

District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 22-16, Fiscal Year 2018 Local Budget Act of 2017
- Department of Energy and Environment schedules a public hearing on the Proposed Water Quality Standards – 2016 Triennial Review
- Executive Office of the Mayor extends the terms of the Capitol Riverfront, Capitol Hill, NoMa, Downtown DC, and the Anacostia Business Improvement Districts
- Public Service Commission extends the public comment period for Pepco’s Notices of Construction of two underground electric transmission lines
- Office of the State Superintendent of Education amends funding availability for the Fiscal Year 2018 DC Community Schools Incentive Initiative Grant

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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Deadlines for Submission of Documents for Publication

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The deadline for filing documents for publication for District of Columbia Agencies, Boards, Commissions, and Public Charter schools is THURSDAY, NOON of the previous week before publication. The deadline for filing documents for publication for the Council of the District of Columbia is WEDNESDAY, NOON of the week of publication. If an official District of Columbia government holiday falls on Thursday, the deadline for filing documents is Wednesday. Email the Office of Documents and Administrative Issuances at dcdocuments@dc.gov to request the *District of Columbia Register* publication schedule.

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

MURIEL E. BOWSER
MAYOR

VICTOR L. REID, ESQ.
ADMINISTRATOR

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAWS

L22-12 St. Mary's Way Designation Act of 2017..... 009321

L22-13 Primary Date Alteration Amendment Act of 2017 009322

L22-14 Medical Marijuana Cultivation Center Relocation
Temporary Amendment Act of 2017..... 009323

L22-15 Fiscal Year 2017 Revised Local Budget Temporary
Adjustment Act of 2017..... 009324

L22-16 Fiscal Year 2018 Local Budget Act of 2017 009325

L22-17 Closing of a Public Alley in Square 2960,
S.O. 15-53893, Act of 2017..... 009326

L22-18 Medical Marijuana Certified Business Enterprise
Preference Temporary Amendment Act of 2017 009327

RESOLUTIONS

Res 22-221 Commission on Selection and Tenure of
Administrative Law Judges of the Office
of Administrative Hearings Joseph N. Onek
Reappointment Resolution of 2017 009328

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Notice of Intent to Act on New Legislation -
Bills B22-418 through B22-425, B22-428, and
B22-431 through B22-434 and Proposed Resolutions
PR22-429 through PR22-433, PR22-437, and PR22-444..... 009329 - 009333

COUNCIL HEARINGS

Notice of Public Hearing -

B22-280 Closing of a Public Alley in Square 772,
S.O. 16-25615, Act of 2017 (Revised/Abbreviated)..... 009334

B22-295 Closing of a Portion of a Public Alley in Square
3594, S.O. 16-25309, Act of 2017 (Revised/Abbreviated)..... 009334

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONT'D

OTHER COUNCIL ACTIONS

Consideration of Temporary Legislation -

B22-414 Access to Emergency Epinephrine Schools
Clarification Temporary Amendment
Act of 2017..... 009335

B22-416 Public School Nurse Assignment Temporary
Amendment Act of 2017..... 009335

B22-430 General Obligation Bonds and Bond
Anticipation Notes for Fiscal Years
2018-2023 Authorization Temporary
Act of 2017..... 009335

Notice of Reprogramming Requests -

22-75 Request to reprogram \$826,727 of Local Funds
Budget Authority within the Office of Cable
Television, Film, Music, and Entertainment 009336 - 009337

22-76 Request to reprogram \$15,300 of Special
Purpose Revenue Funds Budget Authority
from the District Department of Transportation
to the Pay-As-You-Go Capital Fund 009336 - 009337

22-77 Request to reprogram \$45,475 of Special
Purpose Revenue Funds Budget Authority
from the District Department of Transportation
to the Pay-As-You-Go Capital Fund 009336 - 009337

22-78 Request to reprogram \$499,000 of Local Funds
Budget Authority from the Department of
Forensic Sciences to the Department of
Consumer and Regulatory Affairs..... 009336 - 009337

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

Alcoholic Beverage Regulation Administration -

727 Market - ANC 1B - Renewal..... 009338

Avenue Supermarket - ANC 4D - Renewal..... 009339

Capitol Supermarket - ANC 2F - Renewal..... 009340

DC Cafe - ANC 2B - Class Change..... 009341

DC Supermarket - ANC 6A - Renewal..... 009342

Friendly Food Market - ANC 6D - Renewal 009343

Gedera Market - ANC 4C - Renewal..... 009344

Heist - ANC 2B - Change of Hours..... 009345

InterContinental Washington, D.C. - The Wharf -
ANC 6D - Change of Hours..... 009346

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

PUBLIC HEARINGS CONT'D

Alcoholic Beverage Regulation Administration - cont'd

Los Primos - ANC 1D - Renewal.....	009347
Northeast Supermarket - ANC 5D - Renewal.....	009348
Palisades Deli & Market - ANC 3D - Renewal.....	009349
Quality Convenience Store - ANC 8C - Renewal.....	009350
Rock Creek Market - ANC 1A - Renewal.....	009351
Target Store T-2259 - ANC 1A - Renewal.....	009352
Thomas & Sons Market - ANC 7D - Renewal.....	009353
Yes Organic Market - ANC 1B - Renewal.....	009354
Yes Organic Market - ANC 4C - Renewal.....	009355
Yes Organic Market - ANC 5B - Renewal.....	009356
Yes Organic Market - ANC 6B - Renewal.....	009357
Yes Organic Market 2 - ANC 3C - Renewal.....	009358

Energy and Environment, Department of -

Notice of Public Hearing and Comment Period - Proposed Water Quality Standards – 2016 Triennial Review - October 26, 2017	009359
---	--------

For-Hire Vehicles, Department of -

Notice of Public Hearing - Notice of Consideration of Proposed Amendments to Title 31 (Taxicabs and Public Vehicles for Hire) of the District of Columbia Municipal Regulations - Emergency and Proposed Modernization Rules - September 22, 2017.....	009360
--	--------

Zoning Adjustment, Board of - November 8, 2017 - Public Hearings

19616 Thomas Jefferson Real Estate, LLC - ANC 6B.....	009361 - 009364
19617 Aaron Cobet - ANC 1A	009361 - 009364
19623 Creative Grounds DC - ANC 5E.....	009361 - 009364
19625 61 Rhode Island Avenue NE, LLC - ANC 5E.....	009361 - 009364
19626 Fort Lincoln Retail LLC - ANC 5C.....	009361 - 009364
19629 Timothy and Charlotte Lawrence - ANC 1D.....	009361 - 009364

Zoning Commission - Cases

11-07G American University.....	009365 - 009367
16-06A Jemal’s Lazriv Water, LLC.....	009368 - 009370

FINAL RULEMAKING

Public Library, DC - Amend 19 DCMR (Amusements, Parks, and Recreation), Ch. 8 (Public Library), to repeal Sec. 822 (Administrative and Judicial Review of Barrings) to avoid redundancy since the rules are incorporated in Subsection 810.4 (Adminstrative Review of Notices of Barring)	009371
---	--------

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS
MAYOR’S ORDERS**

2017-212 Appointment – Director, Department on Disability
Services (Andrew Reese) 009372

2017-213 Appointment – Water and Sewer Authority Board
of Directors (Tommy Wells) 009373

2017-214 Extension of the Term of the Capitol Riverfront
Business Improvement District pursuant to the
Business Improvement Districts Act of 1996..... 009374

2017-215 Extension of the Term of the Capitol Hill
Business Improvement District pursuant to
the Business Improvement Districts Act of 1996 009375

2017-216 Extension of the Term of the NoMa Business
Improvement District pursuant to the Business
Improvement Districts Act of 1996..... 009376

2017-217 Appointments – Board of Medicine
(Andrea Anderson and Preetha Iyengar) 009377

2017-218 Extension of the Term of the Downtown DC
Business Improvement District pursuant to
the Business Improvement Districts Act of 1996 009378

2017-219 Extension of the Term of the Anacostia
Business Improvement District pursuant
to the Business Improvement Districts
Act of 1996..... 009379

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES**

Alcoholic Beverage Regulation Administration -
ABC Board's Calendar - September 27, 2017..... 009380 - 009382
ABC Board's Investigative Agenda - September 27, 2017..... 009383 - 009384
ABC Board's Licensing Agenda - September 27, 2017 009385 - 009386

City Arts and Prep Public Charter School -
Request for Proposals - Clinical Services..... 009387

DC International Public Charter School -
Request for Proposals – Construction Site Security 009388

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Education, Office of the State Superintendent of -
Amended Notice of Funding Availability -
Fiscal Year 2018 - DC Community Schools
Incentive Initiative Grant (CSII2018) 009389 - 009390

Elections, Board of -
Certification of ANC/SMD Vacancy in 8D07 009391

Energy and Environment, Department of -
Filing of a Request for a Voluntary Cleanup
Certificate of Completion - Camp Simms
Residential - 1500 Mississippi Avenue, SE -
Case No. VCP2003-002 009392

Filing of a Voluntary Cleanup Action Plan -
300 Morse Street, NE - Case No. VCP2016-042 009393

Filing of an Application to Perform Voluntary
Cleanup - 1309-1329 5th Street NE -
Case No. VCP2017-051 009394

Health, Department of -
Notice of Agency Temporary Closing - October 5, 2017 009395

IDEA Public Charter School -
Request for Proposals and Statement of Work -
Instructional Leadership Coaching and Common
Core PD 009396

Legal Counsel, Mayor's Office of - Freedom of Information Act Appeals -
2017-87 Douglas Stevens..... 009397 - 009400
2017-88 Randy Howard Smith 009401
2017-89 Arthur Slade..... 009402 - 009403
2017-91 Sean Bertoni 009404
2017-92 Vitold Chrzanowski..... 009405
2017-93 Kemit Mawakana 009406 - 009408
2017-94 Dale Cunningham..... 009409
2017-95 Michael Dorsey..... 009410 - 009412
2017-96 G. Harold Christian 009413
2017-97 Aaron Sankin 009414
2017-98 Fritz Mulhauser..... 009415 - 009418
2017-99 Widmon Butler 009419 - 009421
2017-100 Mike Eckel 009422 - 009425

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

**NOTICES, OPINIONS, AND ORDERS CONT'D
BOARDS, COMMISSIONS, AND AGENCIES CONT'D**

Not-For-Profit Hospital Corporation -
Board of Directors Public Meeting - September 27, 2017 009426 - 009427

Public Service Commission -
Notice of Approved Issuance of Stock or Evidences
of Indebtedness - Formal Case No. 1146 - Application
of Washington Gas Light Company for a Certificate of
Authority Authorizing it to Issue Debt Securities and
Preferred Stock..... 009428 - 009429

Notice of Final Tariff - Electric Tariff 00-2 - Potomac
Electric Power Company's Public Space Occupancy
Surcharge Electricity Tariff, P.S.C.-D.C. No. 1 009430 - 009431

Notice of Final Tariff - Electric Tariff 2017-01 - Potomac
Electric Power Company's Energy Assistance Trust Fund
Surcharge Rider, Rate Schedules for Electric Service in
the District of Columbia, P.S.C. of D.C. No. 1 009432 - 009433

Notice of Final Tariff - Gas Tariff 00-2 - Washington Gas
Light Company's Rights-of-Way Surcharge General
Regulations Tariff, P.S.C.-D.C. No. 3..... 009434 - 009435

Second Public Notice - Formal Case No. 1144 - Potomac
Electric Power Company's Notice to Construct Two 230kV
Underground Circuits from the Takoma Substation to the
Rebuilt Harvard Substation and from the Rebuilt Harvard
Substation to the Rebuilt Champlain Substation (Capital
Grid Project) 009436 - 009437

Retirement Board, DC -
Notice of Investment Committee Meeting - September 28, 2017 009438
Notice of Open Board Meeting - September 28, 2017 009439

Sentencing Commission, DC -
Notice of Public Meeting - September 19, 2017 009440

Washington Latin Public Charter School -
Request for Proposals - International Educational
Travel Services 009441

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

NOTICES, OPINIONS, AND ORDERS CONT'D

BOARDS, COMMISSIONS, AND AGENCIES CONT'D

Zoning Adjustment, Board of - Cases -

18383-A	Barbara Chambers Children's Center - ANC 1A - Order.....	009442	-	009445
18420-A	AT&T - ANC 4C - Order.....	009446	-	009449
19538	Avamere 3317 16th LLC - ANC 1A - Order.....	009450	-	009452
19541	William and Sarah Green - ANC 3G - Order.....	009453	-	009455
19549	Bradley Greenfield - ANC 6A - Order.....	009456	-	009458
19553	Servant's Office, LLC - ANC 4C - Order.....	009459	-	009461

Zoning Commission - Case -

17-16	251 Massachusetts Avenue, LLC - Notice of Filing	009462		
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COUNCIL OF THE DISTRICT OF COLUMBIA

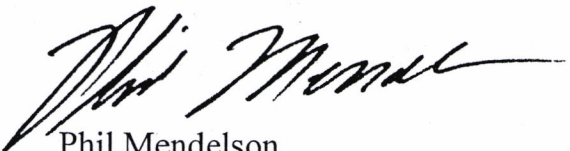
NOTICE

D.C. LAW 22-12

"St. Mary's Way Designation Act of 2017"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-150 on first and second readings May 16, 2017, and June 6, 2017, respectively. Following the signature of the Mayor on June 28, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-90 and was published in the July 7, 2017 edition of the D.C. Register (Vol. 64, page 6243). Act 22-90 was transmitted to Congress on July 10, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-90 is now D.C. Law 22-12, effective August 19, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31
August	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

COUNCIL OF THE DISTRICT OF COLUMBIA

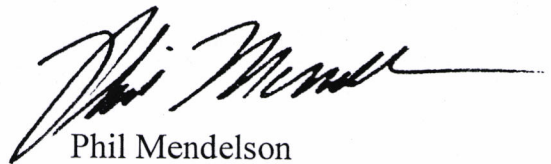
NOTICE

D.C. LAW 22-13

**"Primary Date Alteration Amendment
Act of 2017"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-197 on first and second readings May 16, 2017, and June 6, 2017, respectively. Following the signature of the Mayor on June 28, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-91 and was published in the July 7, 2017 edition of the D.C. Register (Vol. 64, page 6245). Act 22-91 was transmitted to Congress on July 10, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-91 is now D.C. Law 22-13, effective August 19, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31
August 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

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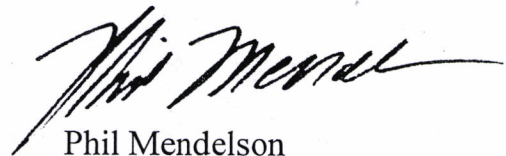
NOTICE

D.C. LAW 22-14

**"Medical Marijuana Cultivation Center Relocation
Temporary Amendment Act of 2017"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-283 on first and second readings May 16, 2017, and June 6, 2017, respectively. The legislation was deemed approved without the signature of the Mayor on June 30, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-92 and was published in the July 7, 2017 edition of the D.C. Register (Vol. 64, page 6247). Act 22-92 was transmitted to Congress on July 10, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-92 is now D.C. Law 22-14, effective August 19, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31
August	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18

COUNCIL OF THE DISTRICT OF COLUMBIA

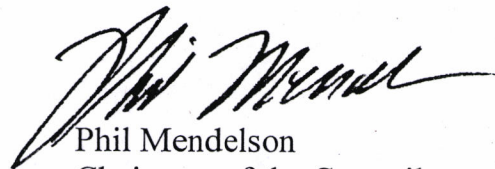
NOTICE

D.C. LAW 22-15

**"Fiscal Year 2017 Revised Local Budget
Temporary Adjustment Act of 2017"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-240 on first and second readings June 13, 2017, and June 27, 2017, respectively. Following the signature of the Mayor on July 10, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-97 and was published in the July 14, 2017 edition of the D.C. Register (Vol. 64, page 6568). Act 22-97 was transmitted to Congress on July 14, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-97 is now D.C. Law 22-15, effective August 25, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 31
August	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24

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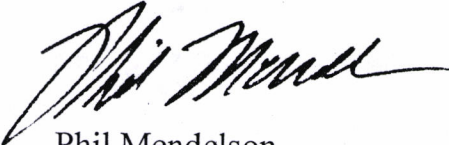
NOTICE

D.C. LAW 22-16

"Fiscal Year 2018 Local Budget Act of 2017"

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-242 on first and second readings May 30, 2017, and June 13, 2017, respectively. Following the signature of the Mayor on July 10, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-99 and was published in the July 14, 2017 edition of the D.C. Register (Vol. 64, page 6581). Act 22-99 was transmitted to Congress on July 18, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-99 is now D.C. Law 22-16, effective August 29, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July	18, 19, 20, 21, 24, 25, 26, 27, 28, 31
August	1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

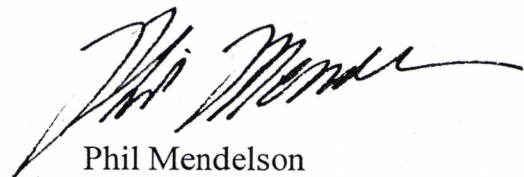
NOTICE

D.C. LAW 22-17

**"Closing of a Public Alley in Square 2960,
S.O. 15-53893, Act of 2017"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-57 on first and second readings June 6, 2017, and June 27, 2017, respectively. Following the signature of the Mayor on July 13, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-100 and was published in the July 21, 2017 edition of the D.C. Register (Vol. 64, page 6713). Act 22-100 was transmitted to Congress on July 25, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-100 is now D.C. Law 22-17, effective September 6, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July 25, 26, 27, 28, 31
August 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
September 1, 5

COUNCIL OF THE DISTRICT OF COLUMBIA

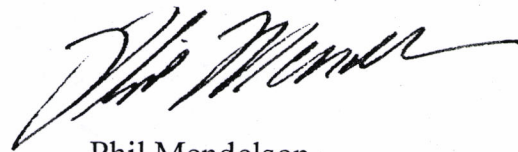
NOTICE

D.C. LAW 22-18

**"Medical Marijuana Certified Business
Enterprise Preference Temporary
Amendment Act of 2017"**

As required by Section 412(a) of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-305 on first and second readings June 6, 2017, and June 27, 2017, respectively. Following the signature of the Mayor on July 13, 2017, as required by Section 404(e) of the Charter, the bill became Act 22-101 and was published in the July 21, 2017 edition of the D.C. Register (Vol. 64, page 6715). Act 22-101 was transmitted to Congress on July 25, 2017 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-101 is now D.C. Law 22-18, effective September 6, 2017.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

July 25, 26, 27, 28, 31
August 1, 2, 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 28, 29, 30, 31
September 1, 5

ENROLLED ORIGINAL

A RESOLUTION

22-221

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 19, 2017

To reappoint Mr. Joseph N. Onek to the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings Joseph N. Onek Reappointment Resolution of 2017”.

