction of 345 parking spaces from the approval in Z.C. Case No. 09-03A) which satisfy the matter-of-right requirements of the 2016 Zoning Regulations. The Applicant also noted that the removal of these three parking levels will result in no visual impact on the exterior elevations of the building on Block 2. The Applicant stated that the removal of the 345 parking spaces in Block 2 is entirely consistent with the goals of the Commission (and OP and DDOT) when the original PUD project was approved. The Applicant concluded that this reduction in the number of parking spaces will help assure that the amount of parking provided in Block 2 is appropriate to meet the needs of the retail and residential uses in Block 2 and will allow the Applicant to continue to plan for the development of the other Blocks in the Skyland Town Center with an appropriate amount of parking. (Exhibit [“Ex.”] 2, pp. 2-3.)
5. The Applicant noted that in Z.C. Case No. 09-03A, the roof level of the parking structure and the residential building was the same. This allowed for the pool to be located on the roof of the parking structure as well as the creation of a green area on the roof of the parking structure. Since the above-grade parking structure in the center of Block 2 will now be lower than the adjacent residential building, it is necessary to revise the treatment of the top level of the parking structure and to move the pool to the courtyard level of the residential building. The pool, which will be available to all residents and their guests, will now be located in the courtyard, which opens onto Good Hope Road. The Applicant provided shadow studies, which showed the pool will receive ample sunlight during the time of year in which the pool is expected to get the most use (June–September). The roof level of the parking garage has been modified to include photovoltaic panels inserted into a parking shading structure that covers a portion of the parking spaces. Significant amounts of green roof area have been maintained on this level of the parking garage. The shadow studies also show that the photovoltaic panels will receive ample sunlight. The Applicant also reiterated that no residential units face the interior parking garage or the roof of the parking garage as those portions of the residential building include corridors, rather than units. (Ex. 2, p. 3)
6. The Applicant concluded that the proposed changes have no impact on the appearance of the building from the surrounding public streets and still provide for great amenity spaces

for residents of the building and their guests. In addition, the proposed changes do not diminish the sustainable features of the previously approved plan and the building on Block 2 will continue to achieve a LEED-Silver certification. In fact, the Applicant believes that the introduction of the photovoltaic panels above some of the parking spaces are an enhancement to the previously approved plan. (Ex. 2, p. 3.)

7. In satisfaction of § 703.13 of Subtitle Z, the Applicant provided a Certificate of Service which noted that the modification application was served on all parties to the original PUD, which are Advisory Neighborhood Commissions (“ANC”) 7B and 8B, and the Ft. Baker Drive Party (“FBDP”). (Ex. 2, p. 3.)
8. The Commission, at its February 13, 2017 public meeting, determined that the application was properly a Modification of Consequence and that no public hearing was necessary. The Commission established a schedule that would have the parties (ANC 7B, ANC 8B, and FBDP) file their responses to the application with the Commission on February 21, 2017 and the Commission would then take action on the application on February 27, 2017.
9. On February 20, 2017, the ANC 7B02 Single Member District (“SMD”) Commissioner submitted an e-mail to the Office of Zoning which requested that ANC 7B be permitted until March 27, 2017 to submit its response to this application. ANC/SMD 7B02 Commissioner noted that by granting the extension, the Commission will allow her to solicit feedback from her constituents regarding the application. (Ex. 6.)
10. On February 24, 2017, the Applicant submitted a letter to the Commission which noted that it had discussions with the Chair of ANC 7B and ANC/SMD 7B02 Commissioner and that ANC 7B and the Applicant agreed to a time extension which would allow ANC 7B to submit its comments to the Commission by March 20, 2017 and the Commission would review the application at the March 27, 2017 public meeting. The Commission approved these dates for submission of ANC 7B’s comments and its review of the modification application. (Ex. 7.)
11. ANC 7B submitted a letter, dated March 20, 2017, into the record of this case. The letter noted that at a duly noticed public meeting on March 16, 2017, with a quorum present, ANC 7B voted 5-0 to support the application. However, this letter was signed by the ANC/SMD 7B02 Commissioner and not the ANC Chairperson or Vice-Chairperson. (Ex. 8.)
12. ANC 8B and FBDP did not participate in this application.
13. OP submitted a report dated February 3, 2017. OP’s report stated that it believed that the proposal qualified as a Minor Modification to Z.C. Order Nos. 09-03 and 09-03A and recommended approval as such. The OP report also stated that it was supportive if the Commission believes the request is a Modification of Consequence. The OP report concluded that “[a]s part of the approval of ZC Case 09-03, both OP and DDOT believed that the parking was excessive and should be significantly reduced. As a compromise,

