

***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- Office of the State Superintendent of Education announces funding availability for the FY 2017 Mathematics Science Partnerships and FY 2017 Teacher Quality Improvement Grant Programs
- Department of Energy and Environment solicits comments on the DCA Airplane Noise Assessment Study
- Department of Energy and Environment announces funding availability for the Solar for All DC Innovation and Expansion Grants
- Board of Ethics and Government Accountability publishes list of registered lobbyist for the 2017 filing year
- Department of Human Services revises the District’s public assistance payment levels
- Department of Health announces funding availability for programs to increase the capacity and provision of health and wellness services (IMPACT DMV Program)
- Office of Public-Private Partnerships announces open period for accepting unsolicited proposals for possible public-private partnership projects

# DISTRICT OF COLUMBIA REGISTER

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ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-268

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

September 20, 2016

To recognize and honor the Children’s Law Center on its 20th anniversary of service to the children and families of the District of Columbia.

WHEREAS, the Children’s Law Center was founded in 1996 by 3 dedicated family lawyers – James Marsh, Diane Weinroth and Ken Noyes – who grew frustrated by the growing foster care crisis, which left 3,000 children languishing in the foster care system without hope of finding a permanent, loving family;

WHEREAS, the organization expanded its early focus on foster care to take a broader approach, looking at children’s overall well-being and ensuring that they had a solid foundation of family, health, and education;

WHEREAS, today, the Children’s Law Center is a sustainable, 100-person strong organization that has helped almost 30,000 children and families over the past 20 years – and now reaches one out of every 9 children in neighborhoods where their help is needed the most;

WHEREAS, the Children’s Law Center has partnered with about 2,000 pro bono attorneys from nearly 200 firms to extend life-changing legal advocacy to more children and families over the past 20 years;

WHEREAS, throughout its history the Children’s Law Center has contributed to District-wide policy reforms to benefit tens of thousands of children, including its work on the first guardianship statute in the United States to help children exit foster care to live with extended family, and historic education reforms to improve the quality and timeliness of special education services in schools;

WHEREAS, the Children’s Law Center and its Executive Director, Judith Sandalow, have been recognized many times over for their accomplishments on behalf of the District’s children, including by the National Association of Counsel for Children, Washington Council of Lawyers, Meyer Foundation, Washington Post, and Nonprofit Times; and

**ENROLLED ORIGINAL**

WHEREAS, the Children's Law Center is today a trusted partner of the District's judges, pediatricians, and families, who turn to the organization to make sure that every child in the District of Columbia can grow up with a loving family, good health, and a quality education.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Children's Law Center 20th Anniversary Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia congratulates the Children's Law Center on 20 years of service to children and families in the District, and declares September 20, 2016 as "Children's Law Center Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-300

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize Mrs. Virginia McLaurin for her contributions as a foster grandparent, school volunteer, affordable housing advocate, seamstress, and au pair and her outstanding years of public service in the District of Columbia.

WHEREAS, Mrs. Lauren was born in 1909 in South Carolina and later relocated to Washington, D.C. as part of the Great Migration;

WHEREAS, Mrs. McLaurin resides in the Petworth neighborhood in Ward 4 and has been a resident of the District of Columbia for 77 years, since 1939;

WHEREAS, Mrs. McLaurin has served District of Columbia Public Schools and District of Columbia charter school students for more than 2½ decades as a volunteer in the classrooms;

WHEREAS, Mrs. McLaurin is currently a senior corps volunteer with the Corporation for National and Community Service (“CNCS”) at the Roots Public Charter School located in Ward 4, where she acts as a foster grandparent and mentor to special-needs students and helps children improve their reading and social skills;

WHEREAS, Mrs. McLaurin’s testimonial about the benefits of volunteering during her visit to the White House to meet President Barack Obama and First Lady Michelle Obama inspired others and sparked an increase nationwide in volunteerism with the Corporation for National and Community Service;

WHEREAS, Mrs. McLaurin has served for more than 20 years with the United Planning Organization Foster Grandparent Program, which matches senior citizens with students for tutoring and mentorship in the Washington, D.C. area;

WHEREAS, Mrs. McLaurin served as a full-time volunteer at C. Melvin Sharpe Health School, where she worked with special needs and disabled children for over 20 years;

**ENROLLED ORIGINAL**

WHEREAS, Mrs. McLaurin has been an advocate for affordable housing and serves on the tenants' association of her building, where she has been responsible for improving the housing conditions of the building that allowed tenants to age in place;