Sec. 2. The Council of the District of Columbia reappoints:

Mr. Joseph N. Onek
3723 Ingomar Street, N.W.
Washington, D.C. 20015
(Ward 3)

as a voting member of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, established by section 9 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.06), for a term to end April 30, 2020.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the appointee, the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings, and the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

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

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

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

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

- | | |
|---------|--|
| B22-418 | Restrictions of the Use of Credit Information Amendment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development |
| <hr/> | |
| B22-419 | Subrogation Fund Establishment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development |
| <hr/> | |
| B22-420 | Captive Insurance Agency Amendment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development |
| <hr/> | |
| B22-421 | Police Officer Retention Amendment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety |
-

- B22-422 Protection of seniors and Vulnerable Adults from Financial Exploitation Act of 2017
- Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development with comments from the Committee on Human Services
-
- B22-423 Parks and Recreation License Plate Establishment Act of 2017
- Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Transportation and the Environment
-
- B22-424 Nurse Staffing Agency Amendment Act of 2017
- Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- B22-425 Washington Teachers' Union and Additional Labor Agreements Funding Amendment Act of 2017
- Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole with comments from the Committee on Education
-
- B22-428 General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Act of 2017
- Intro. 9-18-17 by Chairman Mendelson at the request of the Office of the Chief Financial Officer and referred to the Committee on Finance and Revenue
-

B22-431 Great Streets Technical Amendment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

B22-432 Financial Services Consumer Protection Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

B22-433 Clinics Licensing Amendment Act of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

B22-434 Targeted Historic Assistance Amendment Act of 2017

Intro. 9-18-17 by Councilmember Allen and referred to the Committee of the Whole

PROPOSED RESOLUTIONS

PR22-429 Compensation Agreement between the District of Columbia Government Department of Behavioral Health and Committee of Interns and Residents/Service Employees International Union, CTW, CLC (CIR/SEIU) Resolution of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Labor and Workforce Development

PR22-430 Collective Bargaining Agreement between District of Columbia Government
Department of General Services and the Fraternal Order of Police/Protective
Services Division Labor Committee Approval Resolution of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Labor and Workforce Development

PR22-431 2018 Unemployment Compensation Maximum Weekly Benefit Amount
Increase Approval Resolution of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Labor and Workforce Development

PR22-432 District of Columbia Cottage Food Regulations Approval Resolution of
2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

PR22-433 Medical Marijuana Authorized Number of Dispensaries Increase
Rulemaking Approval Resolution of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

PR22-437 Medical Marijuana Dispensary Schedule of Fines Rulemaking Approval
Resolution of 2017

Intro. 9-18-17 by Chairman Mendelson at the request of the Mayor and referred
to the Committee on Health

PR22-444 Hi-Tech Electric, LLC, Contract Approval Resolution of 2017
Intro. 9-18-17 by Chairman Mendelson at the request of the Washington
Convention and Sports Authority and Retained by the Council with comments
from the Committee on Finance and Revenue

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

REVISED/ABBREVIATED

CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING

on

Bill 22-280, Closing of a Public Alley in Square 772, S.O. 16-25615, Act of 2017

And

Bill 22-295, Closing of a Portion of a Public Alley in Square 3594, S.O. 16-25309, Act of 2017

on

Thursday, September 28, 2017
12:30 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Council Chairman Phil Mendelson announces a public hearing before the Committee of the Whole on **Bill 22-280**, the “Closing of a Public Alley in Square 772, S.O. 16-25615, Act of 2017” and **Bill 22-295**, the “Closing of a Public Alley in Square 3594, S.O. 16-25309, Act of 2017.” The hearing will be held at 12:30 p.m. on **Thursday, September 28, 2017** in Hearing Room 412 of the John A. Wilson Building. **This notice has been revised to reflect the rescheduled time pursuant to Council Rule 421(c)(1).**

The stated purpose of **Bill 22-280** is to order the closing of a portion of the public alley system in Square 772, bounded by N Street, and Florida Avenue to the north, a public alley to the south, 4th Street to the east and 3rd Street to the west in Northeast Washington, D.C. in Ward 6. The closing would support a mixed-use development project consisting of residential units, retail and office space, a hotel, and parking spaces. The stated purpose of **Bill 22-295** is to order the closing of a public alley system in Square 3594, bounded by New York Avenue to the north, Brentwood Parkway to the east, Penn Street to the south, and 4th Street to the west in Northeast, Washington, D.C. in Ward 5. The closed portion of the alley will become part of a hotel development with space dedicated to an art gallery, studios, and classrooms. The developer has agreed to provide an easement so that the public may continue to use the alley.

Those who wish to testify are asked to email the Committee of the Whole at cow@dccouncil.us, or to call Sydney Hawthorne, Legislative Counsel at (202) 724-7130, and to provide your name, address, telephone number, organizational affiliation, and title (if any) by close of business **Tuesday, September 26, 2017**. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on September 26, 2017 the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses. Copies of the legislation can be obtained through the Legislative Services Division of the Secretary of the Council’s office or on <http://lims.dccouncil.us>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, October 12, 2017.

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

B22-414, Access to Emergency Epinephrine Schools Clarification Temporary Amendment Act of 2017, **B22-416**, Public School Nurse Assignment Temporary Amendment Act of 2017, and **B22-430**, General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023 Authorization Temporary Act of 2017 were adopted on first reading on September 19, 2017. These temporary measures were considered in accordance with Council Rule 413. A final reading on these measures will occur on October 3, 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. 22-75

Request to reprogram \$826,727 of Local Funds Budget Authority within the Office of Cable Television, Film, Music, and Entertainment was filed in the Office of the Secretary on September 18, 2017. This reprogramming is needed to ensure that OCTFME will be able to cover anticipated personal services costs associated with realignment of agency staff.

RECEIVED: 14 day review begins September 19, 2017

Reprog. 22-76

Request to reprogram \$15,300 of Special Purpose Revenue Funds Budget Authority from the District Department of Transportation to the Pay-As-You-Go Capital Fund was filed in the Office of the Secretary on September 18, 2017. This reprogramming is needed to support transportation infrastructure work at the intersection of 9th Street and Maine Avenue, SW and the intersection of the 7th Street and Maine Avenue, NW.

RECEIVED: 14 day review begins September 19, 2017

Reprog. 22-77

Request to reprogram \$45,475 of Special Purpose Revenue Funds Budget Authority from the District Department of Transportation to the Pay-As-You-Go Capital Fund was filed in the Office of the Secretary on September 18, 2017. This reprogramming is needed to support various transportation infrastructure work throughout the District of Columbia.

RECEIVED: 14 day review begins September 19, 2017

Reprog. 22-78

Request to reprogram \$499,000 of Local Funds Budget Authority from the Department of Forensic Sciences to the Department of Consumer and Regulatory Affairs was filed in the Office of the Secretary on September 18, 2017. This reprogramming is needed to support 10.0 temporary Pull-Time Equivalent Business Process Analyst positions; overtime for the Permitting, Enforcement, and Inspection divisions; printing, advertising, and equipment for the Communication division; phones, software, and equipment for the Legal division; office support for the Performance Management division; and the software training room and seamless document acquisition for the Information Technology division.

RECEIVED: 14 day review begins September 19, 2017

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-078015

License Class/Type: B Retail - Grocery

Applicant: 727, Inc.

Trade Name: 727 Market

ANC: 1B09

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

2820 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-090417

License Class/Type: B Retail - Grocery

Applicant: MHAT & DM, LLC

Trade Name: Avenue Supermarket

ANC: 4D05

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

5010 NEW HAMPSHIRE AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11:59 pm	7 am - 11:59 pm
Monday:	7 am - 11:59 pm	7 am - 11:59 pm
Tuesday:	7 am - 11:59 pm	7 am - 11:59 pm
Wednesday:	7 am - 11:59 pm	7 am - 11:59 pm
Thursday:	7 am - 11:59 pm	7 am - 11:59 pm
Friday:	7 am - 11:59 pm	7 am - 11:59 pm
Saturday:	7 am - 11:59 pm	7 am - 11:59 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-001688

License Class/Type: B Retail - Grocery

Applicant: Amko International Inc

Trade Name: Capitol Supermarket

ANC: 2F07

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

1231 11TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	9 am - 9pm	9 am - 9pm
Tuesday:	9 am - 9pm	9 am - 9pm
Wednesday:	9 am - 9pm	9 am - 9pm
Thursday:	9 am - 9pm	9 am - 9pm
Friday:	9 am - 9pm	9 am - 9pm
Saturday:	9 am - 8:30 pm	9 am - 8:30 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 22, 2017
Protest Petition Deadline: November 6, 2017
Roll Call Hearing Date: November 20, 2017

License No.: ABRA-025007
Licensee: DC Grill, Inc.
Trade Name: DC Cafe
License Class: Retailer's Class "D" Restaurant
Address: 2035 P Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 2 ANC 2B SMD 2B02

Notice is hereby given that this licensee has requested a Substantial Change to their 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 November 20, 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.

NATURE OF SUBSTANTIAL CHANGE

Class Change from D Restaurant to D Tavern.

CURRENT HOURS OF OPERATION INSIDE PREMISES

Sunday through Saturday 12am - 12am (24 hour operations)

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION INSIDE PREMISES

Sunday 10:00 am - 2:00 am
Monday - Thursday 8:00 am - 2:00 am
Friday - Saturday 8:00 am - 3:00 am

CURRENT HOURS OF OPERATION FOR SIDEWALK CAFE

Sunday - Wednesday 7:00 am - 11 pm
Thursday 7:00 am - 11:30 pm
Friday - Saturday 7:00 am - 12:00 am

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFE

Sunday 10:00 am - 11:00 pm
Monday - Wednesday 8:00 am - 11:00 pm
Thursday 8:00 am - 11:30 pm
Friday - Saturday 8:00 am - 12:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-074927

License Class/Type: B Retail - Grocery

Applicant: Mochi, Inc.

Trade Name: DC Supermarket

ANC: 6A02

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

539 8TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 11 pm	7 am - 11 pm
Monday:	7 am - 11 pm	7 am - 11 pm
Tuesday:	7am - 11 pm	7 am - 11 pm
Wednesday:	7 am - 11pm	7 am - 11 pm
Thursday:	7 am - 11 pm	7 am - 11 pm
Friday:	7 am - 11 pm	7 am - 11 pm
Saturday:	7 am - 11 pm	7 am - 11 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-060722

License Class/Type: B Retail - Grocery

Applicant: Friendly David's Market Inc.

Trade Name: Friendly Food Market

ANC: 6D06

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

1399 HALF ST SW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	9 am - 9 pm
Monday:	8 am - 10 pm	9 am - 9 pm
Tuesday:	8 am - 10 pm	9 am - 9 pm
Wednesday:	8 am - 10 pm	9 am - 9 pm
Thursday:	8 am - 10 pm	9 am - 9 pm
Friday:	8 am - 10 pm	9 am - 9 pm
Saturday:	8 am - 10 pm	9 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-089069

License Class/Type: B Retail - Class B

Applicant: Askale Yaregal

Trade Name: Gedera Market

ANC: 4C03

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

4600 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 22, 2017
Protest Petition Deadline: November 6, 2017
Roll Call Hearing Date: November 20, 2017

License No.: ABRA-105012
Licensee: Heist Group, LLC
Trade Name: Heist
License Class: Retailer's Class "C" Nightclub
Address: 1216 18th Street, N.W.
Contact: Jeff Jackson: (202) 251-1566

WARD 2 ANC 2B SMD 2B06

Notice is hereby given that this licensee has requested a Substantial Change to their 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 November 20, 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.

NATURE OF SUBSTANTIAL CHANGE

Request a Change of Hours.

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

Sunday - Thursday 10:00 pm - 2:00 am
Friday - Saturday 10:00 pm - 3:00 am

PROPOSED HOURS OF OPERATION

Sunday - Thursday 10:00 pm - 3:00 am
Friday - Saturday 10:00 pm - 4:00 am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES/ SERVICE/CONSUMPTION

Sunday - Thursday 10:00 pm - 2:00 am
Friday - Saturday 10:00 pm - 3:00 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: September 22, 2017
Protest Petition Deadline: November 6, 2017
Roll Call Hearing Date: November 20, 2017

License No.: ABRA-106688
Licensee: Carr Waterfront Hotel LLC
Trade Name: InterContinental Washington, D.C. - The Wharf
License Class: Retailer's Class "C" Hotel
Address: 801 Water Street, S.W.
Contact: Andrew Kline: 202-686-7600

WARD 6 ANC 6D SMD 6D04

Notice is hereby given that this licensee has requested a Substantial Change to their 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 November 20, 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

Licensee requests the following substantial change to its nature of operation:

NATURE OF SUBSTANTIAL CHANGE

Applicant requests to change the hours of Alcoholic Beverage Sales, Service, Consumption, and Entertainment Endorsement.

CURRENT HOURS OF OPERATION

Sunday through Saturday 12am - 12am (24 hour operations)

CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Saturday 11 am - 12 am

CURRENT HOURS OF LIVE ENTERTAINMENT

Sunday through Saturday 6 pm - 12 am

PROPOSED HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION

Sunday through Thursday 11 am - 2 am, Friday and Saturday 11 am - 3 am

PROPOSED HOURS OF LIVE ENTERTAINMENT

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-076413

License Class/Type: B Retail - Grocery

Applicant: Myungjoon, Inc.

Trade Name: Los Primos

ANC: 1D04

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

3170 MT PLEASANT ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 10 pm	9 am - 10 pm
Monday:	8 am - 10 pm	9 am - 10 pm
Tuesday:	8 am - 10 pm	9 am - 10 pm
Wednesday:	8 am - 10 pm	9 am - 10 pm
Thursday:	8 am - 10 pm	9 am - 10 pm
Friday:	8 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-101289

License Class/Type: B Retail - Grocery

Applicant: JSSI-Pine LLC

Trade Name: Northeast Supermarket

ANC: 5D02

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

1201 MOUNT OLIVET RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-079038

License Class/Type: B Retail - Grocery

Applicant: T & H Deli, Inc.

Trade Name: Palisades Deli & Market

ANC: 3D09

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

4554 MACARTHUR BLVD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 8 pm	9 am - 8 pm
Monday:	9 am - 8 pm	9 am - 8 pm
Tuesday:	9 am - 8 pm	9 am - 8 pm
Wednesday:	9 am - 8 pm	9 am - 8 pm
Thursday:	9 am - 8 pm	9 am - 8 pm
Friday:	9 am - 8 pm	9 am - 8 pm
Saturday:	9 am - 8 pm	9 am - 8 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-083074

License Class/Type: B Retail - Grocery

Applicant: Ambi, Inc

Trade Name: Quality Convenience Store

ANC: 8C03

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

2922 1/2 MARTIN LUTHER KING JR AVE SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-091449

License Class/Type: B Retail - Class B

Applicant: A & M, Inc.

Trade Name: Rock Creek Market

ANC: 1A08

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

644 - 646 ROCK CREEK CHURCH RD NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9:30 am - 10 pm	9:30 am - 10 pm
Monday:	9 am - 10 pm	9 am - 10 pm
Tuesday:	9 am - 10 pm	9 am - 10 pm
Wednesday:	9 am - 10 pm	9 am - 10 pm
Thursday:	9 am - 10 pm	9 am - 10 pm
Friday:	9 am - 10 pm	9 am - 10 pm
Saturday:	9 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-078895

License Class/Type: B Retail - Grocery

Applicant: Target Corporation

Trade Name: Target Store T-2259

ANC: 1A05

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

3100 14TH ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	8 am - 9 pm	9 am - 9 pm
Monday:	8 am - 10 pm	9 am - 10 pm
Tuesday:	8 am - 10 pm	9 am - 10 pm
Wednesday:	8 am - 10 pm	9 am - 10 pm
Thursday:	8 am - 10 pm	9 am - 10 pm
Friday:	8 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-103151

License Class/Type: B Retail - Grocery

Applicant: Rehabot Services LLC

Trade Name: Thomas & Sons Market

ANC: 7D04

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

3425 BENNING RD NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	7 am - 12 am	7 am - 12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-079023

License Class/Type: B Retail - Grocery

Applicant: Yes Organic Market , Inc.

Trade Name: Yes Organic Market

ANC: 1B04

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

2125 14th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-081925

License Class/Type: B Retail - Grocery

Applicant: Yes Organic Petworth Inc.

Trade Name: Yes Organic Market

ANC: 4C07

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

4100 GEORGIA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

Days	Hours of Operation	Hours of Sales/Service
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Friday:	7 am - 10 pm	7 am - 10 pm
Saturday:	7 am - 10 pm	7 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-075678

License Class/Type: B Retail - Grocery

Applicant: Yes Organic Four, LLC

Trade Name: Yes Organic Market

ANC: 5B05

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

3809 12TH ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-089539 License Class/Type: B Retail - Grocery

Applicant: Yes Organic Eastern Market, Inc.

Trade Name: Yes Organic Market

ANC: 6B04

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

410 8TH ST SE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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Friday:	8 am - 10 pm	9 am - 10 pm
Saturday:	8 am - 10 pm	9 am - 10 pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
9/22/2017

Notice is hereby given that:

License Number: ABRA-101078

License Class/Type: B Retail - Grocery

Applicant: Natures Way Inc

Trade Name: Yes Organic Market 2

ANC: 3C04

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

3425 CONNECTICUT AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
11/6/2017

A HEARING WILL BE HELD ON:
11/20/2017

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

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Friday:	7am - 10pm	7am - 10pm
Saturday:	7am - 10pm	7am - 10pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

DEPARTMENT OF ENERGY AND ENVIRONMENT**NOTICE OF PUBLIC HEARING AND COMMENT PERIOD****Proposed Water Quality Standards – 2016 Triennial Review**

The Department of Energy and Environment (DOEE) invites the public to comment on the proposed water quality standards (WQS). Additionally, as required by the Water Pollution Control Act, D.C. Official Code § 8-103.04, DOEE plans to conduct a Water Quality Criteria Impact Analysis that analyzes the environmental, technological, institutional, and socio-economic impacts of applying and enforcing the proposed WQS.

The public is invited to present information and comment on the proposed WQS and on the scope and approach of the Water Quality Criteria Impact Analysis at a public hearing, per the following details.

Public Hearing: Thursday, October 26, 2017

HEARING DATE:	Thursday, October 26, 2017
TIME:	6:00 PM
PLACE	Department of Energy and Environment 1200 First Street NE, 5th Floor Washington, DC 20002 NoMa-Gallaudet (Red Line) Metro Stop

Persons present at the hearing who wish to be heard may testify. All presentations shall be limited to five minutes. All persons desiring to comment on the proposed regulations should file comments in writing not later than sixty (60) days after the publication of the proposed WQS in the *D.C. Register*.

The proposed WQS can be found at <https://doee.dc.gov/service/water-quality-regulations>. A hard copy may also be obtained from the DOEE offices at 1200 First Street NE, Washington, DC 20002, 5th floor. Please email WQS@dc.gov with “Proposed WQS-2016 Triennial Review” in the subject line to arrange for pick-up.

Comments clearly marked “Proposed WQS-2016 Triennial Review” may also be hand delivered or mailed to the DOEE offices at the address listed above. Persons may also submit written testimony by email with a subject line of “Proposed WQS-2016 Triennial Review” to WQS@dc.gov.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FOR-HIRE VEHICLES**

NOTICE OF PUBLIC HEARING

**Notice of Consideration of Proposed Amendments to
Title 31 (Taxicabs and Public Vehicles for Hire)
of the District of Columbia Municipal Regulations:
Emergency and Proposed Modernization Rules**

**Friday, September 22, 2017
10:00 AM**

The Department of For-Hire Vehicles announces a public hearing seeking stakeholder input on the Emergency and Proposed Modernization Rules, which were adopted August 28th and published in the September 1st *DC Register*. The rules require all taxicabs to transition from the legacy Modern Taximeter Systems to new Digital Taxicab Solutions by October 31st. The Department of For-Hire Vehicles (“DFHV”) has scheduled a Public Hearing at 10:00 am on Friday, September 22, 2017 at 2235 Shannon Place, SE, Washington, DC 20020, inside the Hearing Room, Suite 2032.

Those interested in speaking at the hearing should register by calling 202-645-6002 not later than Thursday, September 21 at 3:00 pm. Testimony will be limited to the specific subject matter of this public hearing. Each participant will be allotted up to five (5) minutes to present. Participants must submit ten (10) copies of their written testimony to the Secretary of the Department of For-Hire Vehicles, 2235 Shannon Place SE, Suite 3001, Washington, D.C. 20020, in advance of the hearing. All speakers should be prepared to answer questions that may be posed by the Department during the hearing.

This public hearing is for the purpose of gaining advance public and industry feedback on potential revisions to the definition and regulations relevant to the modernization regulations which appear in Title 31 DCMR Chapters 4, 5, 6, 8, 15, 18, 20 and 99.