the applicant agreed to reevaluate the parking at the time development of Block 2 was approved by the Zoning Commission.” (Ex. 5, p. 3.) Therefore, the proposed reduction in the parking does not change the facts on which the Commission made its decision. “The pool was not offered as a public benefit as it will only serve the residents of the building and the relocated pool will continue to serve the residents. The green roof area on the roof would be replaced with PV Panels and green roofs and would maintain LEED Silver certification. In addition, the elevation along Naylor Road would remain the same and would have no impact on the surrounding streets.” (*Id.*)

CONCLUSIONS OF LAW

Pursuant to 11-Z DCMR § 703.1, the Commission, in the interest of efficiency, is authorized to make “modifications of consequence” to final orders and plans without a public hearing. A modification of consequence means “a modification to a contested case or order or the approved plans that is neither a minor modification nor a modification of significance.” (11-Z DCMR § 703.3.) Examples of modifications of consequence “include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.” (11-Z DCMR § 703.4.)

The Commission concludes that the modifications depicted in the plans included in the record in this case, and as described in the above findings of fact, are modifications of consequence, and therefore can be granted without a public hearing.

The Commission finds that the proposed modifications are entirely consistent with the Commission’s previous approval of the building on Block 2. The building on Block 2 remains a mixed-use retail and residential building with no impact on the appearance of the building from surrounding public streets. The reduction in the amount of parking provided in Block 2 is consistent with the Commission’s original intent of potentially limiting the amount of parking provided in the project to help assure that it was not creating an excess amount of parking spaces. The building on Block 2 will continue to include pool and amenity space for residents and their guests, and the building will retain and enhance sustainable elements on the roof of the parking garage.

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A)(2012 Repl) to give “great weight” to the issues and concerns contained in the written report of an affected ANC. Both ANCs 7B and 8B meet the definition of “affected ANC” as set forth in 11-B DCMR § 100.1. As is reflected in the Findings of Fact, ANC 7B voted to support the application. However, since the ANC 7B letter was not signed by the ANC 7B Chairperson or ANC 7B Vice-Chairperson, nor did the letter acknowledge that the ANC/SMD 7B02 Commissioner was authorized to act on behalf of ANC 7B, the Commission is not able to give the ANC 7B resolution in this case “great weight.” As noted in the Findings of Fact, ANC 8B did not participate in this case.

The Commission is required to give great weight to the recommendations of OP. (See D.C. Official Code § 6-623.04 (2012 Repl).) The Commission concurs with OP’s recommendation to

Z.C. ORDER NO. 09-03D

Z.C. CASE NO. 09-03D

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approve this modification of consequence application. The Applicant is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

DECISION

In consideration of the above Findings of Fact and Conclusions of Law contained in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of a modification of consequence to the consolidated PUD project approved in Z.C. Case Nos. 09-03 and 09-03A. The conditions in Z.C. Order Nos. 09-03 and 09-03A remain unchanged except as follows. The following condition replaces Condition No. 1 of Z.C. Order No. 09-03A:

1. The PUD project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 3A, 15A, 49A, and 52A of the record in Z.C. Case No. 09-03A, as modified by the plans included in Exhibit 2C of Zoning Commission Case No. 09-03D, and as further modified by the guidelines, conditions, and standards herein.

On March 27, 2017, upon the motion of Vice-Chair Miller, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on June 30, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 15-20A
Z.C. CASE NO. 15-20A
Sursum Corda Cooperative Association, Inc.
(Two-Year PUD Time Extension @ Square 620)
May 8, 2017

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia ("Commission") was held on May 8, 2017. At the meeting, the Commission approved a request from the Sursum Corda Cooperative Association, Inc. ("Applicant") for an extension of time of the first-stage planned unit development ("PUD") approved for Square 620, Lots 248, 249, 250, 893, 894, and 895 (collectively, the "Property"). The Commission considered the application pursuant to Subtitle Z, Chapter 7 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations ("DCMR").