WHEREAS, Mrs. McLaurin served as a catalyst for an important change in District identification laws for senior residents: After learning that Mrs. McLaurin was prevented from obtaining a REAL ID because she didn't have the proper documentation, Mayor Bowser's administration passed a new regulation that allows the District to make exceptions for elderly residents applying for a driver's license or photo ID;

WHEREAS, under the new regulation, District officials will now have the discretion to make exceptions for federal requirements for any District resident over 70 years of age, whereby they can come up with other acceptable documents, and implement new programs in the District of Columbia that provide access to ID's for senior citizens;

WHEREAS, Mrs. McLaurin was presented with the President's Volunteer Service Award ("PVSA") for Lifetime Achievement during her 107<sup>th</sup> birthday celebration at The Arc Theater;

WHEREAS, PVSA, an initiative of the Corporation for National and Community Service ("CNCS"), honors individuals for their exemplary volunteer service during a 12-month period or over the course of a lifetime;

WHEREAS, CNCS, the federal agency for volunteering and service, engages millions of Americans of all ages and backgrounds in service each year through its Senior Corps, AmeriCorps, Social Innovation Fund, and Volunteer Generation Fund programs and leads President Obama's call to service, United We Serve; and

WHEREAS, Mrs. McLaurin was recognized by former Mayor Vincent Gray for her work with special needs children at the Sharpe Health School in northwest Washington, D.C.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mrs. Virginia McLaurin Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and congratulates Mrs. Virginia McLaurin for her life's work in matters of education, fashion, and public service to the District of Columbia and to the United States.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-301

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To declare December 2016 as “AIDS Awareness Month” in the District of Columbia.

WHEREAS, HIV and AIDS continues to be a major global public health issue;

WHEREAS, in 2015, an estimated 36.7 million people were living with HIV, including 1.8 million children, and 1.1 million people died of AIDS-related illnesses;

WHEREAS, according to the Center for Disease Control and Prevention (CDC) more than 1.2 million people in the United States are living with HIV, and one in 8 of them don’t know it;

WHEREAS, AIDS Awareness Month is a prime opportunity to raise awareness, commemorate the lives lost, and celebrate victories such as increased access to treatment and prevention services;

WHEREAS, the District of Columbia has been devoted to the fight against AIDS and the infection rate has dropped 7 consecutive years and HIV rates have decreased 40% since 2009;

WHEREAS, on December 1, 2015, World AIDS Day, Mayor Bowser signed the Fast Track Cities Declaration, an initiative led by mayors and city governments from more than 50 high-HIV-burden cities around the world, reaffirming the District’s long-standing commitment toward fighting HIV/AIDS;

WHEREAS, World AIDS Day was started in 1988 and is celebrated every year on December 1;

WHEREAS, World AIDS Day continues to be an important day globally because it serves as a reminder that HIV has not gone away, and that there remains a vital need to raise money, increase awareness, fight prejudice, and improve education; and

**ENROLLED ORIGINAL**

WHEREAS, recognizing December as AIDS Awareness Month reaffirms the District's commitment to combatting this epidemic both locally and globally.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "AIDS Awareness Month Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and supports "AIDS Awareness Month", urges citizens to be tested, and supports the ongoing efforts by Mayor Bowser, the District of Columbia government, health care providers, concerned citizens, and community-based organizations to fight and ultimately defeat this epidemic.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.



ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-302

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and support the efforts of the water protectors supporting the Standing Rock Sioux Tribe.

WHEREAS, the Nation of the Standing Rock Sioux Tribe is a sovereign body of government that operates in good faith within the government-to-government structure of the United States of America;

WHEREAS, the Dakota Access Pipeline, transporting crude oil from the Bakken/Three Forks oil fields in North Dakota to Illinois, is planned to run underneath Lake Oahe, the water supply for the Standing Rock Sioux Tribe;

WHEREAS, the Dakota Access Pipeline stands in violation of the 1851 Treaty of Traverse des Sioux and the 1868 Treaty of Fort Laramie, which affirmed the Standing Rock Sioux Tribe's ownership of land and waterways within its borders;

WHEREAS, the pipeline was rerouted from its initial location upriver of Bismarck, North Dakota due to legitimate concerns over the environmental and water quality impact of the pipeline, but the same consideration was not extended to the pipeline's impact on the Standing Rock Sioux Tribe and its land and water;

WHEREAS, in the last 2 years, over 300 pipeline leaks and spills, including in pipelines owned by Energy Transfer Partners, the developers of Dakota Access Pipeline, have irreparably damaged land, water, and animal life in the United States;