The public hearing will take place at the following time and location:

FRIDAY, SEPTMBER 22, 2017 AT 10:00 AM

**2235 SHANNON PLACE, S.E.
WASHINGTON, DC 20020
HEARING ROOM, SUITE 2032**

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, NOVEMBER 8, 2017
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

**TIME: 9:30 A.M.
WARD SIX**

19616 **Application of Thomas Jefferson Real Estate, LLC**, pursuant to 11 DCMR
ANC 6B Subtitle X, Chapter 9, for special exceptions under Subtitle H § 1200 from the lot
occupancy requirements of Subtitle H § 704.1, and from the ground floor
designated use requirements of Subtitle H § 1101.1, and under Subtitle C § 1504
from the penthouse setback requirements of Subtitle C § 1502.1(c)(4), to
construct a new, 46-unit apartment house in the NC-6 Zone at premises 818
Potomac Avenue S.E. (Square 930, Lots 10, 14, 800, 801, 816, 817, 828, and
829).

WARD ONE

19617 **Application of Aaron Cobet**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a
ANC 1A special exception under Subtitle E § 5201 from the rear yard requirements of
Subtitle E § 205.4, to construct a two-story rear addition to an existing one-family
dwelling in the RF-1 Zone at premises 753 Morton Street N.W. (Square 2894, Lot
49)

WARD FIVE

19623 **Application of Creative Grounds DC**, pursuant to 11 DCMR Subtitle X,
ANC 5E Chapter 9, for a special exception under the use provisions of Subtitle U § 254.14,
to permit a corner store containing an art gallery and accessory prepared food
shop in the RF-1 Zone at premises 1822 North Capitol Street N.W. (Square 3106,
Lot 84).

WARD FIVE

19625 **Application of 61 Rhode Island Avenue NE, LLC**, pursuant to 11 DCMR
ANC 5E Subtitle X, Chapter 10, for an area variance from the density requirements of
Subtitle E § 201.4, to add 2 units to an existing 2-unit apartment house in the RF-
1 Zone at premises 61 Rhode Island Avenue N.E. (Square 3535, Lot 58).

BZA PUBLIC HEARING NOTICE

NOVEMBER 8, 2017

PAGE NO. 2

WARD FIVE

19626 **Application of Fort Lincoln Retail LLC**, pursuant to 11 DCMR Subtitle X,
ANC 5C Chapter 9, for a special exception under Subtitle U § 513.1(n) from the use
 requirements of Subtitle U § 513, to permit a fast food restaurant with a drive-thru
 in the MU-5A Zone at premises Fort Lincoln Drive N.E. (Square 4327, Lot 1161).

WARD ONE

19629 **Application of Timothy and Charlotte Lawrence**, pursuant to 11 DCMR
ANC 1D Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5204 from the rear
 yard requirements of Subtitle E § 5104.1, and the side yard requirements of
 Subtitle E § 5105.1, and pursuant to Subtitle X, Chapter 10, for variances from
 the alley centerline setback requirements of Subtitle E § 5106.1, and from
 pervious surface requirements of Subtitle E § 5107.1, to construct a one-family
 dwelling on an alley lot in the RF-1 zone at premises 1665 Harvard Street N.W.
 (Rear). (Square 2588, Lot 827).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Subtitles X and Y of the District of Columbia Municipal Regulations, Title 11. Pursuant to Subtitle Y, Chapter 2 of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.*** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

BZA PUBLIC HEARING NOTICE
NOVEMBER 8, 2017
PAGE NO. 3

Do you need assistance to participate?

Amharic

ለመነተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኤሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

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。

French

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.

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿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.

Vietnamese

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.

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

FREDERICK L. HILL, CHAIRPERSON

BZA PUBLIC HEARING NOTICE

NOVEMBER 8, 2017

PAGE NO. 4

**LESYLLEÉ M. WHITE, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
NATIONAL CAPITAL PLANNING COMMISSION
A PARTICIPATING MEMBER OF THE ZONING COMMISSION
ONE BOARD SEAT VACANT
CLIFFORD W. MOY, SECRETARY TO THE BZA
SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**

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

TIME AND PLACE: Monday, November 20, 2017, @ 6:30 p.m.
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 11-07G (American University – Amendment to the 2011-2022 Campus Plan and Further Processing of the Campus Plan @ Square 1600, Lot 1)

THIS CASE IS OF INTEREST TO ANC 3D AND 3E

On August 25, 2017, the Office of Zoning received an application from American University (the “Applicant” or “AU”). The Applicant is requesting special exception approval for an amendment to the approved 2011-2022 American University Campus Plan and a further processing application to permit the construction of a new Hall of Science Building. The 2011-2022 American University Campus Plan approved an addition to the existing chemistry building (the “Beeghly Building”) to allow consolidation of all science instruction and research in one facility.

The property that is the subject of this application is located on the portion of American University’s Main Campus that is bounded by Massachusetts Avenue on the north, Nebraska Avenue on the east, Rockwood Parkway to the south, and University Avenue to the west. Specifically, the proposed new Hall of Science Building will be located immediately to the west of the existing Beeghly Building, which is near the interior of the campus, on a site that is currently used as a surface parking lot, a sloped green space, and AU’s Costume Shop. This portion of the AU’s Main Campus is located in the RA-1 zone.

The proposed amendment to the 2011-2022 Campus Plan will add a new consolidated science building, the Hall of Science Building.

The proposed further processing application will allow for the construction of the new Hall of Science Building that will be associated with instruction and research related to the Chemistry, Biology, Environmental Science, and Psychology Departments in American University’s School of Arts and Sciences. The Hall of Science Building will have a measured building height of approximately 54 feet, six inches, include approximately 92,270 square feet of gross floor area, and be located approximately 500 feet from AU’s property line adjacent to University Avenue, N.W.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1.

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

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

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, if an ANC wishes to participate in the hearing, it must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

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

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

1. Applicant and parties in support 60 minutes collectively

- 2. Parties in opposition 60 minutes collectively
- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

ANTHONY J. HOOD, 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.

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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.

ለማተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አጭነት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚጠኑ በነጻ ነው።

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

TIME AND PLACE: **Monday, December 18, 2017, @ 6:30 p.m.**
Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Z.C. Case No. 16-06A (Jemal’s Lazriv Water, LLC – Design Review Modification of Significance @ Square 666, Lot 15)

THIS CASE IS OF INTEREST TO ANC 6D

On August 28, 2017, the Office of Zoning received an application from Jemal’s Lazriv Water, LLC (the "Applicant") requesting review and approval of a modification of significance to the architectural plans and elevations approved in Z.C. Case No. 16-06 under the Capitol Gateway Overlay District requirements of the 1958 Zoning Regulations. The application was submitted pursuant to Subtitle Z § 704 of the 2016 Zoning Regulations (“DCMR”) for a modification of significance, and pursuant to 11 DCMR Subtitle X, Chapter 6, 11-Z DCMR § 301, and 11-K DCMR § 512 for design review of a project located in the CG-5 zone.

The subject property is located at 1900 Half Street, S.W. (Square 666, Lot 15) (the “Property”) and is presently improved with a mostly vacant office building. The Property contains approximately 110,988 square feet of land area and is bounded by T Street, S.W. to the north, the Anacostia River to the east, U Street, S.W. to the south, and Water Street, S.W. and Half Street, S.W. to the west. Pursuant to Z.C. Order No. 16-06, the Zoning Commission approved a design review application to renovate and adaptively reuse the existing office building as a mixed-use project comprised of residential and retail uses. The approval included a variance from the maximum building height requirements, a variance from the loading requirements, and special exception relief to provide multiple penthouses at multiple heights and penthouses that do not comply with the setback requirements from an open court.

The approved project includes approximately 450,711 square feet of gross floor area (4.06 FAR), with approximately 373,984 square feet of gross floor area devoted to residential use and approximately 24,032 square feet of gross floor area devoted to retail use, with the remaining floor area devoted to parking and service uses. The building height will remain at 90 feet for the majority of the building, except for a new two foot, three-inch roof slab located on the center portion of the roof to reinforce rooftop mechanical equipment and amenity space, and a new five-foot pool deck, both previously approved in Z.C. Case No. 16-06.

The proposed modification of significance is requested to revise the approved penthouse plan. The modifications include the need for additional zoning relief for penthouse height and setbacks from the open court walls.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Commission’s Rules of Practice and Procedure, 11 DCMR Subtitle Z, Chapter 4.

How to participate as a witness.

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

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR Subtitle Z § 404.1.

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

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

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in Subtitle Z § 406.3 no later than seven (7) days before the date of the hearing. The report shall contain the information indicated in Subtitle Z § 406.2 (a) through (i).

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

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

- 1. Applicant and parties in support 60 minutes collectively
- 2. Parties in opposition 60 minutes collectively

- 3. Organizations 5 minutes each
- 4. Individuals 3 minutes each

Pursuant to 11 DCMR Subtitle Z § 408.4 the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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

ANTHONY J. HOOD, ROBERT 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.

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

DISTRICT OF COLUMBIA PUBLIC LIBRARY**NOTICE OF FINAL RULEMAKING**

The District of Columbia Public Library Board of Trustees, pursuant to the authority set forth in An Act to establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896, as amended (29 Stat. 244, ch. 315, § 5; D.C. Official Code § 39-105 (2012 Repl.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Repl.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Repl.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the amendment of Chapter 8 (Public Library) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendment is to repeal 19 DCMR § 822 to avoid redundancy since the section is now incorporated in 19 DCMR § 810.4 with an updated address. 19 DCMR § 810 became effective August 4, 2017.

On January 27, 2017, the Executive Director of the District of Columbia Public Library (“DCPL”) approved the adoption of new amendment(s) to replace the current 19 DCMR 810 District of Columbia Public Library Regulations regarding Behavior Rules Governing the Use of the District of Columbia Public Library. The Notice of Proposed Rulemaking was published in the *D.C. Register* on March 3, 2017 at 64 DCR 2400. On July 26, 2017, Executive Director of the District of Columbia Public Library (“DCPL”) approved the adoption of the emergency regulations. A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* for a thirty (30) day public comment period on August 11, 2017 at 64 DCR 8064.

These rules were adopted as final become effective immediately upon publication of this notice in the register.

Chapter 8, PUBLIC LIBRARY, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:

Section 822, ADMINSTRATIVE AND JUDICIAL REVIEW OF BARRINGS, is amended as follows:

822 [REPEALED]

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-212
September 12, 2017

SUBJECT: Appointment – Director, Department on Disability Services


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat.790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), pursuant to section 106 of the Department on Disability Services Establishment Act of 2006, effective March 14, 2007, D.C. Law 16-264; D.C. Official Code § 7-761.06 (2012 Repl. and 2017 Supp.), in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979, D.C. Law 2-142; D.C. Official Code § 1-523.01 (2016 Repl.), and the Director of the Department of Disability Services Andrew Reese Confirmation Resolution of 2016, effective November 15, 2016, R21-0659, it is hereby **ORDERED** that:

1. **ANDREW REESE** is appointed Director, Department on Disability Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2016-118, dated September 14, 2016.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to November 15, 2016.



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 2017-213
September 13, 2017

SUBJECT: Appointment— Water and Sewer Authority Board of Directors


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 section 204 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996 (D.C. Law 11-111; D.C. Official Code § 34-2202.04 (2013 Repl.)), it is hereby **ORDERED** that:

1. **TOMMY WELLS** is appointed as Chairperson of the Water and Sewer Authority Board of Directors, replacing Matthew T. Brown, to serve at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-018, dated January 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

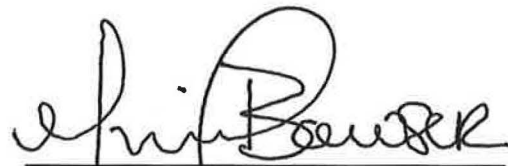
Mayor's Order 2017-214
September 15, 2017

SUBJECT: Extension of the Term of the Capitol Riverfront Business Improvement District pursuant to the Business Improvement Districts Act of 1996

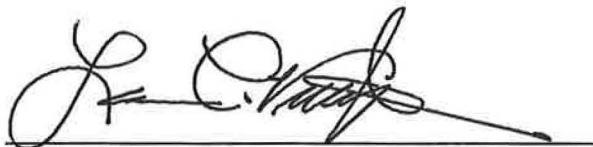
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 19 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.18 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The term of the Capitol Riverfront Business Improvement District, currently set to expire on September 30, 2017, is hereby extended until September 30, 2022.
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

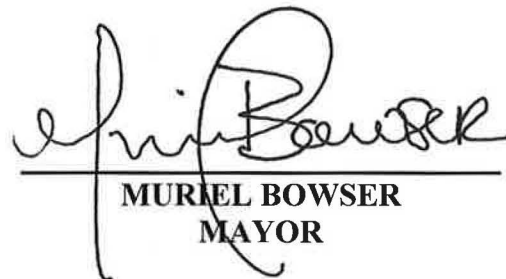
Mayor's Order 2017-215
September 15, 2017

SUBJECT: Extension of the Term of the Capitol Hill Business Improvement District pursuant to the Business Improvement Districts Act of 1996


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 19 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.18 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The term of the Capitol Hill Business Improvement District, currently set to expire on September 30, 2017, is hereby extended until September 30, 2022.
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 2017-216
September 15, 2017

SUBJECT: Extension of the Term of the NoMa Business Improvement District pursuant to the Business Improvement Districts Act of 1996

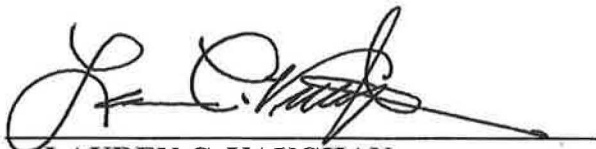
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 19 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.18 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The term of the NoMa Business Improvement District, currently set to expire on September 30, 2017, is hereby extended until September 30, 2022.
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 2017-217
September 15, 2017

SUBJECT: Appointments — Board of Medicine


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 pursuant to section 203 of the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03 (2017 Supp.)), and in accordance with section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01 (2017 Supp.)), it is hereby **ORDERED** that:

1. **ANDREA ANDERSON** is appointed as the Chairperson of the Board of Medicine (the Board), replacing Janis Orlowski, serving at the pleasure of the Mayor.
2. **PREETHA IYENGAR** is appointed as the Department of Health designee to the Board, serving at the pleasure of the Mayor.
3. Mayor's Order 2017-207 dated September 8, 2017 is rescinded entirely.
4. **EFFECTIVE DATE:** This Order shall be effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 

LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

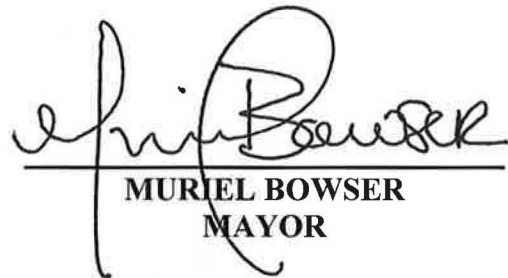
Mayor's Order 2017-218
September 15, 2017

SUBJECT: Extension of the Term of the Downtown DC Business Improvement District pursuant to the Business Improvement Districts Act of 1996

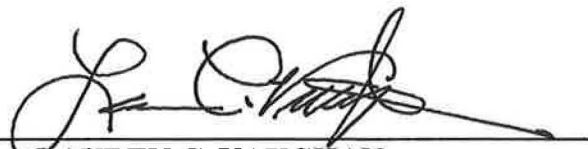
ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 19 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.18 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The term of the Downtown DC Business Improvement District, currently set to expire on September 30, 2017, is hereby extended until September 30, 2022.
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 2017-219
September 15, 2017

SUBJECT: Extension of the Term of the Anacostia Business Improvement District pursuant to the Business Improvement Districts Act of 1996


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, D.C. Official Code § 1-204.22(11) (2016 Repl.), and pursuant to section 19 of the Business Improvement Districts Act of 1996, effective May 29, 1996, D.C. Law 11-134, D.C. Official Code § 2-1215.18 (2016 Repl. and 2017 Supp.), it is hereby **ORDERED** that:

1. The term of the Anacostia Business Improvement District, currently set to expire on September 30, 2017, is hereby extended until September 30, 2022.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



MURIEL BOWSER
MAYOR

ATTEST: 
LAUREN C. VAUGHAN
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, SEPTEMBER 27, 2017
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Jake Perry, Donald Isaac, Sr.

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00036; Big Bear Café, LLC, t/a Big Bear Café, 1700 First Street NW, License #84379, Retailer CR, ANC 5E
Substantial Change (Request a Rooftop Summer Garden Endorsement with 68 seats. Request an expansion the the second floor with 65 seats and occupancy of 85.

Protest Hearing (Status) **9:30 AM**
Case # 17-PRO-00044; City Tap 1250 DC, LLC, t/a City Tap House, 1250 Connecticut Ave NW, License #106537, Retailer CR, ANC 2B
Application for a New License

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CC-00071; 1807 Corporation t/a Dupont Market, 1807 18th Street NW, License #21578, Retailer B, ANC 2B
Sale to Minor Violation, Failed to Require Production of Valid Identification

Show Cause Hearing (Status) **9:30 AM**
Case # 17-251-00091; Roses Dream, Inc., t/a Roses Dejavu, 1378 H Street NE License #89342, Retailer CT, ANC 6A
Failed to Preserve a Crime Scene, Violation of Settlement Agreement, Substantial Change in Operations Without Board Approval

Show Cause Hearing (Status) **9:30 AM**
Case # 17-CMP-00258; Yohannes A. Woldemichael, t/a Capitol Fine Wine and Spirits, 415 H Street NE, License #82981, Retailer A, ANC 6C
No ABC Manager on Duty

Board's Calendar
September 27, 2017

Show Cause Hearing (Status) 9:30 AM
Case # 17-CMP-00291; Dream Two Liquors, Inc., t/a Malcolm Liquors, 3845 Minnesota Ave NE, License #94779, Retailer A, ANC 7F
Allowed Advertisements Relating to Alcoholic Beverages to be Displayed on the Exterior of the Front Windows of the Establishment

Show Cause Hearing (Status) 9:30 AM
Case # 17-CMP-00294; Eun & Peter, Inc., t/a Uncle Lee's Seafood, 1102 Eastern Ave NE, License #85918, Retailer A, ANC 7C
Allowed Advertisements Relating to Alcoholic Beverages to be Displayed on the Exterior of the Front Windows of the Establishment, Advertisements Relating to Alcoholic Beverages Exceeded 25% of the Window Space, Displayed an Exterior Sign in Excess of 10 Square Feet that Advertised Alcoholic Beverages

Fact Finding Hearing* 9:30 AM
Hopeful, Inc., t/a To Be Determined (formerly Bobby Lew's Saloon), 1815 Connecticut Ave NW, License #91955, Retailer CR, ANC1C
Request to Extend Safekeeping

Show Cause Hearing* 10:00 AM
Case # 16-AUD-00082; Justin's Café, LLC, t/a Justin's Café, 1025 First Street SE, License #83690, Retailer CR, ANC 6D
Failed to File Quarterly Statement

Show Cause Hearing* 11:00 AM
Case # 16-251-00277; DC Live, LLC, t/a XO, 15 K Street NE, License #100316 Retailer CT, ANC 6C
Failed or Refused to Allow an ABRA Investigator and MPD to Enter or Inspect Without Delay the Licensed Premises or Examine the Books and Records of the Business, or Otherwise Interfered with an Investigation

BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM

Show Cause Hearing* 1:30 PM
Case # 17-CC-00020; Prospect Dining, LLC, t/a Chinese Disco, 3251 Prospect Street NW, License #78058, Retailer CR, ANC 2E
Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal Drinking Age, Substantial Change in Operations Without Board Approval, Violation of Settlement Agreement

Board's Calendar
September 27, 2017

Protest Hearing*

1:30 PM

Case # 17-PRO-00035; DBG2, LLC, t/a Dacha Beer Garden, 1740 14th Street
NW, License #105719, Retailer CT, ANC 2F

Application for a New License

Protest Hearing*

4:30 PM

Case # 17-PRO-00041; NAI Saturn Eastern, LLC, t/a Safeway, 1701 Corcoran
Street NW, License #105295, Retailer B, ANC 2B

Application for a New License

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, SEPTEMBER 27, 2017
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On Wednesday, September 27, 2017 at 4:00 pm., the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case# 17-CMP-00520, Lola’s, 711 8th Street S.E., Retailer CT, License # ABRA-086141

2. Case# 17-CC-00091, Room 11, 3234 11th Street N.W., Retailer CT, License # ABRA-079568

3. Case# 17-CMP-00466 (M), Nathan Mann, ABC Manager, License # ABRA-104524

4. Case# 17-CC-00102, Anacostia Market, 1303 Good Hope Road S.E., Retailer B, License # ABRA-086470

5. Case# 17- CMP-00529 (M), Michael Belele, ABC Manager, License # ABRA-101870

6. Case# 17- CC-00090, Marx Café American Bar, 3203 MT Pleasant Street N.W., Retailer CT, License # ABRA-074712

7. Case# 17-CC-00465 (M), Manuel Morales, ABC Manager, License # ABRA-096824

8. Case# 17-CC-00092, Thai Tanic Restaurant/Baan Thai, 1326 14th Street N.W., Retailer CR, License # ABRA-060559

9. Case# 17-CC-00101, Benning Heights Market, 547 42nd Street N.E., Retailer B, License # ABRA-099470

10. Case# 17-CC-00105, JB Liquors, 3914 14th Street N.W., Retailer A, License # ABRA-084240

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, SEPTEMBER 27, 2017 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Safekeeping of License – Original Request. ANC 5D. SMD 5D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Neal Place Tap & Garden*, 1300 4th Street NE, Retailer CT, License No. 102918.