FINDINGS OF FACT

1. Pursuant to Z.C. Order No. 15-20 ("Order"), dated May 9, 2016, the Commission approved a first-stage PUD and related map amendment from the R-4 Zone District to the C-3-C Zone District for the Property. The Property consists of 6.7 acres, and is bounded by M, First, and L Streets and First Place, N.W. The Property is zoned C-3-C by virtue of the zoning map amendment.
2. The Order approves the redevelopment of the Property, divided into two parcels – the North Parcel and the South Parcel – in two or more phases. The South Parcel will be developed in the first phase of the project. It consists of three lots to be developed as follows:
 - Theoretical Lot 1A consists of approximately 44,725 square feet of land area. It will be improved with Building 1A, which has approximately 184,775 square feet of residential gross floor area, including approximately 176 dwelling units. The building has eight stories and a height of 72.45 feet, as measured from First Street, N.W. The density for this lot will be 4.13 floor area ratio ("FAR");
 - Theoretical Lot 1B consists of approximately 39,607 square feet of land area. It will be improved with Building 1B, which has approximately 194,900 square feet of residential gross floor area, including approximately 182 dwelling units. Building 1B has eight stories and a building height of 78 feet, as measured from First Place, N.W. The density for this lot will be 4.92 FAR; and
 - Theoretical Lot 1C has approximately 27,139 square feet of land area. It will be improved with Building 1C, which has approximately 92,910 square feet of residential gross floor area, including approximately 63 dwelling units and approximately 8,315 square feet of non-residential gross floor area. Building 1C

has six stories and a height of 65.75 feet as measured from First Place, N.W. The density for this lot will be 3.73 FAR.

3. Pursuant to the Order, the first-stage approval is valid until June 30, 2023, provided that a second-stage PUD application for the South Parcel is filed by June 30, 2017.
4. On April 5, 2017, the Applicant filed a request for a two-year extension of the first-stage PUD approval, such that a second-stage PUD application for the South Parcel shall be filed no later than June 30, 2019. This is the first extension request made by the Applicant.
5. The Applicant submitted evidence regarding an inability to obtain sufficient project financing for the development, following the Applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the Applicant's reasonable control. As demonstrated in the materials submitted by the Applicant, including the sworn affidavit of Lonnie Duren, the Chairman of the Board of Directors of the Sursum Corda Cooperative Association, Inc., which owns the Property, because there is not currently a buyer/developer for the Property, the second-stage PUD application cannot be filed by June 30, 2017, as required under the Order.
6. On February 17, 2016, the Applicant engaged the firm of Savills Studley to oversee the marketing and sale of the Property. Savills Studley distributed marketing materials and made available the first-stage PUD approval, environmental reports, and other materials in the project war room so that potential purchasers could perform due diligence on the Property. From this first round of marketing the Property, Savills Studley received approximately eight offers for the purchase of the Property. The highest bidder was Miami-based developer, Global City Development ("Global").
7. The Applicant entered into a purchase and sale agreement with Global on November 9, 2016. After the expiration of the 90-day due diligence period, Global was unable to timely proceed with the terms of the agreement. As a result, the contract between the Applicant and Global was terminated.
8. In March 2017, Savills Studley once again circulated marketing materials and solicited offers for the purchase of the Property, but there have not been any offers.
9. In this case, project financing must be achieved through the sale of the Property. Despite its diligent good faith efforts, the Applicant has been unable to sell the Property. The three primary concerns raised by potential buyers are: (a) the long-term development of the Property due to its size; (b) the affordable housing requirement for the Property, which is equal to approximately 18% of the total units; and (c) the right of return for the current Sursum Corda households.