**ENROLLED ORIGINAL**

WHEREAS, the water protectors of the Oceti Sakowin (Sacred Rock) camp are exercising their Constitutional right to peacefully defend their sacred sites, lands, and water against environmental degradation;

WHEREAS, the law enforcement response to the non-violent civil disobedience of the water protectors has been unprovoked, brutal, and dehumanizing;

WHEREAS, the United Nations Special Rapporteur on the Rights of Indigenous People has faulted the United States government for not fulfilling its obligations under the International Declaration on the Rights of Indigenous Peoples, particularly the obligation to consult with the affected communities in good faith and ensure their free, and informed consent before the approval of any project affecting their lands; and

WHEREAS, the District of Columbia knows first-hand the importance of clean and safe water, as we have had to fight for the safety of our own water supply, including against widespread lead contamination.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Water Protectors Supporting the Standing Rock Sioux Tribe Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes and supports the efforts of the water protectors supporting the Standing Rock Sioux Tribe.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-303

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and honor Judge William C. Pryor and Mrs. Elaine Victoria Bruce Pryor, for outstanding service to the District of Columbia;

WHEREAS, Judge William C. Pryor and Elaine Victoria Bruce Pryor were born and raised in the District of Columbia;

WHEREAS, Judge William C. Pryor and Elaine Victoria Bruce Pryor met each other at Banneker Junior High School in 1945, and were married 60 years ago in Paris, France;

WHEREAS, Judge William C. Pryor and Elaine Victoria Bruce Pryor are parents of 2 sons, William B. Pryor and Stephen Pryor, and grandparents of 4 grandchildren: Caroline, Paige, Michael, and William;

WHEREAS, Judge William C. Pryor holds the degree of Bachelor of Arts from Dartmouth College, law degree from Georgetown University Law Center, and Master of Laws from the University of Virginia School of Law;

WHEREAS, Judge William C. Pryor began his legal career as an attorney in the Civil Division of the Department of Justice Honors Program and then served as Assistant United States Attorney for the District of Columbia and as an attorney for the Bell Telephone Companies;

WHEREAS, in 1968, Judge William C. Pryor was appointed by President Johnson to the District of Columbia Superior Court and subsequently appointed to the District of Columbia Court of Appeals, serving as its Chief Judge from 1984 to 1988;

WHEREAS, Elaine Victoria Bruce Pryor is the daughter of Victoria Bruce and Preston Bruce, who walked his way through the history books from 1953 to 1976 as doorman for the White House;

WHEREAS, Elaine Victoria Bruce Pryor graduated from Mott Elementary School, Banneker Junior High School, Dunbar High School, and Miners Teachers College;

**ENROLLED ORIGINAL**

WHEREAS, Elaine Victoria Bruce Pryor served as Washington, D.C. area Co-Chair of the United Givers Fund, an organization that improved the District of Columbia through coalition building, regional leadership, program investments, and fundraising;

WHEREAS, Elaine Victoria Bruce Pryor served the District of Columbia as a public school teacher and guidance counselor, embracing the opportunity to touch, change, and enrich the lives of many, and later worked as an independent contractor for charter schools; and

WHEREAS, Elaine Victoria Bruce Pryor faithfully attended Mount Olive Lutheran Church and Christ Lutheran Church and was actively involved in the music ministry as a pianist.

RESOLVED, BY THE COUNCIL, OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Judge William C. Pryor and Elaine Victoria Bruce Pryor Recognition Resolution of 2016".

Sec. 2. The Council of the District of Columbia recognizes and honors Judge William C. Pryor and Elaine Victoria Bruce Pryor for their constant devotion and service to the citizens of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

21-304

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize Ms. Hannah Hawkins for her distinguished service and contributions to the District of Columbia.