2. Review Request to Extend Safekeeping of License – Second Request. Original Safekeeping Date: 11/30/2016. ANC 1A. SMD 1A09. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Petworth Liquors*, 3210 Georgia Avenue NW, Retailer A Liquor Store, License No. 072626.

3. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 4/20/2016. ANC 2F. SMD 2F08. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Twelve and K Hotel*, 1201 K Street NW, Retailer CH, License No. 095442.

4. Review Request to Extend Safekeeping of License – Third Request. Original Safekeeping Date: 6/8/2016. ANC 2E. SMD 2E05. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *TBD (Thor 3000 M Street LLC)*, 3000 M Street NW, Retailer CH, License No. 102572.

5. Review Request to Extend Safekeeping of License – Sixth Request. Original Safekeeping Date: 12/5/2013. ANC 6D. SMD 6D01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *L'Enfant Plaza Hotel*, 480 L'Enfant Plaza SW, Retailer CH, License No. 093846.

6. Review Application for Class Change from Retailer D Tavern to Retailer C Tavern. ANC 6D. SMD 6D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Homewood Suites by Hilton Washington DC*, 50 M Street SE, Retailer DT, License No. 105178.
-

7. Review Request for Change of Hours. *Current Hours of Operation Inside Premises:* Sunday-Saturday 12am to 12am (24 hour operations). *Current Hours of Operation for Summer Garden:* Sunday-Saturday 6am to 11pm. *Current Hours of Alcoholic Beverage Sales and Consumption Inside Premises and for Summer Garden:* Sunday-Saturday 4pm to 11pm. *Proposed Hours of Alcoholic Beverage Sales and Consumption Inside Premises and for Summer Garden:* Sunday-Saturday 10am to 11pm. ANC 6D. SMD 6D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Homewood Suites by Hilton Washington DC*, 50 M Street SE, Retailer DT, License No. 105178.
-

8. Review Application for Entertainment Endorsement to provide Live Entertainment. *Proposed Hours of Live Entertainment:* Sunday-Saturday 10am to 10pm. ANC 6D. SMD 6D02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Homewood Suites by Hilton Washington DC*, 50 M Street SE, Retailer DT, License No. 105178.
-

9. Review Request for Change of Hours. *Current Hours of Operation:* Sunday-Saturday 6am to 9pm. *Current Hours of Alcoholic Beverage Sales and Consumption:* Sunday-Saturday 4pm to 9pm. *Proposed Hours of Operation:* Sunday-Saturday 6am to 12am. *Proposed Hours of Alcoholic Beverage Sales and Consumption:* Sunday-Saturday 4pm to 12am. ANC 2B. SMD 2B07. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Saul Urban Host*, 15 Dupont Circle NW, Retailer CT, License No. 103525.
-

***In accordance with D.C. Official Code §2-547(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

CITY ARTS AND PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Clinical Services**

City Arts + Prep is looking for organizations to provide related services to students with 504s or IEPs, such as therapy, PT, OT and speech.

The clinician will be responsible for attending IEP/504/MDT/eligibility meetings, using the Districts Special Education Data System (SEDS) to draft IEP goals, quarterly progress reports and service tracker notes. The organization will be responsible for administering re-evaluations or initial assessments for the specific area you are providing services. All evaluations **MUST** be submitted to the LEA with-in a 30 day window.

City Arts reserves the right to award the full contract to a single provider.

A Portable Document Format (pdf) election version of your proposal must be received by the school no later than 5:00 p.m. EST on Tuesday, October 3, 2017, unless otherwise stated in associated RFPs. Proposals should be emailed to bids@cityartspcs.org.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications related to the scope of work, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

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

DC INTERNATIONAL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Construction Site Security

DC International PCS is seeking proposals for third-party construction site security services. For full details, e-mail Kate Dydak at kdydak@programmanagers.com. Proposals must be received no later than September 29th, 2017.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

****AMENDED** NOTICE OF FUNDING AVAILABILITY (NOFA)****FISCAL YEAR 2018 (FY18)****DC Community Schools Incentive Initiative Grant (CSII2018)****Request for Application (RFA) Release Date: August 18, 2017**

The Office of the State Superintendent of Education (OSSE) – Division of Elementary, Secondary, and Specialized Education (ESSE) is soliciting grant applications for the District of Columbia Community Schools Incentive Initiative. The purpose of the grant is to establish eight (8) community schools in the District of Columbia, as defined by the Community Schools Incentive Act of 2012, effective June 19, 2012 (D.C. Law 19-142; D.C. Code § 38-754.01 *et seq.*) (“the Act”). The overall goal of the grant is to provide resources that will enable eligible consortia to create and enhance community-based partnerships, develop a framework for continued funding as well as ongoing evaluation of program success.

As defined by the Act, a “community school” is a public and private partnership to coordinate educational, developmental, family, health, and after-school-care programs during school and non-school hours for students, families, and local communities at a public school or public charter school with the objectives of improving academic achievement, reducing absenteeism, building stronger relationships between students, parents, and communities, and improving the skills, capacity, and well-being of the surrounding community residents. (D.C. Code § 38-754.02(2)).

Eligibility: OSSE will make these grants available through a competitive process to eligible consortia. As defined by the Community Schools Incentive Act of 2012, an “eligible consortium” is a partnership established between a local education agency (LEA) in DC and one or more community partners for the purposes of establishing, operating, and sustaining a community school. (D.C. Code § 38-754.02(3)). An eligible consortium must demonstrate the ability to provide additional eligible services that did not exist before the establishment of the eligible consortium. (D.C. Code § 38-754.03).

Length of Award: This is a multi-year grant program to begin in FY18. Successful applicants shall be eligible for three years of grant funding subject to available appropriations.

****Amended** Available Funding for Award:** The total funding available for FY18 is at least \$1,415,027.32. An eligible consortium may apply for an award amount up to \$177,146.76 and shall be eligible for continued funding for two additional years, subject to available appropriations.

****Amended** Anticipated Number of Awards:** OSSE has funding available for up to eight (8) awards.

An external review panel will be convened to review, score, and rank each application. The review panel will be composed of neutral, qualified, professional individuals selected for their expertise, knowledge or related experiences. The application will be scored against a rubric and application will have multiple reviewers to ensure accurate scoring. Upon completion of its review, the panel(s) shall make recommendations for awards based on the scoring rubric(s). OSSE will make all final award decisions.

For additional information regarding this grant competition, please contact:

Melissa Harper-Butler
Program Analyst
Division of Elementary, Secondary, and Specialized Education
Office of the State Superintendent of Education
(202) 478-2409
Melissa.Harper-Butler@dc.gov

The RFA and all supporting documents will be available on <http://grants.osse.dc.gov> or by contacting Melissa Harper-Butler at Melissa.Harper-Butler@dc.gov.

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

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 8D07

Petition Circulation Period: **Monday, September 25, 2017 thru Monday, October 16, 2017**

Petition Challenge Period: **Thursday, October 19, 2017 thru Wednesday, October 25, 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 ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF A REQUEST FOR A
VOLUNTARY CLEANUP CERTIFICATE OF COMPLETION**

**Camp Simms Residential – 1500 Mississippi Avenue, SE
Case No. VCP2003-002**

Pursuant to § 601(b) of the Brownfield Revitalization Amendment Act of 2000, D. C. Law 13-312, D.C. Official Code §§ 8-631 *et seq.*, as amended April 8, 2011, D.C. Law 18-369 (herein referred to as the “Act”), the Voluntary Cleanup Program (VCP) in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch (LRDB), is informing the public that it has received a Site Completion Report and a request for a Certificate of Completion to support a Voluntary Cleanup Program (VCP) project at real property known as Camp Simms Residential, located at 1500 Mississippi Avenue, SE. The VCP participant for the referenced address, Case No. VCP2003-002, is Smith Camp Simms Residential, LLC (SCSR, LLC), c/o William C. Smith & Co., Inc., 1220 L Street, NW, Suite 300, Washington, DC 20005.

A Cleanup Action Plan (CAP) for this site was approved by the Program on March 6, 2004. The participant has completed the requirements of the CAP and constructed multiple single-family residences on the property. Based on the cleanup oversight and review of the site completion report, and receipt of no adverse comments from the public, the Voluntary Cleanup Program has determined the issuance of a Certificate of Completion is warranted.

Pursuant to § 601(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC 8E) for the area in which the property is located. The Site Completion Report is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, Fifth Floor
Washington, DC 20002

Interested parties may also request a copy of the Site Completion Report and related documents for a charge to cover the cost of copying by contacting the Voluntary Cleanup Program at the above address or calling (202) 535-2600 or by e-mailing james.sweeney@dc.gov.

Written comments on the proposed approval of the application must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case no. VCP2003-002 in any correspondence related to this project.

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF A
VOLUNTARY CLEANUP ACTION PLAN****300 MORSE STREET, NE
Case No. VCP2016-042**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received a Voluntary Cleanup Action Plan (VCAP) requesting to perform a remediation action. The VCP participant for properties located at 300 Morse Street NE, Washington, DC 20002, is KJ Morse Street Property LLC, % Kettler, Inc., 1751 Pinnacle Drive, Suite 700, McLean, Virginia 22102. The VCAP identifies the presence of petroleum compounds, Polycyclic Aromatic Hydrocarbons (PAH), trace PCBs in soil, and petroleum compounds and chlorinated solvents in groundwater. The participant plans to re-develop the site with two buildings: one will be eleven stories high and the other will be six stories high. The first level of each building will be retail. The upper levels of the buildings will consist of a total of 535 apartment units.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5D) for the area in which the property is located. The VCAP is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the VCAP and supporting documents by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the VCAP may be obtained by e-mailing kokeb.tarekegn@dc.gov.

Written comments on the Voluntary Cleanup Action Plan must be received by the VCP at the address listed above within twenty one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2016--042 in any correspondence related to this application.

DEPARTMENT OF ENERGY AND ENVIRONMENT

**NOTICE OF FILING OF AN APPLICATION
TO PERFORM VOLUNTARY CLEANUP**

**1309 – 1329 5th STREET NE
Case No. VCP2017-051**

Pursuant to § 636.01(a) of the Brownfield Revitalization Amendment Act of 2000, effective June 13, 2001 (D.C. Law 13-312; D.C. Official Code §§ 8-631 et seq., as amended April 8, 2011, DC Law 18-369 (herein referred to as the “Act”)), the Voluntary Cleanup Program in the Department of Energy and Environment (DOEE), Land Remediation and Development Branch, is informing the public that it has received an application to participate in the Voluntary Cleanup Program (VCP). The applicant for real property located at 1309 – 1329 5th Street NE, Washington, DC 20005, is GG MRKT II LP, 3751 Victoria Park Avenue, Toronto, Ontario M1W3Z4. The application identifies the presence of solvents and other organics on the property. The applicant intends to raze and redevelop the northern building on the subject property into an eleven story mixed use building with four levels of underground parking. Eight stories of office space will be constructed over the existing southern building on the subject property.

Pursuant to § 636.01(b) of the Act, this notice will also be mailed to the Advisory Neighborhood Commission (ANC-5D) for the area in which the property is located. The application is available for public review at the following location:

Voluntary Cleanup Program
Department of Energy and Environment (DOEE)
1200 First Street, NE, 5th Floor
Washington, DC 20002

Interested parties may also request a copy of the application by contacting the Voluntary Cleanup Program at the above address or by calling (202) 535-2289. An electronic copy of the application may be viewed at <http://doee.dc.gov/service/vcp-cleanup-sites>.

Written comments on the proposed approval of the application must be received by the VCP program at the address listed above within twenty-one (21) days from the date of this publication. DOEE is required to consider all relevant public comments it receives before acting on the application, the cleanup action plan, or a certificate of completion.

Please refer to Case No. VCP2017-051 in any correspondence related to this application.

DEPARTMENT OF HEALTH
HEALTH REGULATION AND LICENSING ADMINISTRATION,
VITAL RECORDS DIVISION,
AND
DC HEALTH AND WELLNESS CENTER
(FORMERLY KNOWN AS THE STD CLINIC)

NOTICE OF AGENCY TEMPORARY CLOSING

The offices of the Health Regulation and Licensing Administration and the Vital Records Division, both located at 899 North Capitol Street, NE, Washington DC 20002, will be temporarily closed to the public on Thursday, October 5, 2017, from 8:15 a.m. to 4:45 p.m. for staff training.

The DC Health and Wellness Center (formerly known as the STD Clinic), located at 77 P Street, NE, Washington DC 20002, will be temporarily closed to the public on Thursday, October 5, 2017, from 8:15 a.m. to 4:45 p.m. for staff training.

During the temporary closure, Department of Health licensing boards may be reached at the following website: <http://doh.dc.gov/service/licensing-boards>

Health professionals whose licenses are renewable online may renew online although the office will be closed.

During the temporary closure, copies of District of Columbia birth and death records may be ordered via mail, phone or online as follows:

Phone: (877) 572-6332

Online: <http://doh.dc.gov/service/vital-records>

Mail: http://doh.dc.gov/sites/default/files/dc/sites/doh/service_content/attachments/DC_Birth_Application.pdf

The offices will reopen to the public on Friday, October 6, 2017, for our normal business hours.

We apologize for any inconvenience this may cause you. Thank you for your consideration.

IDEA PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS AND STATEMENT OF WORK****INSTRUCTIONAL LEADERSHIP COACHING AND COMMON CORE PD**

IDEA Public Charter School is soliciting bid proposals from qualified vendors to provide Instructional Leadership Coaching and Common Core PD services during the course of the 2017-2018 school year with a contract renewal option.

Guidelines

The school must receive a PDF version of your proposal no later than 5pm EDT on **Wednesday, October 4, 2017**. Proposals should be emailed to: BIDS@ideapcs.org.

No phone call submissions or late responses please.

Interested parties and vendors will state their credentials and qualifications and provide appropriate licenses, references, insurances, certifications, proposed costs, and work plan. Please include any pertinent disclosures that may be present.

Client information

IDEA Public Charter School is a District of Columbia public charter school serving grades 9-12. It is located at 1027 45th Street, NE, Washington, DC 20019. The contact information is as follows: phone 202-399-4750, Fax 202-399-4387, web address www.ideapcs.org.

Scope of Work

IDEA Public Charter School is seeking a professional development vendor to support with leadership coaching and development as well as teacher professional development. The vendor should have significant expertise in Next Generation assessments as well as instructional best practices that are fully aligned to Common Core Standards in ELA and Math.

Consideration

Any additional work outside the scope of work as defined above will be quoted separately as required.

Payment

Please indicate proposed payment schedule. Submission of invoices is required for payment.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-87**

June 26, 2017

VIA ELECTRONIC MAIL

Mr. Douglas Stevens

RE: FOIA Appeal 2017-87

Dear Mr. Stevens:

This letter responds to your above-captioned administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the District’s Office of Unified Communications (“OUC”) improperly denied a request you submitted under the DC FOIA.

Background

On June 7, 2017, you sent a FOIA request to the OUC for “a copy of a 911 call” made by someone asking for assistance at your office.

On June 8, 2017, OUC denied your request, citing to the personal privacy exemption, D.C. Official Code § 2-534(a)(2) (“Exemption 2”).

On June 12, 2017, you submitted this appeal. In your appeal, you assert without legal authority that “[a] phone call to the police alleging improper or illegal action by [you] is certainly something that [you] have a right to be aware of. The police represent the public as a whole, not just the allegeders of illegal activity requiring police attention.” Your appeal fails to address the privacy interest of the caller or the public interest in disclosure as contemplated by DC FOIA.

Upon receipt of your appeal, this Office notified the OUC and asked the agency to formally respond. OUC responded to this Office on June 26, 2017, with an explanation as to why your FOIA request should be denied: the caller has a privacy interest and no public interest in disclosure, as contemplated by DC FOIA, exists.

Discussion

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public

body . . .” *Id.* at § 2-532(a). The right to inspect a public record, however, is subject to exemptions. *Id.* at § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

We consider whether the recording may be withheld in its entirety pursuant to Exemption 2. Under Exemption 2, determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of the individual privacy interest against the public interest in disclosure. *See Department of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 762 (1989).

The first part of the analysis is to determine whether a sufficient privacy interest exists. *Id.* A privacy interest is cognizable under DC FOIA if it is substantial, which is anything greater than *de minimis*. *Multi AG Media LLC v. Dep’t of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008). In *New York Times Co. v. Nat’l Aeronautics and Space Admin.*, 920 F.2d 1002, the record at issue was the final intercom recordings of the crew of the 1986 Challenger space shuttle disaster. Based on the specific facts and circumstances of the case, the court in *New York Times* found that the voices and vocal inflections of the crew immediately before their deaths were exempt because disclosure would constitute a clearly unwarranted invasion of personal privacy of the crew and their surviving family members. *Id.* at 1009-10.

We do not find that the *New York Times* case provides a blanket exemption for recordings of all 9-1-1 calls.¹ In general, there is a sufficient privacy interest in personal identifying information.

Information protected under Exemption 6 [the equivalent of Exemption (2) under the federal FOIA] includes such items as a person's name, address, place of birth, employment history, and telephone number. *See Nat’l Ass’n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 875 (D.C. Cir. 1989); *see also Gov’t Accountability Project v. U.S. Dep’t of State*, 699 F.Supp.2d 97, 106 (D.D.C. 2010) (personal email addresses); *Schmidt v. Shah*, No. 08–2185, 2010 WL 1137501, at *9 (D.D.C. Mar. 18, 2010) (employees' home telephone numbers); *Schwaner v. Dep’t of the Army*, 696 F.Supp.2d 77, 82 (D.D.C. 2010) (names, ranks, companies and addresses of Army personnel); *United Am. Fin., Inc. v. Potter*, 667 F.Supp.2d 49, 65–66 (D.D.C.2009) (name and cell phone number of an “unknown individual”).

Skinner v. United States DOJ, 806 F. Supp. 2d 105, 113 (D.D.C. 2011).

¹ Privacy interests may prevent disclosure for 911 calls made by victims or witnesses at a time of heightened fear and vulnerability when the vocal inflection, the words chosen, and the manner of delivery pose a substantial likelihood of presenting one in an embarrassing or humiliating light. *See FOIA Appeal 2011-61*.