10. The application and architectural drawings for the second-stage PUD application will be prepared by the buyer/developer of the Property. Because there is not currently a buyer/developer for the Property, the second-stage PUD application cannot be filed by June 30, 2017, as required under the Order.
11. On April 27, 2017, the Office of Planning (“OP”) submitted a report recommending approval of the application.
12. The only other party to the application was Advisory Neighborhood Commission (“ANC”) 6E and the ANC did not submit anything with respect to this application.
13. Because the Applicant demonstrated good cause with substantial evidence pursuant to Subtitle Z § 705.2(c) of the Zoning Regulations, the Commission finds that the request for the two-year time extension should be granted.

CONCLUSIONS OF LAW

1. Pursuant to 11-Z DCMR § 705.3, the Commission may extend the validity of a PUD for good cause shown upon a request made before the expiration of the approval, provided:
 - a. The request is served on all parties to the application by the applicant, and all parties are allowed 30 days to respond;
 - b. There is no substantial change in any material facts upon which the Commission based its original approval of the PUD that would undermine the Commission's justification for approving the original PUD; and
 - c. The applicant demonstrates with substantial evidence that there is good cause for such extension. 11-Z DCMR § 705.2. Subtitle Z § 705.2(c) provides the following criteria for good cause shown:
 - i. An inability to obtain sufficient project financing for the development, following an applicant's diligent good faith efforts to obtain such financing, because of changes in economic and market conditions beyond the applicant's reasonable control;
 - ii. An inability to secure all required governmental agency approvals for a development by the expiration date of the order because of delays in the governmental agency approval process that are beyond the applicant's reasonable control; or

- iii. The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control that renders the applicant unable to comply with the time limits of the order.
2. The Commission concludes that the Applicant complied with the notice requirements of Subtitle Z § 705.2(a) by serving ANC 6E, the only party to the original application, with a copy of the extension application and allowing the ANC 30 days to respond.
3. The Commission concludes there has been no substantial change in any material facts that would undermine the Commission's justification for approving the original PUD.
4. 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. ANC 6E did not submit anything with respect to this application.
5. 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 has carefully considered the OP's recommendation in support of the application and agrees that approval of the requested two-year time extension is appropriate.
6. The Commission finds that the Applicant presented substantial evidence of good cause for the extension based on the criteria established by Subtitle Z § 702.2(c). Specifically, the Applicant entered into a purchase and sale agreement with Global on November 9, 2016. After the expiration of the 90-day due diligence period, Global was unable to timely proceed with the terms of the agreement and there have been no additional offers to purchase the Property despite the Applicant's good faith efforts.
7. Subtitle Z § 705.7 provides that the Commission must hold a public hearing on a request for an extension of the validity of a PUD only if, in the determination of the Commission, there is a material factual conflict that has been generated by the parties to the PUD concerning any of the criteria set forth in Subtitle Z § 702.2 of the Zoning Regulations.
8. The Commission concludes a hearing is not necessary for this request since there are no material factual conflicts generated by the parties concerning any of the criteria set forth in Subtitle Z § 705.2 of the Zoning Regulations.
9. The Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a two-year extension of the first-stage PUD approval, such that a second-stage PUD application for the South Parcel shall be filed no later than June 30, 2019. If such a second-stage application is filed by that date, the first-stage approval shall remain valid until June 30, 2023 as to the remaining portions of the PUD.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., ("Act") the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, genetic information, 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 May 8, 2017, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application by a vote of **4-0-1** (Anthony J. Hood, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve; Robert E. Miller not present, not voting).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is, on June 30, 2017.

BY THE ORDER OF THE D.C. ZONING COMMISSION

A majority of the Commission members approved the issuance of this Order.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF CLOSED MEETINGS**

TIME AND PLACE: **Thursday, June 22, 2017, @ 5:00 p.m. &
Thursday, June 29, 2017, @ 5:00 p.m.
Office of Zoning Conference Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001**

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 13-14 (Vision McMillan Partners, LLC and Office of the Deputy Mayor for Planning and Economic Development - Remand from the Court of Appeals)

The Zoning Commission, in accordance with § 406 of the District of Columbia Administrative Procedure Act (“Act”) (D.C. Official Code § 2-576), hereby provides notice it will hold a closed meeting at the days and times noted above regarding the case noted above in order to receive legal advice from its counsel, per § 405(b)(4), and to deliberate on, without voting on, the case noted above, per § 405(b)(13) of the Act (D.C. Official Code § 2-575(b)(4) and (13)).

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

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