WHEREAS, Mrs. Hannah Hawkins was born on June 6, 1939, and was a lifelong District resident;

WHEREAS, Mrs. Hannah Hawkins attended Eastern High School and worked 12 years as a District of Columbia public school office assistant until retiring in 1969;

WHEREAS, Mrs. Hannah Hawkins founded and directed Children of Mine, a youth and child-care program in Ward 8, ran completely by volunteers;

WHEREAS, Mrs. Hannah Hawkins began serving Ward 8 children by providing meals, reading lessons, and daily prayers;

WHEREAS, Mrs. Hannah Hawkins offered Ward 8 children hot meals, clean and warm clothes, instructions on manners, personal cleanliness, responsibility, punctuality, and respect for others;

WHEREAS, Mrs. Hannah Hawkins used her own resources and took charitable contributions from individuals and organizations, but accepted no government funds and drew no salary to run Children of Mine;

WHEREAS, Children of Mine enrollment now ranges from 60 to 100 children, ranging from 4 to 18 years of age, cared for by a corps of volunteers;

WHEREAS, Mrs. Hannah Hawkins made a covenant with God that if He would allow her the strength to get up out of bed daily, she would serve those that are less fortunate;

WHEREAS, Mrs. Hannah Hawkins received dozens of awards from civil rights groups, churches, and community organizations for her service to the Ward 8 community;

**ENROLLED ORIGINAL**

WHEREAS, Mrs. Hannah Hawkins also focused on homelessness in the District because of the increase in homeless families and was appointed to the Interagency Council on Homelessness;

WHEREAS, Mrs. Hannah Hawkins will be remembered for her tremendous work on behalf of Ward 8 children and families; and

WHEREAS, Mrs. Hannah Hawkins will be remembered for saying, “You can’t learn on an empty stomach.”.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Mrs. Hanna Hawkins Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and celebrates the work of Ms. Hannah Hawkins for her distinguished service and contributions to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-305

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize Shirley A. Gibson for her years of service to the Metropolitan Police Department and to those affected by the deaths of public servants in law enforcement.

WHEREAS, Shirley A. Gibson and her husband, Harrison, are residents of the Hillcrest neighborhood of Ward 7, and the parents of son Brian and daughter Terrica, grandparents to Brian's children, Ashley and Briana, and great-grandparents to Ashley's daughter, Olivia;

WHEREAS, Shirley A. Gibson endured the death of her son, Master Patrol Officer Brian T. Gibson, an officer in the Fourth District of the Metropolitan Police Department ("MPD") who was shot and killed in the line of duty at just 27 years of age on February 5, 1997;

WHEREAS, Shirley A. Gibson began her second career in 1998, a year after her son's death, by bringing together survivors in the District of Columbia metropolitan area to create the first D.C. Chapter of Concerns of Police Survivors ("COPS") and served as its president for four years while also serving as Northern Seaboard Region Trustee on the National COPS Board;

WHEREAS, Shirley A. Gibson was employed by MPD in 2000 and assigned to the Training Academy, and continues to work for MPD;

WHEREAS, Shirley A. Gibson was taught and supervised by Dr. Beverly Anderson, Ph.D., Clinical Director/Administrator of the Metropolitan Police Employee Assistance Program ("MPEAP") and earned Board Certification to train on grief and loss, critical incident stress management, posttraumatic stress management, and issues surrounding a law enforcement death;

WHEREAS, Shirley A. Gibson participated in training with the National Organization for Victim Assistance (NOVA) for the Community Crisis Response Team, rewrote the General Order for Notification of Line of Duty Death or Critical Incident for the MPD and provided training to officers during 40-hour, in-service sessions at the police academy;

WHEREAS, Shirley A. Gibson created and serves as Director of the MPD Family Support Team, made up of MPD officers who support the families of officers killed in the line of

## ENROLLED ORIGINAL

duty from the moment the death occurs until the family no longer requires their help, and also serves as a Peer Counselor on the MPEAP Crisis Intervention Team for families of officers killed or critically injured while on duty;

WHEREAS, Shirley A. Gibson is an active speaker and workshop facilitator who has presented at the Department of Justice, PSOB, the Virginia State Peer Support Team, the Virginia State Office of Emergency Medicine (CISD Annual Conference), the International Critical Incident Stress Foundation, Inc., National Organization for Victim Assistance Conference, Parents of Murdered Children, the Virginia Community Policing Institute, and for 3 years presented to each new class at the National FBI Academy 10-week course in Quantico, Virginia;

WHEREAS, Shirley A. Gibson sat on the Board of the Directors of the National Law Enforcement Memorial Fund (“NLEOMF”) and has twice been a guest speaker at the NLEOMF’s Candlelight Vigil during National Police Week and at its Annual Wreath-laying Ceremony;

WHEREAS, Shirley A. Gibson was elected National President of COPS on May 16, 2004, the first parent to hold this position in the 22-year history of the organization, and served faithfully for her 2-year term until May 2006; and

WHEREAS, Shirley A. Gibson this year will serve the last of her annual holiday meals she has hosted for 20 years for those who protect and serve in honor of her late son, Master Patrol Officer Brian T. Gibson.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Shirley A. Gibson Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the years of kindness Shirley A. Gibson has shown to members of the Metropolitan Police Department and other law enforcement agencies, and honors her for her fortitude, generosity, dedication, and commitment.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.



ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-306

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize the International Day to End Violence Against Sex Workers, and to declare December 17, 2016, as “International Day to End Violence Against Sex Workers” in the District of Columbia.

WHEREAS, sex workers, or people who offer sexual services in exchange for something of value, are disproportionately targeted for violence around the globe and in the District of Columbia;

WHEREAS, criminalization of sex work and the accompanying stigma lead to sex workers being viewed as less worthy of having their human rights respected and protected, as exemplified by the comments of Gary Ridgeway, the Green River Killer, after admitting to the murders of over 70 women in Washington State: “I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught”;

WHEREAS, sex workers organized the first International Day to End Violence Against Sex Workers on the date of Ridgeway’s conviction, to draw attention to the impunity with which people commit violence against sex workers, and the obstacles sex workers face when attempting to report violence;

WHEREAS, research in the District of Columbia in 2008 found that more than half of sex workers who reached out to police for help received negative reactions, and one in 10 had been subject to physical or sexual violence at the hands of law enforcement;

WHEREAS, the District of Columbia strives to be a city that is welcoming and safe for all residents and visitors, and ending violence in our communities is a high priority;

**ENROLLED ORIGINAL**

WHEREAS, the International Day to End Violence Against Sex Workers is commemorated on December 17 around the world; and

WHEREAS, in the District of Columbia, a memorial event has been planned by community members and organizations for December 17, 2016.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “International Day to End Violence Against Sex Workers Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes the human rights of sex workers, including their right to be free from violence, and declares December 17, 2016 as “International Day to End Violence Against Sex Workers” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

21-307

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 6, 2016

To recognize and honor the Jack & Lovell Olender Foundation Awardees for 2017 for their dedicated service to the community and to declare December 8, 2016 as the “Jack & Lovell Olender Foundation Awardees Day” in the District of Columbia.

WHEREAS, for 3 decades, the Jack & Lovell Olender Foundation has recognized and honored citizens of the District of Columbia and the world for their dedicated, heroic, and meritorious service;

WHEREAS, the Jack & Lovell Olender Foundation Awardees for 2017 have been selected;

WHEREAS, Aaron “Cliff” Webster has been selected by the Jack & Lovell Olender Foundation as the recipient of the *Children’s Advocate 2017* Award;

WHEREAS, Greg Twombly has been selected by the Jack & Lovell Olender Foundation as the recipient of the *Children’s Advocate 2017* Award;

WHEREAS, Kenneth F. Holbert, Esq., has been selected by the Jack & Lovell Olender Foundation as recipient of the *Advocate for Justice 2017* Award; and

WHEREAS, 6 students from Howard Law School and 6 students from the University of the District of Columbia David A. Clarke School of Law have been selected to receive the Earl H. Davis Award of the Jack & Lovell Olender Foundation for their legal work for the public.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jack & Lovell Olender Foundation Awardees for 2017 Day Recognition Resolution of 2016”.

Sec. 2. The Council of the District of Columbia recognizes, honors, salutes, and congratulates the Jack & Lovell Olender Foundation Awardees for 2017 for the valuable contribution they have made to the District of Columbia and declares December 8, 2016 as the “Jack & Lovell Olender Foundation Awardees Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-1

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize and honor the Maret School’s Varsity Football Team and congratulate it on its 2016 stellar season, which included its first DC State Athletic Association Class A championship and first state championship.

WHEREAS, Maret School is a private District of Columbia school founded in 1911 and its traditionally limited enrollment naturally makes for a lack of depth in the sports arena.

WHEREAS, Maret School’s head football coach, Mike Engelberg, and the school’s athletic director, Liz Hall, began to build the team by offering flag football to middle school kids;

WHEREAS, those kids became 9th graders this year and helped to boost the team’s numbers;

WHEREAS, now the sport isn’t just surviving, but reaching heights the school has never before experienced;

WHEREAS, in 2016, the Maret School Frogs went undefeated (12-0) and for the first time were ranked in the Washington Post’s Top 20; and

WHEREAS, Maret School captured its first DC State Athletic Association (“DCSAA”) Class A championship and quarterback Garrison Burnett was named DCSAA Tournament MVP.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Maret School 2016 Varsity Football Team Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia salutes the Maret School’s 2016 Varsity Football Team’s spirit and its achievements in advancing sporting excellence in Washington, D.C.