Douglas Stevens
Freedom of Information Act Appeal 2017-87
June 26, 2017
Page 3

Information such as names, phone numbers, and home addresses are considered to be personally identifiable information and are therefore exempt from disclosure. *See, e.g., Department of Defense v. FLRA*, 510 U.S. 487, 500 (1994) (“An individual’s interest in controlling the dissemination of information regarding personal matters does not dissolve simply because that information may be available to the public in some form.”). As a result, we find that there is a sufficient privacy interest in the personally identifiable information in a 911 call.

The second part of a privacy analysis examines whether the public interest in disclosure outweighs the individual privacy interest. The Supreme Court has stated that the analysis must be conducted with respect to the purpose of FOIA, which is “to open agency action to the light of public scrutiny.” *Department of Air Force v. Rose*, 425 U.S. 352, 372 (1976). You have not raised a public interest argument in this appeal; instead you have stated without citation that this record is “certainly something that [you] have a right to be aware of.”

In the absence of a relevant countervailing public interest, we find that personally identifiable information in the call at issue (i.e., the names, personal phone numbers, employee identification number, and address) is protected from disclosure pursuant to Exemption 2.

D.C. Official Code § 2-534(b) requires an agency to produce “[a]ny reasonably segregable portion of a public record . . . after deletion of those portions” that are exempt from disclosure; however, cases have held that records may be withheld in their entirety if an agency lacks the technological capacity to remove exempt portions of a record.² In prior FOIA appeal decisions, the OUC has been found to lack the technical capacity to redact audio recordings.³ The OUC has reaffirmed to this Office that it currently does not have the technical capacity to redact audio recordings.

Conclusion

Based on the foregoing, we affirm the OUC’s decision.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

² *Milton v. United States DOJ*, 842 F. Supp. 2d 257, 259-61 (D.D.C. 2012) (explaining that segregability analysis focuses on “the agency’s current technological capacity” and holding that responsive telephone conversations were not reasonably segregable because an agency did not possess technological capacity to segregate non-exempt portions of requested records); *see also Mingo v. United States DOJ*, 793 F. Supp. 2d. 447, 454-55 (D.D.C. 2011) (concluding that nonexempt portions of recorded telephone calls are inextricably intertwined with exempt portions because an agency “lacks the technical capability” to segregate information that is digitally recorded); *Antonelli v. BOP*, 591 F. Supp. 2d 15, 27 (D.D.C. 2008) (same); *Swope v. United States DOJ*, 439 F. Supp. 2d 1, 7 (D.D.C. 2006) (same).

³ *See, e.g., FOIA Appeal 2010-08; FOIA Appeal 2016-03.*

Douglas Stevens
Freedom of Information Act Appeal 2017-87
June 26, 2017
Page 4

Respectfully,

Mayor's Office of Legal Counsel

cc: Dionne Hayes, General Counsel, OUC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-88**

June 26, 2017

VIA ELECTRONIC MAIL

Randy Howard Smith

RE: FOIA Appeal 2017-88

Dear Mr. Smith:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). Your appeal is based on the partial denial you received from the Metropolitan Police Department ("MPD") with respect to your request for Shotspotter records.

MPD previously withheld latitude and longitude data in its response to your DC FOIA request on the basis of personal privacy. Following your appeal, MPD indicated that it reevaluated its position and will be releasing the withheld information.

In light of MPD's representation that it will be releasing latitude and longitude information, we consider your appeal to be moot and hereby dismiss it. The dismissal shall be without prejudice, however, and you are free to assert any challenge by separate appeal to the records you receive from MPD.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-89**

June 29, 2017

VIA ELECTRONIC MAIL

Arthur Slade

RE: FOIA Appeal 2017-89

Dear Mr. Slade:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). Your appeal is based on the denial you received from the Office of the Inspector General (“OIG”) with respect to your request for records related to an OIG investigation.

OIG received your FOIA request on June 24, 2016, for the status of a complaint filed with OIG concerning the hiring practices of the Department of Insurance, Securities and Banking as well as email transmissions between three individuals for the period from May 1, 2012 to June 24, 2016. On July 6, 2016, OIG denied your request in its entirety pursuant to D.C. Official Code § 2-534(a)(3)(A) (“Exemption 3(A)”), which protects from disclosure investigatory records compiled for law-enforcement purposes to the extent that production of the records would interfere with enforcement proceedings.

Approximately a year later, on June 15, 2017, you appealed OIG’s denial. In your appeal you requested access to email transmissions between three individuals¹ for the period from May 1, 2012 to June 15, 2017. OIG provided this Office with a response to your appeal on June 28, 2017.² In its response, OIG indicates that its investigation has been closed; therefore, Exemption 3(A) is no longer applicable.³

We note the inconsistencies between your original FOIA request and your FOIA appeal. Your appeal involves a narrower category of records, appears to name a different individual, and encompasses a longer timeframe. In light of OIG’s representation that it would reconsider your request subject to applicable FOIA exemptions, we consider your appeal to be a new FOIA request and hereby instruct OIG to process it according to D.C. Official Code § 2-532. We further note that the responsive email records OIG possesses would have been obtained pursuant

¹ The surname for one individual is different than the original request.

² Copies of OIG’s response and affidavit are attached.

³ OIG’s response indicates that the investigation was closed on June 30, 2016, which, if accurate, would mean that its denial issued on July 6, 2016, was improper; however, at this point the issue is moot as OIG acknowledges that Exemption 3(A) no longer applies.

Arthur Slade
Freedom of Information Act Appeal 2017-89
June 29, 2017
Page 2

to its investigation; therefore, while Exemption 3(A) is no longer applicable because the investigation has closed, D.C. Official Code § 2-534(a)(3)(C)⁴ may still apply in addition to D.C. Official Code § 2-534(a)(2)⁵ to protect portions of the responsive records from disclosure. Finally, you are free to assert any challenge by separate appeal to OIG's response to your renewed FOIA request.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Daniel W. Lucas, Inspector General, OIG (via email)

⁴ D.C. Official Code § 2-534(a)(3)(C) protects from disclosure investigatory records compiled for law-enforcement purposes to the extent that production of the records constitute an unwarranted invasion of personal privacy.

⁵ D.C. Official Code § 2-534(a)(2) protects from disclosure information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-91**

June 30, 2017

VIA ELECTRONIC MAIL

Mr. Sean Bertoni

RE: FOIA Appeal 2017-91

Dear Mr. Bertoni:

This letter responds to the appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), on the grounds that the Office of Unified Communications ("OUC") failed to respond to a request you submitted for a specific 9-1-1 recording.

OUC advised this Office that on June 16, 2017, the agency provided you with the recording you requested, and you acknowledged receipt on the same day. Since your appeal was based on OUC's failure to respond to your request and OUC has since responded by producing the record in full, we consider your appeal to be moot and hereby dismiss it.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Dionne Hayes, General Counsel, OUC (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-92**

June 28, 2017

VIA ELECTRONIC MAIL

Mr. Vitold Chrzanowski

RE: FOIA Appeal 2017-92

Dear Mr. Chrzanowski:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("FOIA"), challenging the response you received from the Office of the Chief Financial Officer ("OCFO") with respect to a FOIA request you sent to the OCFO.

After you filed your appeal, the OCFO publicly released information that relates to the substance of your appeal. As a result, this Office contacted you to inquire whether you wish to proceed, and you responded by withdrawing your appeal.

We acknowledge that your appeal has been withdrawn and will not be issuing a substantive decision in this matter.

Sincerely,

Mayor's Office of Legal Counsel

cc: Tracye Y. Peters, OCFO (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-93**

July 3, 2017

VIA ELECTRONIC MAIL

Kemit Mawakana

RE: FOIA Appeal 2017-93

Dear Mr. Mawakana:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you assert that the University of the District of Columbia (“UDC”) improperly withheld records you requested under the DC FOIA.

Background

On April 17, 2017, you submitted a request to UDC for nine categories of records. UDC responded to your request on May 26, 2017, claiming that because your FOIA request relates to ongoing litigation to which you are a party, UDC did not have to respond because the discovery period had closed. Additionally, UDC asserted in its denial that the request was “too broad and burdensome.”

On June 15, 2017, you appealed UDC’s response. In your appeal you assert that UDC’s response is defective under DC FOIA because the denial “does not assert or rely upon any statutory exemption under DC FOIA.” Your appeal points out that neither of the stated reasons of the denial is sufficient to deny your request under DC FOIA.

UDC provided this Office with its response to your appeal on June 30, 2017.¹ UDC’s response reiterates its belief that UDC does not have to comply with DC FOIA because of your status as a party in litigation. In support of this position, UDC offers no binding case law but instead relies on DC FOIA Appeal 2009-17, issued by the Office of the General Counsel to the Mayor of a previous administration. On appeal, UDC cites to no exemptions under DC FOIA. Unrelated to the merits of the appeal, UDC proffers that a good faith estimate of producing the documents “would greatly exceed \$20,000.” UDC does not provide a calculation of this cost estimate.

Discussion

¹ A copy of the UDC’s response is attached.

Kemit Mawakana
Freedom of Information Act Appeal 2017-93
July 3, 2017
Page 2

It is the public policy of the District of Columbia government that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2- 531. In aid of that policy, DC FOIA creates the right “to inspect ... and ... copy any public record of a public body . . .” *Id.* at § 2-532(a). The right to examine public records is subject to various exemptions that may form the basis of a denial of a request. *Id.* at § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987), and decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Com’n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The crux of your appeal is that UDC believes your status as a member in litigation arrests your rights under DC FOIA. UDC is incorrect. A requester’s identity and involvement in litigation relating to the request are well established as irrelevant in the FOIA context. *E.g.*, *North v. Walsh*, 881 F.2d 1088, 1099 (D.C. Cir. 1989) (“FOIA rights are unaffected by the requester’s involvement in other litigation; an individual may therefore obtain under FOIA information that may be useful in non-FOIA litigation, even when the documents sought could not be obtained through discovery”); *see, Jackson v. First Fed. Sav.*, 709 F. Supp. 887, 889 (E.D. Ark. 1989) (declaring that “there is no rule that the parties to a lawsuit may only gather evidence through the formal discovery devices” and “it is ordinarily unnecessary for the party seeking the material to take steps to compel what will be given freely”); *see also In re F&H Barge Corp.*, 46 F. Supp. 2d 453, 454-55 (E.D. Va. 1998) (noting that “courts have allowed private litigants to obtain documents in discovery via the FOIA”); FOIA Update, Vol. III, No. 1, at 10 (acknowledging that “[u]nder present law there is no statutory prohibition to the use of FOIA as a discovery tool”). The right to access government records is available to all persons and is not contingent on whether an individual has sued the government. D.C. Official Code § 2-531 (“all persons are entitled to full and complete information regarding the affairs of government”).

Government agencies that wish to withhold records must rely on a statutory exemption. D.C. Official Code § 2-533 (“Denial by a public body of a request for any public record shall contain at least the following: (1) The specific reasons for the denial, including citations to the particular exemption(s) under § 2-534 relied on as authority for the denial”). UDC has not asserted a statutory exemption here.

Instead, UDC cites solely to DC FOIA Appeal 2009-17 to support its position. Normally, we consider previous FOIA Appeal decisions to be persuasive, but 2009-17 is a poorly reasoned decision without basis in law. This 2009 decision relies mostly on *dicta* from an unreported District Court decision, *U.S. v. Agunbiade*, No. 90-CR-610(S)-02 (JRB), 1995 U.S. Dist. Lexis 8043, *20 (E.D.N.Y. 1995). The merits of *Agunbiade* were decided on the failure of the plaintiff to exhaust his administrative remedies; the portion that 2009-17 quotes is an explanation by the court of one of the reasons it would not ignore a clear procedural bar. *Agunbiade* does not articulate a stand-alone exemption and was improperly relied on in FOIA Appeal 2009-17.

UDC has failed here to state a legally cognizable reason for denying your FOIA request. UDC has not asserted any exemption to justify partial withholding, yet has also asserted that there

Kemit Mawakana
Freedom of Information Act Appeal 2017-93
July 3, 2017
Page 3

would be a cost associated with “redaction.” From this, this Office assumes that portions of the withheld documents may be subject to legally cognizable FOIA exemptions that have not yet been asserted.

Lastly, UDC makes arguments relating to the scope of your request and its burdensome nature. These arguments do not constitute an exemption or justification to withhold records. *Fraternal Order of Police v. District of Columbia*, 139 A.3d 853, 863 (D.C. 2016) (“there is nothing in the statute that allows a prospective determination of undue burden to void a FOIA request.”). However, pursuant to DC FOIA, UDC may avail itself of fees to recoup costs. *See* D.C Official Code § 2-532(b-3) (“No agency or public body may require advance payment of any fee unless . . . the agency or public body has determined that the fee will exceed \$250.”); 1 DCMR § 408.

Conclusion

Based on the foregoing, we remand this matter to UDC. Within 15 business days of the date of this decision, UDC shall: (1) search for responsive documents; (2) review responsive documents for redactions pursuant to D.C. Official Code § 2-534(b); and (3) begin providing you with responsive documents on a rolling basis.² You may challenge UDC’s subsequent response by separate appeal.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Alonzo Chisolm, Assistant General Counsel, UDC (via email)

² Please note that because of the size and scope of this request, you may be required to pre-pay for these services. *See* D.C Official Code § 2-532(b-3).

GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-94

July 5, 2017

VIA ELECTRONIC MAIL

Mr. Dale Cunningham

RE: FOIA Appeal 2017-94

Dear Mr. Cunningham:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). Your appeal is based on the denial you received from the Metropolitan Police Department ("MPD") with respect to your request for records related to "parking problems" at the 4800 block of Blagden Avenue NW in the first half of 2017.

On June 6, 2017, you submitted your FOIA request to MPD. On June 16, 2017, MPD sent its response indicating that no responsive records were found. You appealed MPD's response stating your belief that responsive records should exist based on your interactions with an MPD officer.

Upon receipt of your appeal, this Office notified MPD and requested an explanation for its denial. MPD responded on June 27, 2017, indicating that additional information in your appeal allowed MPD conduct a more extensive search for responsive records.¹ It is our understanding that MPD is processing an additional search, and once the search is complete MPD will provide you with responsive records, subject to DC FOIA exemptions and redaction.

In light of MPD's representation that it will continue processing your request, we consider your appeal to be moot and hereby dismiss it. The dismissal shall be without prejudice, and you are free to assert any challenge by separate appeal to the substantive response you receive from MPD.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor's Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

¹ A copy of MPD's response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-95**

July 5, 2017

VIA ELECTRONIC MAIL

Mr. Michael Dorsey

RE: FOIA Appeal 2017-95

Dear Mr. Dorsey:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"), asserting that the Department of Motor Vehicles ("DMV") improperly withheld records you requested.

Background

On April 27, 2017, you submitted a FOIA request for "The names of the contact persons at the respective companies, including the companies' addresses, zip codes, and telephone numbers that have been expelled from the Fleet Adjudication Program and the Rental Program within the past 18 months. Please provide the vehicle tag numbers, including the states that issued the vehicle tags."

On May 18, 2017, DMV denied your request in part, stating that it did not possess a record as described in your request (i.e. a list of "expelled" persons), and that DMV was not obligated to create such a record. On June 19, 2017, you appealed DMV's partial denial, stating your desire for the records described in your request. In your appeal, you assert "[t]he information is much the same as requesting a person's Social Security number and name and the agency says it only has the Social Security number but cannot locate the person's name – when the two are housed together." Further, your appeal references a decision by a Judge Cushenberry that was "issued during the 1980's" that you believe entitles you to the documents described in your request. A copy of the order was not provided in your appeal.

This Office notified DMV of you appeal. On June 27, 2017, DMV responded by indicating that it "does not maintain such a record on former fleet members. In that instance, DMV would be required to create a record pertaining to this specific situation."¹

¹ A copy of DMV's statement is attached.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The primary issue raised by your appeal is whether DMV is obligated to create a record for you that it does not already maintain. An adequate search does not require FOIA officers to act as personal researchers on behalf of requesters. *See, e.g., Bloeser v. DOJ*, 811 F. Supp. 2d 316, 321 (D.D.C. 2011) (“FOIA was not intended to reduce government agencies to full-time investigators on behalf of requesters...”); *Frank v. DOJ*, 941 F. Supp. 4, 5 (D.D.C. 1996) (an agency is not required to “dig out all the information that might exist, in whatever form or place it might be found, and to create a document that answers plaintiff’s questions”).

Here, DMV has represented that it does not maintain a list of expelled fleet members, and that to provide you with such a record would require conducting an independent query for each former fleet member to determine the reason the member is no longer in the fleet. As a result, your request more closely resembles an interrogatory or a request for DMV to create a compilation of fleet expulsions, which it is not required to do under FOIA. *See Zemansky v. United States Environmental Protection Agency*, 767 F.2d 569, 574 (9th Cir. 1985) (stating an agency “has no duty either to answer questions unrelated to document requests or to create documents.”); *see also* FOIA Appeal 2014-41; FOIA Appeal 2017-36. The law only requires the disclosure of nonexempt documents, not answers to interrogatories. *Di Viaio v. Kelley*, 571 F.2d 538, 542-543 (10th Cir. 1978). “FOIA creates only a right of access to records, not a right to personal services.” *Hudgins v. IRS*, 620 F. Supp. 19, 21 (D.D.C. 1985). *See also Brown v. F.B.I.*, 675 F. Supp. 2d 122, 129-130 (D.D.C. 2009).

Conclusion

Based on the foregoing, we affirm DMV’s decision. This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Michael Dorsey
Freedom of Information Act Appeal 2017-95
July 5, 2017
Page 3

Respectfully,

Mayor's Office of Legal Counsel

cc: David Glasser, General Counsel, DMV (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-96**

July 5, 2017

VIA ELECTRONIC MAIL

Mr. G. Harold Christian

RE: FOIA Appeal 2017-96

Dear Mr. Christian:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("FOIA"), on the grounds that the Office of the Chief Financial Officer ("OCFO") failed to respond to a FOIA request you sent to the OCFO.

After you filed your appeal, the OCFO responded to your request by providing you with responsive documents. You then contacted this Office and indicated that you wish to withdraw your appeal.

We acknowledge that your appeal has been withdrawn and will not be issuing a substantive decision in this matter.

Sincerely,

Mayor's Office of Legal Counsel

cc: Stacie Y.L. Mills, Assistant General Counsel, OCFO (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-97**

July 17, 2017

VIA ELECTRONIC MAIL

Mr. Aaron Sankin

RE: FOIA Appeal 2017-97

Dear Mr. Sankin:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). You appeal the Metropolitan Police Department’s response to your request for records relating to an October 1, 2016 incident where a gunman “fired a gun inside the restaurant while trying to investigate a conspiracy theory. . .”

This Office advised MPD of your appeal, and MPD responded on June 30, 2017.¹ MPD indicated that at the time it denied your request, ongoing enforcement proceedings existed that could have been interfered with by the release of the records you requested. MPD indicated further that these enforcement proceedings have concluded, such that MPD can now “provide any responsive documents subject to appropriate redactions.”

In light of MPD’s representations that its previous basis for withholding is no longer applicable, and that it can release non-privileged, segregable portions of the records you requested, we remand this matter to MPD to begin providing you with responsive records on a rolling basis within 10 days of this decision. This remand shall be without prejudice; you are free to assert any challenge of MPD’s subsequent response in a separate appeal to this Office.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Ronald B. Harris, Deputy General Counsel, MPD (via email)

¹ A copy of MPD’s response is attached.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-98**

July 18, 2017

VIA ELECTRONIC MAIL

Mr. Fritz Mulhauser

RE: FOIA Appeal 2017-98

Dear Mr. Mulhauser:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you challenge the response you received from the Office of the City Administrator ("OCA") to a request you submitted under the DC FOIA.