**ENROLLED ORIGINAL**

Sec. 3. The Council of the District of Columbia recognizes Head Coach Mike Engelberg, Athletic Director Liz Hall, and a solid assistant coaching staff on rejuvenating interest in football participation and keeping Maret School football afloat, offers congratulations on a job well done during this stellar winning season, and declares February 7, 2017, as “Maret School 2016 Varsity Football Team Day” in the District of Columbia. GO FROGS!!!!

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

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize, honor, and express overwhelming gratitude to Jack Requa, Assistant General Manager, Operations Services for the Washington Metropolitan Area Transit Authority for his untiring dedication and service to the residents of the District of Columbia on the occasion of his retirement, and to declare January 5, 2017, as “Jack Requa Day” in the District of Columbia.

WHEREAS, Jack Requa has been the Assistant General Manager, Operations Service for the Washington Metropolitan Area Transit Authority (“WMATA”) since April 26, 2007;

WHEREAS, Jack Requa was responsible for the maintenance of WMATA facilities, elevators and escalators, engineering and project management, customer service, planning, training, and parking;

WHEREAS, Jack Requa was the Chief Operating Officer for Metrobus for the previous 9 years, and was responsible for the operation and maintenance of 1,500 buses, in 10 garages and 2 shops, 3,600 employees, and an operating budget of \$293 million.

WHEREAS, Jack Requa also served as the WMATA General Manager from November 2006 to January 2007; and

WHEREAS, before coming to Washington, D.C., Jack Requa was Director of Bus Service for the Massachusetts Bay Transportation Authority in Boston, and he has held senior management positions with transit authorities in Houston, St. Louis, Everett, Washington, and Saudi Arabia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Jack Requa Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes, honors, and salutes Jack Requa for his stellar service to the residents of and visitors to the District of Columbia, extends sincere best wishes on his retirement, and declares January 5, 2017, as “Jack Requa Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-3

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize the Chinese community in the District of Columbia for its generous and valued contributions to the social, cultural, and political life of the city, to honor the Chinese Consolidated Benevolent Association for its sponsorship of the parade to celebrate the Year of the Rooster, and to declare January 29, 2017 as “Chinese Lunar New Year 4715, Year of the Rooster Day” in the District of Columbia.

WHEREAS, Chinese people have lived in the District of Columbia as a community since 1884, when nearly 100 immigrants settled near 3<sup>rd</sup> Street and Pennsylvania Avenue, N.W., and remained until 1935, when the settlement area moved to its current location along H Street, N.W., which is commonly known as “Chinatown”;

WHEREAS, today there are more than 40 Chinese businesses and some 1,000 Chinese residents in Chinatown, which serves as the center of health care, dining, and shopping for the 40,000 Chinese residents in the metropolitan Washington, D.C. area;

WHEREAS, Chinatown is a unique cultural and social center for the District, providing visitors with a taste of Chinese culture;

WHEREAS, the District of Columbia’s commitment to the Chinese community continues as the government strives to improve services for the Chinese community through the establishment of the Office on Asian and Pacific Islander Affairs, the Metropolitan Police Department’s Asian Liaison Unit in Chinatown, and the Chinatown Community Cultural Center, which we salute;

WHEREAS, thousands of District of Columbia residents will gather along H and 7<sup>th</sup> Streets, N.W., on Sunday, January 29, 2017, to enjoy the dragon-led parade and celebrate the Chinese Lunar New Year; and

WHEREAS, the annual anniversary celebration and parade for the Chinese Lunar New Year, sponsored by the Chinese Consolidated Benevolent Association, is nationally known as one of the finest celebrations of color, art, and pageantry.

**ENROLLED ORIGINAL**

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chinese Lunar New Year 4715, Year of the Rooster Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia salutes the Chinese community of the District of Columbia and the Chinese Consolidated Benevolent Association for its many contributions to the social, economic, cultural, and political life of the city, honors the Chinese Consolidated Benevolent Association and the Parade Committee for sponsoring the parade to celebrate the Chinese New Year, and declares January 29, 2017 as "Chinese Lunar New Year 4715, Year of the Rooster Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in either the District of Columbia Register.



## ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-4

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To celebrate this ceremony of the District of Columbia's famous groundhog weatherman, Potomac Phil, as he delivers his unprecedented forecast on February 2, 2017, and to declare that date as "DC Groundhog Day" in the District of Columbia.

WHEREAS, District of Columbia residents and visitors will be enlightened with the knowledge of Potomac Phil's internal power of weather prediction;

WHEREAS, on February 2, 2017, citizens of the District of Columbia will be educated on the American folklore tradition of Groundhog Day by the DuPont Festival; and

WHEREAS, hundreds of individuals in and around DuPont Circle during the morning of February 2, 2017 will be elucidated by Potomac Phil.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "D.C. Groundhog Day Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia hereby declares February 2, 2017 as "D.C. Groundhog Day" in the Nation's Capital.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

## A CEREMONIAL RESOLUTION

22-5

## IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize Laurence Belanger (“Miss Laurence”) for her contributions to The University Club of Washington, D.C. and the community at large, and to declare January 28, 2017 as “Laurence Belanger Day” in the District of Columbia.

WHEREAS, “Miss Laurence” has served as the Hostess in the Taft Dining Room of The University Club of Washington, D.C. over the past 56 years;

WHEREAS, “Miss Laurence” has demonstrated an unparalleled work ethic, rarely missing a day, and displays remarkable punctuality and professionalism;

WHEREAS, “Miss Laurence’s” career has spanned 10 U.S. Presidents, beginning with John F. Kennedy, a regular at The Metropolitan Club;

WHEREAS, during her tenure, the Taft Dining Room has played host to a variety of noteworthy guests, including heads of state, high-ranking government officials, Supreme Court Justices, and members of clergy;

WHEREAS, for all of these visitors, “Miss Laurence” has served as an un-appointed ambassador, extending a warm and gracious welcome; and

WHEREAS, to her credit, “Miss Laurence” showers the same warmth, graciousness, and courtesy to every person she meets, greeting him or her with a welcoming smile and exhibiting a unique interest in, and consideration for, the concerns of others.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Laurence Belanger Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and honors Laurence Belanger’s legendary hospitality and commitment to excellence at The University Club of Washington, D.C. “Miss Laurence” embodies the very vibrancy, congeniality, and respectability that makes our Nation’s Capital special. The Council hereby declares January 28, 2017 as “Laurence Belanger Day” in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize and honor Capital Partners for Education for providing mentoring and academic support to low-income high school and college students in the District for 14 years and its steadfast dedication to improving the academic performance and career development of District students.

WHEREAS, since 1993, Capital Partners for Education (“CPE”) has supported over 600 students, producing a 75% program completion rate, 97% college enrollment rate, and 70% college completion rate;

WHEREAS, CPE provides one-on-one mentoring and holistic college and career readiness programming to 336 students who are enrolled in 20 Washington, D.C. area high schools and more than 50 colleges and universities across the country;

WHEREAS, CPE provides one-on-one mentoring, academic support, and career preparation services to low-income students in the District and has guided its students through college, and into sustainable career paths;

WHEREAS, in addition to its 9th grade high school program, The Trailblazers, CPE also features The Navigators, a program for 11th grade high school students, and The Transformers, a college program for graduates of the Trailblazers and the Navigators;

WHEREAS, CPE helps students in its programs enroll in college by pairing them with college-educated, volunteer mentors and individualized support through the college and financial aid application process;

WHEREAS, CPE’s annual Career Fair provides students with an opportunity to explore a variety of professions and develop their career goals, practice their interviewing skills, and meet with professionals about their career paths and solicit advice;

WHEREAS, in 2016, CPE boasted its largest enrollment to date with 350 students, demonstrating both the success and need for its programs; and

**ENROLLED ORIGINAL**

WHEREAS, CPE, under the leadership of Chief Executive Officer Khari Brown and the tireless work of CPE's dedicated staff and Board of Directors, led by Theodore A. Schwab, continues to advance the educational goals and opportunities of disadvantaged students in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Capital Partners for Education Recognition Resolution of 2017".

Sec. 2. The Council of the District of Columbia honors and celebrates Capital Partners for Education on its 14th year of providing extraordinary service to students in the District and its contributions to the residents of the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To recognize posthumously Mrs. Loretta Carter Haynes for her contributions as an educator, educational and community activist, and environmental public health advocate, and her outstanding public service as the President and Director of DC Reading is Fundamental, Inc.