Background

On May 5, 2017, you submitted a FOIA request to OCA for records relating to "a study of DC MPD body worn cameras." Specifically, your request contained four parts:

- (1) the study design or plan, (2) data collection instruments in use in the study, (3) any record identifying [sic] the principal investigator and performing organization that is doing the study, and (4) any interim or progress reports -- all related to the MPD study of the results of equipping patrol officers with body worn cameras.

Additionally, your request had a fifth, unnumbered request: "If work is being done under contract (University of Arizona, outside reviewers, etc.) I also request copies of the relevant records including scope of work, deliverables, schedule and any correspondence."

On June 12, 2017, OCA responded to your request, providing you with a single document titled "Pre-analysis Plan – MPD BWC RCT – v1". OCA indicated in its response that this document was responsive to three of the four parts of your request. OCA's initial response did not acknowledge the request for interim or progress reports or for work being done under contract.

You appealed OCA's response on four grounds: (1) the document that was provided to you appears to be incomplete, as it references an "Appendix B" that doesn't follow; (2) the released record does not identify the principal investigator; (3) you believe that an interim and progress report must exist because "it is unlikely a government agency overseeing such a project has no record of any kind concerning progress. . ."; and (4) OCA did not respond to your unnumbered fifth request for documents concerning a contract.

This Office notified OCA of your appeal. OCA subsequently provided us with an explanation and declaration of the underlying response you received.¹ OCA's response addresses the four parts raised in your appeal. OCA avers that: (1) Appendix B "was included in error, based on a prior outline of the document"; (2) "The principal investigator is the individual identified as the 'contact' on page 1 of the pre-analysis plan . . . the Director of The Lab @ DC"; (3) no progress reports exist, and OCA did not read your original request to be inclusive of "email or other correspondence" as stated in your appeal, and as such, OCA requests that you file a new request for such records; and (4) the work is not being done under contract, therefore OCA does not possess records responsive to that aspect of your request.

Discussion

It is the public policy of the District of Columbia that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that policy, DC FOIA creates the right "to inspect . . . and . . . copy any public record of a public body . . ." D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were "retained by a public body." D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Adequacy of the Search

We have interpreted your appeal as challenging the adequacy of OCA's search for the records you requested. DC FOIA requires that a search be reasonably calculated to produce the relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government's search for responsive documents was adequate. *Weisberg v. U.S. Dep't of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence, that records exist is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep't of Justice*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

'the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.' [*Oglesby v. United States Dep't of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a 'reasonableness test to determine

¹ A copy of OCA's response is attached to this decision.

the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

Campbell v. United States DOJ, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must make a reasonable determination as to the locations of records requested and search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). This first step may include a determination of the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.*

Here, OCA provided a declaration from the Director of The Lab @ DC that responds to all four parts of your appeal. The Director states that he “would be aware of the existence of documents responsive to Mr. Mulhauser’s FOIA request and appeal.”

First, you challenged the adequacy of the search because the single document that was provided to you appeared to be incomplete. The response appears incomplete because the document contains reference to an “Appendix B” that is not attached. OCA’s declaration clarifies that “that reference is in error and no Appendix B exists.” This Office accepts OCA’s representation, and concludes that this part of the search was adequate.

Second, you claim that no principal investigator was identified. The declarant identifies himself as “the principal investigator of the body-worn camera study . . .” This Office accepts this representation, and considers this portion of the appeal to be resolved.

Third, you challenge OCA’s position that interim progress reports do not exist. The declaration states that “[t]here are currently no interim or progress reports for the body-worn camera study.” This Office accepts this representation, because the Director is the “principle investigator for the body-worn camera study and in that capacity would be aware of the existence of documents responsive to [your] request. . .” Further, the Director’s statements are “based on personal knowledge, as well as on information acquired by [him] in the course of performing [his] duties.” As a result, this Office concludes this part of the search was adequate.

Fourth, you challenge OCA’s lack of response to the final part of your request, for records relating to work being performed under a contract. The declaration states that “[w]ork on the body-worn camera study is not being performed by contract.” As a result, no responsive records would exist. This Office accepts this representation, and concludes this part of the search was adequate.

Having reviewed OCA’s response to your appeal, we find that OCA made a reasonable determination as to where the documents you are seeking would be located if they existed: in the possession of the Director of The Lab @ DC. We find that OCA conducted an adequate search for the documents, and we accept OCA’s representation that no further responsive documents were retrieved.

Scope of Original Request

On appeal, in relation to “interim or progress reports” you purport that your request “may involve email or other correspondence with the distant experts, notes of telephone conversations, draft reports, or emails to others on progress reported by phone calls.” The OCA’s response indicates that it did not interpret your initial request to go beyond “interim or progress reports.” That is, OCA narrowly interprets your request as being for reports and not as being for correspondence related to the study. As a result, OCA requests that you file a separate request for such records. This Office finds that OCA’s interpretation was reasonable, and that your request was not written as broadly as you characterize it on appeal. This Office’s jurisdiction is limited to reviewing the withholding of records, pursuant to D.C. Official Code § 2-537, and it does not appear that OCA is withholding records. As a result, we lack jurisdiction at this juncture to order OCA to produce the “correspondence” documents relating to “interim or progress reports” since you have not yet requested and been denied such records.

Conclusion

Based on the foregoing, we affirm OCA’s response to your request and hereby dismiss your appeal.

This constitutes the final decision of this Office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Nathan Mulat, OCA (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-99**

July 19, 2017

Mr. Widmon Butler

RE: FOIA Appeal 2017-99

Dear Mr. Butler:

This letter responds to the administrative appeal you submitted to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 (“DC FOIA”). In your appeal, you challenge the Metropolitan Police Department’s (“MPD”) response to your request for records under the DC FOIA.

Background

On June 7, 2017, you submitted a request under the DC FOIA to MPD seeking records relating to a 2013 letter sent from MPD’s Internal Affairs Division (“IAD”) to the US Attorney’s Office. On June 21, 2017, MPD granted your request in part and denied it in part – redacting portions of records disclosed to you pursuant to D.C. Official Code §§ 2-534(a)(2), (a)(6).

On appeal you challenge MPD’s response. Your appeal clarifies, that you were not seeking documents that MPD has already provided to you in relation to an employment proceeding, but instead “all information not given [to you] from June 2013 through June 1, 2014, which was submitted by MPD’s Internal Affairs Office to the DC-US Attorney’s Office including the date-stamped referral letter . . .”

MPD provided this Office with a response to your appeal on July 12, 2017.¹ In its response, MPD proffered that it has conducted “three separate searches for the dated referral letter.” MPD’s response indicated that no responsive record was located. MPD’s response provides a description of the search it conducted. MPD identified the IAD’s record and electronic files as the record repositories that “any referral letters from the department to prosecutorial authorities would be maintained.” MPD’s response indicates that IAD conducted a search in these repositories, which did not yield the date-stamped correspondence.

Discussion

It is the public policy of the District of Columbia that “all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees.” D.C. Official Code § 2-531. In aid of that

¹ A copy of MPD’s response is attached for your reference.

Widmon Butler
Freedom of Information Act Appeal 2017-99
July 19, 2017
Page 2

policy, DC FOIA creates the right “to inspect . . . and . . . copy any public record of a public body . . .” D.C. Official Code § 2-532(a). The right created under the DC FOIA to inspect public records is subject to various exemptions that may form the basis for denial of a request. *See* D.C. Official Code § 2-534. Under the DC FOIA, an agency is required to disclose materials only if they were “retained by a public body.” D.C. Official Code § 2-502(18).

The DC FOIA was modeled on the corresponding federal Freedom of Information Act, *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

Since MPD asserts that it has not withheld any responsive records from you, the primary issues in this appeal are your belief that more records exist and your contention that MPD conducted an inadequate search. DC FOIA requires only that, under the circumstances, a search is reasonably calculated to produce the relevant documents. The test is not whether any additional documents might conceivably exist, but whether the government’s search for responsive documents was adequate. *Weisberg v. U.S. Dep’t of Justice*, 705 F.2d 1344, 1351 (D.C. Cir. 1983). Speculation, unsupported by any factual evidence that records exist is not enough to support a finding that full disclosure has not been made. *Marks v. U.S. Dep’t of Justice*, 578 F.2d 261 (9th Cir. 1978).

In order to establish the adequacy of a search,

‘the agency must show that it made a good faith effort to conduct a search for the requested records, using methods which can be reasonably expected to produce the information requested.’ [*Oglesby v. United States Dep’t of the Army*, 920 F.2d 57, 68 (D.C. Cir. 1990)]. . . The court applies a ‘reasonableness test to determine the ‘adequacy’ of a search methodology, *Weisberg v. United States Dep’t of Justice*, 227 U.S. App. D.C. 253, 705 F.2d 1344, 1351 (D.C. Cir. 1983) . . .

Campbell v. United States DOJ, 164 F.3d 20, 27 (D.C. Cir. 1998).

To conduct a reasonable and adequate search, an agency must: (1) make a reasonable determination as to the locations of records requested; and (2) search for the records in those locations. *Doe v. D.C. Metro. Police Dep’t*, 948 A.2d 1210, 1220-21 (D.C. 2008) (citing *Oglesby*, 920 F.2d at 68). This first step includes determining the likely electronic databases where such records are to be located, such as email accounts and word processing files, and the relevant paper-based files that the agency maintains. *Id.* Second, the agency must affirm that the relevant locations were in fact searched. *Id.* Generalized and conclusory allegations cannot suffice to establish an adequate search. *See In Def. of Animals v. NIH*, 527 F. Supp. 2d 23, 32 (D.D.C. 2007).

Your appeal clarified that you were requesting date-stamped correspondence from the MPD to the US Attorney’s Office. MPD’s response identified the relevant locations for such records: the paper and electronic files of the IAD. MPD indicated that IAD conducted searches of these locations. The search did not identify the date-stamped responsive documents. Further, MPD’s

Widmon Butler
Freedom of Information Act Appeal 2017-99
July 19, 2017
Page 3

response indicates that it has conducted three separate searches for responsive records in relation to your request.

Although you believe MPD has “twice refused to provide additional information,” under applicable FOIA law, the test is not whether any additional documents might conceivably exist, but whether MPD’s search for responsive documents was adequate. *Weisberg*, 705 F.2d at 1351. Based on MPD’s response to your appeal, we find that MPD conducted an adequate search.

Conclusion

Based on the foregoing, we affirm the MPD’s decision and hereby dismiss your appeal. This constitutes the final decision of this office.

If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Ronald Harris, Deputy General Counsel, MPD (via email)

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
EXECUTIVE OFFICE OF THE MAYOR
MAYOR'S OFFICE OF LEGAL COUNSEL
Freedom of Information Act Appeal: 2017-100**

July 19, 2017

VIA ELECTRONIC MAIL

Mr. Mike Eckel

RE: FOIA Appeal 2017-100

Dear Mr. Eckel:

This letter responds to your above-captioned administrative appeal to the Mayor under the District of Columbia Freedom of Information Act, D.C. Official Code § 2-537 ("DC FOIA"). In your appeal, you assert that the District's Office of Unified Communications ("OUC") improperly denied your request for the transcript of a 911 call.

Background

On January 10, 2017, you sent a FOIA request to the OUC for the transcript of a 911 call initiated on November 5, 2015, from the Dupont Circle Hotel. On May 9, 2017, the OUC denied your request citing the exemptions provided in D.C. Official Code §§ 2-534(a)(2), (a)(3)(C), and (a)(3)(D) (Exemptions 2, 3(C), and 3(D), respectively). The OUC's denial did not explain its application of the exemptions.

This Office received the appeal of the OUC's denial drafted by your general counsel on July 5, 2017. On appeal you assert that the 911 call is unlikely to contain extensive personal information protected by Exemptions 2 and 3(C). You assert that if the transcript contains sensitive or personal information the transcript should be released with redactions rather than withheld in its entirety. Further, you assert that the public interest in disclosure outweighs the privacy interests at issue because the transcript would shed light on the potential assassination of a foreign national and would also allow scrutiny of the response of law enforcement agencies.

Upon receipt of your appeal, this Office notified the OUC and asked the agency to formally respond. The OUC responded to this office on July 12, 2017. In its response, the OUC reaffirmed its position that the audio recording of the 911 call was protected from disclosure by Exemptions 2 and 3(C). The OUC asserts that both the caller the decedent have sufficient privacy interests to withhold the recording. The OUC argues that the public interests raised on appeal are not relevant to the recording because no governmental impropriety on behalf of the District has been alleged. Finally, the OUC asserts that it lacks the technical capacity to redact audio recordings; therefore, it properly withheld the recording in its entirety.

Mike Eckel
Freedom of Information Act Appeal 2017-100
July 19, 2017
Page 2

Following the OUC's response, this Office asked the OUC to clarify whether or not a transcript of the 911 call existed and to provide a copy of the 911 call for *in camera* review. The OUC explained that it only maintains audio recordings of 911 calls, not transcriptions. On July 18, 2017, the OUC provided this office with a copy of the 911 call at issue for *in camera* review.

Discussion

It is the public policy of the District of Columbia government that "all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees." D.C. Official Code § 2-531. In aid of that policy, the DC FOIA creates the right "to inspect . . . and . . . copy any public record of a public body . . ." *Id.* at § 2-532(a). The right to inspect a public record, however, is subject to exemptions. *Id.* at § 2-534.

The DC FOIA was modeled on the corresponding federal Freedom of Information Act. *Barry v. Washington Post Co.*, 529 A.2d 319, 321 (D.C. 1987). Accordingly, decisions construing the federal statute are instructive and may be examined to construe the local law. *Washington Post Co. v. Minority Bus. Opportunity Comm'n*, 560 A.2d 517, 521, n.5 (D.C. 1989).

The FOIA request at issue is for a transcript of a 911 call. The OUC did not previously inform you that it did not create or maintain a transcript of the 911 call but rather maintains an audio recording of the call. FOIA does not require agencies to create records in order to respond to a request; but rather an agency must make a reasonable effort to locate existing records. The OUC determined that the audio recording was responsive to your request for a transcript. As a result, the analysis in this determination turns on whether the OUC may withhold the 911 recording in its entirety pursuant to Exemptions 2 and 3(C).¹

Exemptions 2 and 3(C) of the DC FOIA relate to personal privacy. Exemption 2 applies to "[i]nformation of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." Exemption 3(C) provides an exemption for disclosure for "[i]nvestigatory records compiled for law-enforcement purposes, including the records of Council investigations and investigations conducted by the Office of Police Complaints, but only to the extent that the production of such records would . . . (C) Constitute an unwarranted invasion of personal privacy." While Exemption 2 requires that the invasion of privacy be "clearly unwarranted," the word "clearly" is omitted from Exemption 3(C). Thus, the standard for evaluating a threatened invasion of privacy interests under Exemption 3(C) is broader than under Exemption 2. *See United States Dep't of Justice v. Reporters Comm. for Freedom of Press*, 489 U.S. 749, 756 (1989).

¹ Exemption 3(D) which prevents disclosure of "[i]nvestigatory records compiled for law-enforcement purposes... to the extent that the production of such records would... Disclose the identity of a confidential source and ... confidential information..." was raised by the OUC's in its initial denial of your request. Exemption 3(D) does not appear to be relevant to this 911 call, and the OUC did not address Exemption 3(D) in its response to your appeal.

A 911 call can be subject to Exemption 3(C) when the call leads to an investigation that focus on acts that could, if proven, result in civil or criminal sanctions. *See Rural Housing Alliance v. United States Dep't of Agriculture*, 498 F.2d 73, 81 (D.C. Cir. 1974). *See also Rugiero v. United States Dep't of Justice*, 257 F.3d 534, 550 (6th Cir. 2001) (The exemption “applies not only to criminal enforcement actions, but to records compiled for civil enforcement purposes as well.”). Since the recording you seek relates to investigations that could have resulted in civil or criminal sanctions, Exemption 3(C) applies to your request.

Determining whether disclosure of a record would constitute an invasion of personal privacy requires a balancing of individual privacy interests against the public interest in disclosure. *See Reporters Comm. for Freedom of Press*, 489 U.S. at 756. The first part of the analysis is to determine whether a sufficient privacy interest exists. *Id.* A privacy interest is cognizable under DC FOIA if it is substantial, which is anything greater than *de minimis*. *Multi AG Media LLC v. Dep't of Agric.*, 515 F.3d 1224, 1229 (D.C. Cir. 2008).

The audio recording at issue is slightly over 4 minutes long and involves hotel security personnel calling 911 after finding a man who appears to be unconscious in his hotel room and is discovered to be deceased. The recording involves potential privacy interests because the hotel employee is audibly disturbed when the guest is found to be deceased and the descriptions of the deceased may be troubling to surviving relatives. *See New York Times Co. v. Nat'l Aeronautics & Space Admin.*, 782 F. Supp. 628, 631-32 (D.D.C. 1991). The recording also contains clear privacy interests involving personally identifiable information of the caller. In general, there is a sufficient privacy interest in personal identifying information.

Information protected under Exemption 6 [the equivalent of Exemption 2 under the federal FOIA] includes such items as a person's name, address, place of birth, employment history, and telephone number. *See Nat'l Ass'n of Retired Fed. Employees v. Horner*, 879 F.2d 873, 875 (D.C. Cir. 1989); *see also Gov't Accountability Project v. U.S. Dep't of State*, 699 F.Supp.2d 97, 106 (D.D.C. 2010) (personal email addresses); *Schmidt v. Shah*, No. 08-2185, 2010 WL 1137501, at *9 (D.D.C. Mar. 18, 2010) (employees' home telephone numbers); *Schwanner v. Dep't of the Army*, 696 F.Supp.2d 77, 82 (D.D.C. 2010) (names, ranks, companies and addresses of Army personnel); *United Am. Fin., Inc. v. Potter*, 667 F.Supp.2d 49, 65-66 (D.D.C.2009) (name and cell phone number of an “unknown individual”).

Skinner v. United States DOJ, 806 F. Supp. 2d 105, 113 (D.D.C. 2011).

Information such as names, phone numbers, and home addresses are considered to be personally identifiable information and are therefore exempt from disclosure. *See, e.g., Department of Defense v. FLRA*, 510 U.S. 487, 500 (1994) (“An individual’s interest in controlling the dissemination of information regarding personal matters does not dissolve simply because that information may be available to the public in some form.”). Here the caller identifies himself by name and gives his cell phone number. As a result, we find that there is a sufficient privacy interest in the personally identifiable information in the 911 call recording.

Mike Eckel
Freedom of Information Act Appeal 2017-100
July 19, 2017
Page 4

The second part of a privacy analysis examines whether the public interest in disclosure outweighs the individual privacy interest. The Supreme Court has stated that the analysis must be conducted with respect to the purpose of FOIA, which is “to open agency action to the light of public scrutiny.” *Department of Air Force v. Rose*, 425 U.S. 352, 372 (1976). The public interest argument you raise in your appeal does not appear to be relevant to the call at issue. Our *in camera* review of the recording contains no information pertinent to a potential assassination or subsequent law enforcement investigations. In the absence of a relevant countervailing public interest, we find that personally identifiable information in the call (i.e., the names, personal phone numbers, employee identification number, and address) is protected from disclosure pursuant to Exemption 2.

D.C. Official Code § 2-534(b) requires an agency to produce “[a]ny reasonably segregable portion of a public record . . . after deletion of those portions” that are exempt from disclosure; however, cases have held that records may be withheld in their entirety if an agency lacks the technological capacity to remove exempt portions of a record.² The OUC indicates in its response to your appeal that it currently lacks the technical capacity to redact audio recordings. As a result, the recording is exempt from disclosure in its entirety.

Conclusion

Based on the foregoing, we affirm the OUC’s decision.

This constitutes the final decision of this office. If you are dissatisfied with this decision, you may commence a civil action against the District of Columbia government in the Superior Court of the District of Columbia in accordance with the DC FOIA.

Respectfully,

Mayor’s Office of Legal Counsel

cc: Dionne Hayes, General Counsel, OUC (via email)

² *Milton v. United States DOJ*, 842 F. Supp. 2d 257, 259-61 (D.D.C. 2012) (explaining that segregability analysis focuses on “the agency’s current technological capacity” and holding that responsive telephone conversations were not reasonably segregable because an agency did not possess technological capacity to segregate non-exempt portions of requested records); *see also Mingo v. United States DOJ*, 793 F. Supp. 2d 447, 454-55 (D.D.C. 2011) (concluding that nonexempt portions of recorded telephone calls are inextricably intertwined with exempt portions because an agency “lacks the technical capability” to segregate information that is digitally recorded); *Antonelli v. BOP*, 591 F. Supp. 2d 15, 27 (D.D.C. 2008) (same); *Swope v. United States DOJ*, 439 F. Supp. 2d 1, 7 (D.D.C. 2006) (same).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

LARUBY Z. MAY, BOARD CHAIR

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will convene at 10:00 a.m. on Wednesday, September 27, 2017. The meeting will be held at Congress Heights Senior Wellness Center, 3500 Martin Luther King, Jr., Avenue, SE, Washington, DC 20032. Notice of a location, time change, or intent to have a closed meeting will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation’s website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**
- II. DETERMINATION OF A QUORUM**
- III. SWEARING-IN CEREMONY**
- IV. APPROVAL OF AGENDA**
- V. READING AND APPROVAL OF MINUTES**
Wednesday, June 28, 2017
- VI. CONSENT AGENDA**
 - A. Dr. Julian R. Craig, Chief Medical Officer
 - B. Dr. Mina Yacoub, Medical Chief of Staff
- VI. EXECUTIVE MANAGEMENT REPORT**
Luis A. Hernandez, Chief Executive Officer
- VII. COMMITTEE REPORT**
Finance Committee
- VIII. OTHER BUSINESS**
 - A. Old Business
 - B. New Business
- IX. ANNOUNCEMENTS**

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss collective bargaining agreements, personnel, and discipline matters. D.C. Official Code §§2 -575(b)(2)(4A)(5),(9),(10),(11),(14).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

**NOTICE OF APPROVED ISSUANCE OF STOCK OR EVIDENCES OF
INDEBTEDNESS****FORMAL CASE NO. 1146, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR A CERTIFICATE OF AUTHORITY
AUTHORIZING IT TO ISSUE DEBT SECURITIES AND PREFERRED STOCK**

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to D.C. Code §§ 2-505, 34-502 and 34-503 (2001) and 15 DCMR§ 3501.8 (2000), of its approval of the Application of Washington Gas Light Company (“WGL” or “Company”) for a certificate authorizing the Company to issue and sell debt securities or preferred stock in an aggregate amount not to exceed \$400.0 million.¹

2. In its Application, filed on June 16, 2017, WGL requests authority to issue and sell debt securities or preferred stock in an aggregate amount not to exceed \$400.0 million from October 1, 2017 through December 31, 2019.² The Company states that it plans to use the proceeds from the financing for four primary purposes: (1) for the refunding of maturing long-term debt; (2) for advance refunding of long-term debt as market conditions permit; (3) for general corporate purposes, including capital expenditures, acquisition of property, working capital requirements and retirement of short-term debt; and (4) for the reimbursement of funds actually expended for any of those purposes.³ WGL also seeks expedited review of its Application under the Commission’s expedited review process in Chapter 35 of the Commission’s rules (15 DCMR §§ 3500-3505 (2000)).⁴

3. A Notice of Proposed Issuance of Stock or Evidences of Indebtedness (“NOPI”) was published in the *D.C. Register* on July 7, 2017, inviting public comments or objections to the Application.⁵ No public comments or objections were filed in response to the NOPI. Thereafter, the Commission, at its open meeting held on September 6, 2017, took final action to approve WGL’s

¹ *Formal Case No. 1146, In the Matter of the Application of Washington Gas Light Company for a Certificate of Authority Authorizing it to Issue Debt Securities and Preferred Stock* (“Formal Case No. 1146”); Washington Gas Light Company’s Application for Authority to Issue Debt Securities and Preferred Stock, filed June 16, 2017 (“WGL’s Application”).

² WGL’s Application at 2.

³ WGL’s Application at 2-3.

⁴ WGL’s Application at 1,6

⁵ 64 D.C. Reg. 006539-006540 (2017).

Application as filed.⁶

4. WGL's Application and supporting documentation are on file with the Commission and may be reviewed at the Office of the Commission Secretary, 1325 G Street, N.W., Eighth Floor, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday, or may be viewed on the Commission's website by visiting www.dcpssc.org. and, under the "eDocket System" tab, selecting "Search Current Dockets" and typing "FC 1146" in the field labeled "Select Case Number." Copies of the Application are available, upon request, at a per-page reproduction fee. Person with questions concerning this Notice should call 202-626-5150.

⁶ *Formal Case No. 1146*, Order No. 19087, rel. September 6, 2017.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

ELECTRIC TARIFF 00-2, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S PUBLIC SPACE OCCUPANCY SURCHARGE ELECTRICITY TARIFF, P.S.C.-D.C. No. 1

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its final action taken in the above-captioned proceeding.

2. On February 27, 2017, pursuant to D.C. Code 10-1141.06,² the Potomac Electric Power Company (Pepco) filed with the Commission an updated Rider Public Space Occupancy Surcharge (PSOS).³ In the filing, Pepco shows the process to be used to recover from its customers the fees paid by Pepco to the District of Columbia for the rental of public structures in public space. Pepco proposes to amend the following tariff page, so that it will read:

**ELECTRICITY TARIFF, P.S.C.-D.C. No. 1
17th Revised Page No. R-33**

3. According to Pepco, the Surcharge Update consists of two parts reflecting: 1) the payments to be made by Pepco to the District of Columbia for the current year, and 2) the over or under recovery from the prior year.⁴ Pepco proposes a PSOS rate of \$0.00209 per kilowatt-hour delivered to the customer, which is increased from the PSOS rate approved in 2016.⁵ The rate is based on a rate of \$0.00204 per kilowatt-hour for estimated 2016 payments and a rate of \$0.00005 per kilowatt-hour for the under

¹ D.C. Code 2-505 (2001 Ed.) and D.C. Code 34-802 (2001 Ed.).

² D.C. Code §§ 10-1141.06 (2001 Ed.), states that [e]ach public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement.

³ *Electric Tariff 00-2, In the Matter of Potomac Electric Power Company's Public Occupancy Surcharge Electricity Tariff, P.S.C.-D.C. No. 1* ("ET00-2"), Letter to Brinda Westbrook-Sedgwick, Commission Secretary, from Dennis Jamoneau, Assistant General Counsel, Re: ET00-2 – Rider "PSOS," filed February 27, 2017 (hereinafter referred to as "Surcharge Update").

⁴ ET00-2, Surcharge Update at 1.

⁵ ET00-2, Surcharge Update at 2 and Attachment B.

collection of payments made by Pepco in 2016.⁶ Pepco proposed that its Surcharge Update become effective with meter readings on and after March 1, 2017.⁷

4. On April 28, 2017, the Commission published a Notice of Proposed Tariff (NOPT) in the D.C. Register inviting public comment on Pepco's Surcharge Update.⁸ In the NOPT, the Commission stated that Pepco has a statutory right to implement the Rider PSOS; but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge rate, Pepco could be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT and the Commission is satisfied that Pepco's proposed surcharge complies with D.C. Code 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on September 6, 2017, took final action approving Pepco's Rider PSOS Surcharge Update tariff filing effective with meter readings on and after March 1, 2017 and officially upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁶ ET00-2, Surcharge Update at 2 and Attachment C.

⁷ ET00-2, Surcharge Update at 1.

⁸ 64 D.C. Reg. 004160-004161 (2017).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

ELECTRIC TARIFF 2017-01, IN THE MATTER OF POTOMAC ELECTRIC POWER COMPANY'S ENERGY ASSISTANCE TRUST FUND SURCHARGE RIDER, RATE SCHEDULES FOR ELECTRIC SERVICE IN THE DISTRICT OF COLUMBIA, P.S.C. OF D.C. NO. 1

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code,¹ of the new rate for Potomac Electric Power Company's ("Pepco") Energy Assistance Trust Fund Surcharge Rider ("Rider EATF")² to be effective on October 1, 2017.

2. Rider EATF is a per kilowatt-hour charge set by the Council of the District of Columbia ("Council"). In the Energy Assistance Trust Fund Fee Amendment Act of 2017 ("Act"), the Council raised the charge for Rider EATF from \$0.0000607 per kilowatt-hour to \$0.0002322 per kilowatt-hour beginning in Fiscal Year 2018 (October 1, 2017).³ On August 23, 2017, pursuant to the Act, Pepco filed an updated Rider EATF that proposes to amend the following tariff page:

Rate Schedules for Electric Service in the District of Columbia,

**P.S.C. of D.C. No. 1
Ninetieth Revised Page No. R-1
Superseding Eighty-Ninth Revised Page No. R-1**

**P.S.C. of D.C. No. 1
Ninetieth Revised Page No. R-2
Superseding Eighty-Ninth Revised Page No. R-2**

**P.S.C. of D.C. No. 1
Ninetieth Revised Page No. R-2.1
Superseding Eighty-Ninth Revised Page No. R-2.1**

**P.S.C. of D.C. No. 1
Ninetieth Revised Page No. R-2.2
Superseding Eighty-Ninth Revised Page No. R-2.2**

¹ D.C. Code § 34-802 (2001).

² *Electric Tariff 2017-01, In the Matter of Potomac Electric Power Company's Energy Assistance Trust Fund Surcharge Rider, Rate Schedules for Electric Service in the District of Columbia, P.S.C. of D.C. No. 1*, Update to Potomac Electric Power Company's ("Pepco") "Energy Assistance Trust Fund Surcharge" Rider ("Rider EATF"), filed August 23, 2017.

³ Fiscal Year 2018 Budget Support Act of 2017, D.C. Act 22-130 at 88, Subtitle K, sec. 6101-6102 (codified as amended at D.C. Code 8-1774.11(2017)). (The Energy Assistance Trust Fund Fee Amendment Act of 2017 appears in §§ 6101 and 6102 of the Fiscal Year 2018 Budget Support Act of 2017).

P.S.C. of D.C. No. 1
Fifth Revised Page No. R-48
Superseding Fourth Revised Page No. R-48

3. This updated Rider EATF may be reviewed at the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street N.W., Suite 800, Washington, D.C. 20005, between the hours of 9:00 a.m. and 5:30 p.m., Monday through Friday as well as on the Commission's website at www.dcpssc.org. Once at the website, open the "eDocket System" tab, click on "Search Current Dockets" and input "ET2017-01" in the "Select Case Number" field. Copies of the tariff pages and attachments are available, upon request, at a per page reproduction fee by contacting the Commission Secretary at (202) 626-5150 or PSC-CommissionSecretary@dc.gov.

4. The Commission at its regularly scheduled open meeting on September 6, 2017, took final action approving the Pepco's updated Rider EATF. Pursuant to the Act, Pepco's Rider EATF shall become effective on October 1, 2017.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL TARIFF

GAS TARIFF 00-2, IN THE MATTER OF WASHINGTON GAS LIGHT COMPANY'S RIGHTS-OF-WAY SURCHARGE GENERAL REGULATIONS TARIFF, P.S.C.-D.C. No. 3

1. The Public Service Commission of the District of Columbia (Commission) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Code and in accordance with Section 2-505 of the District of Columbia Code,¹ of its final action taken in the above-captioned proceeding.²

2. On May 22, 2017, pursuant to D.C. Code § 10-1141.06,³ WGL filed a Surcharge Update to revise the Rights-of-Way (ROW) Fee Surcharge.⁴ The ROW Fee Surcharge contains two components, the ROW Current Factor and the ROW Reconciliation Factor. In the Surcharge Update, WGL sets forth the process to be used to recover from its customers the D.C. ROW fees paid by WGL to the District of Columbia government in accordance with the following tariff page:

GENERAL SERVICES TARIFF, P.S.C.-D.C. No. 3**Section 22****3rd Revised Page 56**

3. According to its tariff, WGL's Surcharge Update indicates the ROW Current Factor is 0.0325 with the ROW Reconciliation Factor of 0.0042 for the period of June 2017 through May 2018, which yields a Net Factor of 0.0367.⁵ In addition, WGL expresses its intent to collect the surcharge beginning with the June 2017 billing cycle.⁶

¹ D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

² *GT00-2, In the Matter of Washington Gas Light Company's Rights-of-Way Surcharge General Regulations Tariff, P.S.C.-D.C. No. 3, (GT00-2) Rights-of-Way Fee Surcharge Filing of Washington Gas Light Company (Surcharge Update), filed May 22, 2017.*

³ D.C. Code, § 10-1141.06 (2001 Ed.) states that, "Each public utility company regulated by the Public Service Commission shall recover from its utility customers all lease payments which it pays to the District of Columbia pursuant to this title through a surcharge mechanism applied to each unit of sale and the surcharge amount shall be separately stated on each customer's monthly billing statement."

⁴ *GT00-2, Surcharge Update at 1.*

⁵ *Id.* at 2.

⁶ *Id.* at 1.

4. A Notice of Proposed Tariff (NOPT) regarding this Surcharge Update was published in the *D.C. Register* on June 16, 2017.⁷ In the NOPT, the Commission stated that WGL has a statutory right to implement its filed surcharges, but if the Commission were to discover any inaccuracies in the calculation of the proposed surcharge, WGL would be subject to reconciliation of the surcharges. No comments were filed in response to the NOPT. Based on the Commission's review of the tariff filing, the Commission finds that WGL's calculations for the ROW Current Factor, the ROW Reconciliation Factor and Surcharge Update comply with the General Services Tariff, P.S.C. No. 3, Section 22, 3rd Revised Page No. 56 and with D.C. Code § 10-1141.06.

5. The Commission at its regularly scheduled Open Meeting held on September 6, 2017, took final action approving WGL's Surcharge Update tariff filing. WGL's Surcharge Update tariff filing shall become effective upon publication of this Notice of Final Tariff in the *D.C. Register*.

⁷ 64 *D.C. Reg.* 005790-005791 (2017).

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

SECOND PUBLIC NOTICEFORMAL CASE NO. 1144, IN THE MATTER OF THE POTOMAC ELECTRIC POWER COMPANY'S NOTICE TO CONSTRUCT TWO 230kV UNDERGROUND CIRCUITS FROM THE TAKOMA SUBSTATION TO THE REBUILT HARVARD SUBSTATION AND FROM THE REBUILT HARVARD SUBSTATION TO THE REBUILT CHAMPLAIN SUBSTATION (CAPITAL GRID PROJECT)

1. On May 10, 2017, the Potomac Electric Power Company ("Pepco") filed the first of two (2) Notices of Construction ("NOC's") for its Capital Grid Project.¹ Specifically, under this NOC, Pepco proposes to construct two 230kV underground transmission lines from the Takoma Substation to the rebuilt Harvard Substation and from the rebuilt Harvard Substation to the rebuilt Champlain Substation and to upgrade aging infrastructure. Pepco also proposes to engage in demolition, site preparation, and substation construction for the rebuilt Harvard and Champlain Substations.²

2. On May 24, 2017, the Commission *sua sponte* opened an investigation into the reasonableness, safety and need for the underground transmission lines and substations work proposed in Pepco's NOC for its Capital Grid Project.³ On June 2, 2017, a Public Notice was published in the D.C. Register inviting interested persons to provide comments and reply comments on the reasonableness, safety and need for the underground transmission lines and the rebuilding of the Harvard and Champlain Substations proposed in Pepco's NOC no later than 90 days and 120 days, respectively after the publication of the Public Notice in the *D.C. Register*.⁴

¹ *Formal Case No. 1144, In the Matter of the Potomac Electric Power Company's Notice to Construct Two 230 kV Underground Circuits from the Takoma Substation to the Rebuilt Harvard Substation and From the Rebuilt Harvard Substation to the Rebuilt Champlain Substation (Capital Grid Project)* ("Formal Case No. 1144") ("Pepco's NOC"). Pursuant to 15 DCMR § 2111.1 (2004), "An electric corporation which plans to construct inside the District of Columbia an underground transmission line in excess of sixty-nine thousand (69,000) volts, or substation connected to such line, shall file formal notice with the Commission six (6) months prior to the construction."

² NOC at 2.

³ *Formal Case No. 1144*, Commission Public Notice, rel. May 24, 2017.

⁴ 64 *D.C. Reg.* 005282-005283 (2017).

3. Due to the complexity of Pepco's NOC application, by Order No. 19085 the Commission extended the initial and reply comment periods on Pepco's NOC for an additional ninety (90) days.⁵ Specifically, initial Comments on Pepco's NOC application are now due November 29 2017 with Reply Comments due January 2, 2018.⁶ Any person who filed comments prior to the issuance of this Second Notice may file additional or supplemental comments in accordance with the new comment period. Comments may be filed 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. This Second Notice supersedes the previous comment periods published in the D.C. Register on June 2, 2017, Notice.⁷

4. Copies of the NOC may be obtained by visiting the Commission's website at www.dcpsc.org. Once at the website, open the "eDocket" tab, click on "Search database" and input "FC 1144" as the case number and "1" as the item number. Copies of the Application may also be purchased, at cost, by contacting the Commission Secretary at (202) 626-5150 or PSC-CommissionSecretary@dc.gov. Persons with questions concerning this Notice should call 202-626-5150.

⁵ *Formal Case No. 1144*, Order No. 19085, rel. September 6, 2017.

⁶ *Formal Case No. 1144*, Order No. 19085, rel. September 6, 2017.

⁷ 64 *D.C. Reg.* 005282-005283 (2017).

DISTRICT OF COLUMBIA RETIREMENT BOARD
NOTICE OF INVESTMENT COMMITTEE MEETING

September 28, 2017
10:00 a.m.

DCRB Board Room
900 7th Street, N.W.
Washington, D.C 20001

The District of Columbia Retirement Board (DCRB) will hold an Investment Committee meeting on Thursday, September 28, 2017, at 10:00 a.m. to consider investment matters. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the open portion of the meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

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|------|--|--------------------|
| I. | Call to Order and Roll Call | Chair Warren |
| II. | Approval of Investment Committee Meeting Minutes | Chair Warren |
| III. | Chair's Comments | Chair Warren |
| IV. | Chief Investment Officer's Report | Ms. Morgan-Johnson |

At this point, the investment committee meeting will be closed in accordance with D.C. Code §2-575(b)(1), (2), and (11) and §1-909.05(e) to deliberate and make decisions on investments matters, the disclosure of which would jeopardize the ability of the DCRB to implement investment decisions or to achieve investment objectives.

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|-----|----------------|--------------|
| V. | Other Business | Chair Warren |
| VI. | Adjournment | |

DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF OPEN PUBLIC MEETING

September 28, 2017
1:00 p.m.

900 7th Street, N.W.
2nd Floor, DCRB Boardroom
Washington, D.C. 20001

The District of Columbia Retirement Board (DCRB) will hold an Open meeting on Thursday, September 28, 2017, at 1:00 p.m. The meeting will be held at 900 7th Street, N.W., 2nd floor, DCRB Boardroom, Washington, D.C. 20001. A general agenda for the Open Board meeting is outlined below.

Please call one (1) business day prior to the meeting to ensure the meeting has not been cancelled or rescheduled. For additional information, please contact Deborah Reaves, Executive Assistant/Office Manager at (202) 343-3200 or Deborah.Reaves@dc.gov.

AGENDA

- | | | |
|-------|-------------------------------------|--------------------|
| I. | Call to Order and Roll Call | Chair Clark |
| II. | Approval of Board Meeting Minutes | Chair Clark |
| III. | Chair's Comments | Chair Clark |
| IV. | Interim Executive Director's Report | Ms. Morgan-Johnson |
| V. | Investment Committee Report | Mr. Warren |
| VI. | Operations Committee Report | Ms. Collins |
| VII. | Benefits Committee Report | Mr. Smith |
| VIII. | Legislative Committee Report | Mr. Blanchard |
| IX. | Audit Committee Report | Mr. Hankins |
| X. | Other Business | Chair Clark |
| XI. | Adjournment | |

DISTRICT OF COLUMBIA SENTENCING COMMISSION**NOTICE OF PUBLIC MEETING**

The Commission meeting will be held on Tuesday, September 19, 2017 at 5:00 p.m. The meeting will be held at 441 4th Street, N.W. Suite 430S Washington, DC 20001. Below is the planned agenda for the meeting. The final agenda will be posted on the agency's website at <http://sentencing.dc.gov>

For additional information, please contact: Mia Hebb, Staff Assistant, at (202) 727-8822 or email mia.hebb@dc.gov

Meeting Agenda

1. Review and Approval of the Minutes from Meeting of July 18, 2017 – Action Item, Judge Weisberg.
2. Overview of National Association of Sentencing Commissions (NASC) Conference – Informational- Judge Weisberg and Barb Tombs-Souvey.
3. Proposed Research Plan for Survey and Focus Groups – Action Item – Taylor Tarnalicki and Barb Tombs-Souvey.
 - a. Overview of Plan, Timeline and Costs
 - b. Commission Action
4. Logistics of Criminal History Retreat – Informational - Mia Hebb.
5. Discussion of Criminal History Retreat – Participatory - Judge Weisberg and Barb Tombs.
 - a. Focus of the Retreat
 - b. Brief Commission Member Survey
6. Schedule Next Meeting - October 17, 2017
7. Adjourn.

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

Issued: September 22nd, 2017

The Washington Latin Public Charter School solicits expressions of interest in the form of proposals with references from qualified vendors for:

International Educational Travel Services

Questions and proposals may be e-mailed to gizurieta@latinpcs.org with the type of service in the subject line. Deadline for submissions is **September 29th, 2017**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

E-mail is the preferred method for responding but you can also mail (must arrive by deadline) proposals and supporting documents to the following address:

Washington Latin Public Charter School
Attn: Finance Office
5200 2nd Street NW
Washington, DC 20011

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

Application No. 18383-A of Barbara Chambers Children’s Center, as amended¹, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the use conditions of Subtitle U §§ 420.1 and 203.1(g), to permit the expansion (285 students and 55 staff) of an existing daytime care use in the RA-2 Zone at premises 1470 Irving Street N.W. (Square 2672, Lot 881).

HEARING DATE: September 6, 2017
DECISION DATE: September 6, 2017

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum, dated May 5, 2017 from the Zoning Administrator, certifying the required relief. (Exhibit 3.) Based on discussions with the Department of Consumer and Regulatory Affairs (“DCRA”), the Office of Planning recommended an amendment to the provisions cited in the memorandum, which was adopted by the Board of Zoning Adjustment (“Board”) at the public hearing of September 6, 2017.

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”) 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, which is automatically a party to this application. The ANC’s report indicated that at a regularly scheduled, properly noticed public meeting on July 12, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 32.)

¹ The memorandum from the Zoning Administrator (“ZA”) identified the necessary relief as a “special exception pursuant to U § 401.1(c) for the number of individuals to exceed 25.” (Exhibit 3.) In its report, the Office of Planning (“OP”) noted that the provision cited in the ZA memorandum allows for child development centers (“CDCs”) with fewer than 25 students to be permitted as a matter of right, which does not apply to the present application. OP indicated that it had discussed this issue with the Department of Consumer and Regulatory Affairs (“DCRA”), and now believes that the “proper relief would be from U § 420.1(a), a section for special exceptions that refers back to U § 203.1(g), which permits daytime care uses, including CDCs, as special exceptions, regardless of enrollment.” (Exhibit 35.) The Board accepted OP’s recommended amendment to the provisions cited, and the caption has been revised accordingly.

The Office of Planning (“OP”) submitted a timely report recommending approval of the amended application, subject to seven conditions carried forward from prior Order No. 18383, including the requested adjustments to the staff and student enrollment numbers. (Exhibit 35.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application, subject to four conditions. (Exhibit 36.) The Board adopted the conditions proposed by OP and DDOT.

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 U §§ 420.1 and 203.1(g). 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.

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 U §§ 420.1 and 203.1(g), 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 AND WITH THE FOLLOWING CONDITIONS:**

1. The hours of operation shall be from 7:00 AM to 10:00 PM, with all persons off the site, including the parking lot, by 10:30 PM.
2. The number of enrolled children shall not exceed 285.
3. The number of staff shall not exceed 55.
4. Outdoor activities shall be supervised and conclude by 8:00 PM.
5. Trash shall be kept on-site and collected three times a week, and the property shall be kept free of debris.
6. Staff shall monitor the dropping off and picking up of the children.

- 7. The parking lot shall be lit from sunset to sunrise.
- 8. The Applicant shall continue to implement the pick-up and drop-off plan, as previously approved in Order No. 18383, and shall assign at least one faculty member to facilitate the process during each of the morning and afternoon peak periods.
- 9. The Applicant shall provide shuttle service between the Subject Property and local schools for before- and after-school programs.
- 10. The Applicant shall install two long-term bicycle parking spaces.
- 11. The Applicant shall create and distribute information to parents and guardians regarding the drop-off and pick-up procedures to ensure the previously-approved plan is followed.

VOTE: 4-0-1 (Michael G. Turnbull, Carlton E. Hart, Frederick L. Hill, and Lesylleé M. White, 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: September 8, 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

BZA APPLICATION NO. 18383-A

PAGE NO. 3

THERE TO) 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 THERE TO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Order No. 18420-A of AT&T, pursuant to 11 DCMR Subtitle Y § 703, for a modification of consequence to the plans approved in BZA Order No. 18420 to construct smaller equipment cabinets related to the installation of a 128-foot-tall monopole, and antennas in the R-4 (now RF-1) Zone at premises 4301 13th Street N.W. (Square 2915, Lot 802).

The original application (No. 18420) was pursuant to 11 DCMR §§ 3103.2 and 3104.1¹, for a special exception to allow the installation of a 128-foot-tall (lightpole) monopole, antennas, and related equipment shelter and cabinets under section 2713, and a variance from the minimum setback from the lot line requirements under subsection 2713.9, in the R-4 District at premises 4301 13th Street, N.W. (Roosevelt High School) (Square 2915, Lot 802).

HEARING DATE (Case No. 18420):	October 23, 2012
DECISION DATE (Case No. 18420):	October 23, 2012
ORDER ISSUANCE DATE (18420):	October 24, 2012
MODIFICATON DECISION DATES:	July 26 and September 6, 2017

SUMMARY ORDER ON REQUEST FOR MODIFICATION OF CONSEQUENCE

BACKGROUND

On October 23, 2012, in Application No. 18420, the Board of Zoning Adjustment (“Board” or “BZA”), based on a self-certification, approved the request by AT&T (the “Applicant”) for a special exception to allow the installation of a 128-foot-tall (lightpole) monopole, antennas, and related equipment shelter and cabinets under § 2713, and a variance from the minimum setback from the lot line requirements under § 2713.9, in the R-4 (now RF-1) District at premises 4301 13th Street, N.W. (Roosevelt High School) (Square 2915, Lot 802). The approval was under the 1958 Zoning Regulations. In the original case, the Advisory Neighborhood Commission (“ANC”), ANC 4C, did not submit a report and the Office of Planning (“OP”) and the District Department of Transportation (“DDOT”) had recommended approval.

The Board issued Order No. 18420 on October 24, 2012. (Exhibit 3 of the record for Case No. 18420-A.) The approval in Case No. 18420 was subject to the approved plans at Exhibit 20 in the record of that case and to two conditions, namely:

1. At least two other providers shall be able to collocate on the approved monopole.

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the “1958 Zoning Regulations) but which were repealed on September 6, 2016 and replaced with new text (“the 2016 Regulations”). The repeal of the 1958 Regulations has no effect on the validity of the Board’s decision in Application No. 18420 or the validity of this order.

2. The Applicant shall install and maintain a landscaped vegetative buffer along the existing fence line to screen the monopole and its base.

MOTION FOR MODIFICATION OF CONSEQUENCE

On July 5, 2017, the Applicant submitted a request for a modification of consequence to the plans approved by the Board in Order No. 18420 (the "Order"). (Exhibits 1-5.) Pursuant to 11 DCMR Subtitle Y § 703, the Applicant is requesting to change the approved plans so as to construct smaller equipment cabinets related to the installation of a 128-foot-tall monopole, and antennas in the R-4 (now RF-1) Zone at premises 4301 13th Street N.W. (Square 2915, Lot 802).

In the Order, the Board approved the requested special exception relief to allow the installation of a 128-foot-tall (light pole) monopole, antennas, and related equipment shelter and cabinets at premises 4301 13th Street, N.W., which is the site for Roosevelt High School. The application was granted subject to the two conditions noted above.

The Applicant is requesting approval to change the approved plans, including a change to the size of the related equipment cabinet. According to the Applicant, none of the changes impact the use, proffered public benefits and amenities, or required covenants, nor do they require any additional relief or flexibility from the Zoning Regulations from that previously approved. (Exhibit 4.)

The original approved construction design shows an 11' – 5' W x 20' L x 10' – 1/2 'H equipment shelter to house the equipment cabinets related to the monopole's function. The Applicant, in cooperation with the Department of General Services has agreed to replace Roosevelt High School's aging storage shed with a proposed 20 ft. x 30 ft. shed. The Applicant's equipment would be located in a walled-off space (144 square feet) within the shed. This modified design would reduce AT&T's lease area by 86 feet and conceal the approved equipment inside of the school's new storage shed. (See, Exhibits 4 and 5, Sheet C-2.)

Preliminary Matters

The Modification of Consequence was placed on the Board's Public Meeting agenda for July 26, 2017. On July 26, 2017, the Board first deliberated on the request for the Modification of Consequence and set the decision for September 27, 2017, in order to receive the ANC's report. After the Board received the ANC report, the Applicant submitted a motion to reschedule the decision for September 6, 2017. (Exhibit 10.) The Board's Chair granted the Applicant's request to move the decision date to September 6, 2017, based on receipt of the ANC report. (Exhibit 11.)

The Merits of the Request for the Modification of Consequence

The Applicant's request complies with 11 DCMR Subtitle Y § 703.4, which defines a modification of consequence as a "proposed change to a condition cited by the Board in the final

order, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Board.”

In the application herein, the Applicant is requesting a modification of consequence to the Order because with this modification, the Applicant is redesigning elements of the design of the Project which will result in a decrease in AT&T’s equipment space inside the school’s shed. Other than the revisions to the approved plans contained in this modification application, the Project will remain as approved by the Board, including the two conditions. (Exhibit 4.)

Specifically, the Applicant requests approval for a smaller space for equipment cabinets and other related equipment related to installation of a 128-foot-tall monopole to improve AT&T coverage in the immediate area of the site. There will be no change in the 128-foot-tall (light pole) monopole and no change in the setbacks to the property line that were previously approved in Case No. 18420.

The originally approved construction design shows an 11’-5” W x 20’ L x 10’ - ½” H equipment shelter to hold the majority of the equipment cabinets and other related equipment for the sole purpose of AT&T’s use. The Applicant is requesting approval to decrease AT&T’s equipment shelter/equipment space to 12’ wide by 12’ long by 12’ high. The room will be cinderblock and two-hour fire rated and walled off within a newly proposed 20’ W x 30’ L x 12’ H shed that is being provided for the Theodore Roosevelt High School as a new, larger storage shed. The rest of the shed outside the walled off AT&T equipment room will be solely used for the school’s purposes. In addition, AT&T will remove an existing smaller and deteriorating 12’ W x 24’ L x 10’ H school storage shed. (Exhibit 4.)

Pursuant to Subtitle Y §§ 703.8-703.9, the request for a modification of consequence shall be served on all other parties to the original application and those parties are allowed to submit comments within ten 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 modification of consequence to Advisory Neighborhood Commission (“ANC”) 4C, the only other party to Application No. 18420. The Applicant attended an ANC meeting to discuss the intended project at which there was no expressed concern from the public. (Exhibit 4.) ANC 4C submitted a report, dated July 25, 2017, that indicated that the ANC, at a “properly noticed and fully quorumed” public meeting on July 12, 2017, voted 8-0 by a voice vote to support the Modification of Consequence request, after having first heard a presentation from the Applicant. The ANC raised no issues or concerns in its report. (Exhibit 9.)

The Applicant also served its request on OP. OP submitted a report on July 14, 2017 recommending the Board approve the modification requested by the Applicant. (Exhibits 6 and 8 (duplicate).) DDOT did not submit a report.

The Board, as discussed above, deliberated on this modification request, first on July 26, 2017, and on September 6, 2017, when it approved the request.

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 modification of consequence. Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that in seeking a modification of consequence to the plans approved in Case No. 18420, 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. 18420 is hereby **GRANTED, SUBJECT TO THE MODIFIED PLANS AT EXHIBIT 5.**

In all other respects, Order No. 18420 remains unchanged.

VOTE ON ORIGINAL APPLICATION ON OCTOBER 23, 2012: 4-0-1

(Nicole C. Sorg, Lloyd L. Jordan, Jeffrey L. Hinkle, and Anthony J. Hood to Approve; the third Mayoral appointee vacant.)

VOTE ON MODIFICATION OF CONSEQUENCE ON SEPTEMBER 6, 2017: 4-0-1

(Frederick L. Hill, Lesylleé M. White, Carlton E. Hart, and Michael G. Turnbull² 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: September 8, 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 Board member Turnbull read the record in the case in order to participate.

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

Application No. 19538 of Avamere 3317 16th LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle F § 5201 from the lot occupancy requirements of Subtitle F § 304.1, and pursuant to Subtitle X, Chapter 10, for variances from the court requirements of Subtitle F § 202.1 and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a third story rear addition and convert the existing three-story one-family dwelling into a four-unit apartment house in the RA-2 zone at premises 3317 16th Street, N.W. (Square 2676, Lot 473).

HEARING DATE: September 6, 2017

DECISION DATE: September 6, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibits 11 (original), 17 (revised).) 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") 1A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1A, 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 July 12, 2017, at which a quorum present, the ANC voted 8-0-1 to support the application. (Exhibit 35.)

The Office of Planning ("OP") submitted a timely report dated August 25, 2017, recommending approval of the application. (Exhibit 37.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 36.)

Variance Relief

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X §

1002.1 for area variances from the court requirements of Subtitle F § 202.1 and from the enlargement of a nonconforming structure requirements of Subtitle C § 202.2 in the RA-2 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from 11 DCMR Subtitle F § 202.1 and Subtitle C § 202.2, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief

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 F § 5201 from the lot occupancy requirements of Subtitle F § 304.1. 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.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle F §§ 5201 and 304.1, 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 9 - ARCHITECTURAL PLANS AND ELEVATIONS.**

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

BZA APPLICATION NO. 19538
PAGE NO. 2

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: September 11, 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.

BZA APPLICATION NO. 19538

PAGE NO. 3

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

Application No. 19541 of William and Sarah Green, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard setback requirements of Subtitle D § 306.1, to construct a rear deck addition to an existing one-family dwelling in the R-1-B Zone at premises 3318 Stephenson Place N.W. (Square 2008, Lot 40).

HEARING DATE: Applicant waived right to a public hearing

DECISION DATE: September 6, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) 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 because 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") 3G, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3G, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on June 26, at which a quorum was in attendance, ANC 3G voted 5-0-0 to support the application. (Exhibit 25.)

The Office of Planning ("OP") submitted a timely report dated August 24, 2017, in support of the application. (Exhibit 28.) The District Department of Transportation ("DDOT") submitted a timely report, dated August 11, 2017, expressing no objection to the approval of the application. (Exhibit 27.)

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 under Subtitle D § 5201 from the rear yard setback requirements of Subtitle D § 306.1, to construct a rear deck addition to an existing one-family dwelling in the R-1-B 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 §§ 5201 and 306.1, 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 REVISED PLANS AT EXHIBIT 8.**

VOTE: 4-0-1 (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Michael G. Turnbull 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: September 8, 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. 19541
PAGE NO. 2**

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.

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

Application No. 19549 of Bradley Greenfield, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 205.5 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone at premises 1330 Maryland Avenue N.E. (Square 1027, Lot 36).

HEARING DATE: September 13, 2017

DECISION DATE: September 13, 2017

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 5 (original) and 14 (revised).) 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") 6A and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. The ANC submitted a timely report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 13, 2017, at which a quorum was present, the ANC voted 7-0 to support the application. (Exhibit 33.)

The Office of Planning ("OP") submitted a timely report, dated September 1, 2017, in support of the application. (Exhibit 39.)

The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 38.)

Four letters in support of the application were submitted to the record by neighbors, including the adjacent neighbors. (Exhibits 28-31.) A letter of support from the Capitol Hill Restoration Society also was submitted to the record. (Exhibit 41.)

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 special exceptions under Subtitle E § 205.5 from the rear yard requirements of Subtitle

E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone. The only parties to the case were the Applicant and the ANC. 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.

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, Subtitle C § 202, and Subtitle E §§ 205.5, 205.4, 5201, and 304.1, 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 37.**

VOTE: **4-0-1** (Carlton E. Hart, Frederick L. Hill, Lesylleé M. White, and Peter G. May 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: September 14, 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

BZA APPLICATION NO. 19549

PAGE NO. 2

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.

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

Application No. 19553 of Servant's Office, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle H § 1200.1 from the floor-to-ceiling height requirements of Subtitle H § 809.1(f), to permit a four-story mixed-use building in the NC-7 Zone at premises 4009 Georgia Avenue N.W. (Square 3026, Lot 45).

HEARING DATE: September 6, 2017

DECISION DATE: September 6, 2017

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 3.) 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") 4C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. The ANC submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on July 12, 2017, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 29.)

The Office of Planning ("OP") submitted a timely report, dated August 25, 2017, in support of the application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report, dated August 18, 2017, expressing no objection to the approval of the application. (Exhibit 31.)

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 H § 1200.1 from the floor-to-ceiling height requirements of Subtitle H § 809.1(f), to permit a four-story mixed-use building in the NC-7 Zone. 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.

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 H §§ 1200.1 and 809.1 (f), 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 REVISED PLANS AT EXHIBIT 30 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Frederick L. Hill, Lesylleé M. White, Carlton E. Hart and Michael G. Turnbull 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.

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

BZA APPLICATION NO. 19553

PAGE NO. 2

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.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 17-16
(251 Massachusetts Avenue, LLC – Map Amendment @ Square 560, Lot 853)
September 11, 2017

THIS CASE IS OF INTEREST TO ANC 6E

On September 1, 2017, the Office of Zoning received an application 251 Massachusetts Avenue, LLC (the “Applicant”) for approval of a map amendment for the above-referenced property.

The property that is the subject of this application consists of Lot 853 in Square 560 in northwest Washington, D.C. (Ward 6), on property located at the northwest corner of 2nd and H Streets, N.W. The property is currently zoned MU-6. The Applicant is proposing a map amendment to rezone the property to the D-4 zone.

The MU-6 zone is intended to: permit medium- to high-density mixed-use development with a focus on residential use; and provide facilities for shopping and business needs, housing, and mixed-uses for large segments of the District of Columbia outside of the central core. The MU-6 zone allows a maximum height of 90 feet; maximum lot occupancy of 80% (90% with Inclusionary Zoning [“IZ”]); and maximum density of 6.0 floor area ratio [“FAR”] (2.0 FAR for non-residential and 7.2 FAR with IZ).

The D-4 zones are intended to promote high-density development of commercial and mixed uses in areas with a concentration of federal and infrastructure uses in the District. The D-4 zone permits a maximum height of 90 feet; maximum lot occupancy of 90%; and a maximum density of 6.5 FAR (6.5 FAR for non-residential and 7.8 FAR with IZ).

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

District of Columbia REGISTER – September 22, 2017 – Vol. 64 - No. 38 009321 – 009462