WHEREAS, Loretta Carter Haynes was a resident of Ward 4 and served as the President and Director of DC Reading is Fundamental;

WHEREAS, in 1974, Mrs. Carter Haynes joined the Board of DC Reading is Fundamental, became the Director in 1981, and her work led to the establishment of reading motivational programs for nearly 70,000 District youth;

WHEREAS, Mrs. Carter Haynes managed the Reading is Fundamental Inexpensive Book Distribution Program, conducted parent-teacher literacy educational workshops, held book fairs, forged relationships with District nonprofits and businesses to raise funds for books, and worked to involve parents in their children’s reading;

WHEREAS, Mrs. Carter Haynes volunteered with a number of educational programs in the District of Columbia, including National Right to Read Program and Project Voice, and was a member of the DC Citizens for Better Public Education;

WHEREAS, Mrs. Carter Haynes received numerous awards and accolades for her work, including the Jefferson Award from the American Institute of Public Service for her accomplishments in promoting literacy; the National Reading is Fundamental Distinguished Volunteer Service Award for her 17 years of service to motivate youth to learn to read; and the Certificate of U.S. Congressional Special Recognition;

WHEREAS, Mrs. Carter Haynes spearheaded the revival of the DC Emancipation Day Commemoration in the early 1990s that led to the official commemoration of April 16<sup>th</sup> as Emancipation Day, a public legal holiday;

**ENROLLED ORIGINAL**

WHEREAS, Mayor Vincent Gray named the Loretta Carter Haynes Emancipation Day Awards Program in her honor;

WHEREAS, Mrs. Carter Hayes played an important role in the passing of legislation on the maintenance of District of Columbia water and sewer pipes and inspired the passage of the District of Columbia pesticide consumer notification legislation, the “Loretta Carter Haynes Pesticide Notification Act of 2008”;

WHEREAS, Mrs. Carter Haynes was an active member in her community, where she supported and volunteered at numerous schools, and served as a longtime poll worker with the District of Columbia Board of Elections;

WHEREAS, Mrs. Carter Haynes was a member of All Souls Church, Unitarian, where she was active in social concerns, religious education, hospitality, and the Jubilee Singers; and

WHEREAS, Mrs. Carter Haynes received her Bachelor’s degree in Education from Miner Teacher’s College and graduated from Armstrong High School.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Loretta Carter Haynes Recognition Resolution of 2017”.

Sec. 2. The Council of the District of Columbia recognizes and congratulates Mrs. Loretta Carter Haynes for her life’s work on matters of education, literacy, and history, and for her public service to the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

22-8

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 10, 2017

To declare January 2017 as “National Mentoring Month” in the District of Columbia.

WHEREAS, mentors and mentoring programs are a valuable asset to all communities in the District of Columbia and across the United States and promote positive social attitudes and relationships;

WHEREAS, National Mentoring Month was launched in 2002 by MENTOR: The National Mentoring Partnership (“MENTOR”) and the Harvard T.H. Chan School of Public Health to focus national attention on the need for mentors as well as celebrate mentoring and the positive effect it has on so many lives;

WHEREAS, National Mentoring Month has been recognized via proclamation by both President George W. Bush and President Barack Obama;

WHEREAS, mentors have a significant impact on academic success and, according to research and data reported by MENTOR, students who meet regularly with their mentors are 52% less likely than their peers to skip a day of school and 37% less likely to skip a class;

WHEREAS, youth who have a mentor are more likely to attend and be more engaged in school, finish high school, and continue onto college, and form more positive social attitudes and relationships;

WHEREAS, National Mentoring Month continues to be important because it recognizes the vital role that mentors play in the lives of so many young people and the value mentors add to our communities; and

WHEREAS, recognizing January as National Mentoring Month reaffirms the District’s commitment to supporting mentors and mentoring programs in the District.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “National Mentoring Month Recognition Resolution of 2017”.

**ENROLLED ORIGINAL**

Sec. 2. The Council of the District of Columbia recognizes and supports National Mentoring Month, urges citizens to volunteer their time and energies with mentoring programs, celebrates and honors the importance of quality mentoring programs in the District and around the United States, and declares January 2017 as “National Mentoring Month” in the District of Columbia.

Sec. 3. This resolution shall take into effect immediately upon the first date of publication in the District of Columbia Registrar.



**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](http://www.dccouncil.us).

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

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| B22-91 | Ebenezer Court Designation Act of 2017<br><br>Intro. 1-30-17 by Councilmember Allen and referred to the Committee of the Whole   |
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| B22-92 | Short-term Rental Regulation and Affordable Housing Protection Act of 2017<br><br>Intro. 1-31-17 by Councilmember McDuffie and referred to the Committee of the Whole with comments from the Committee on Business and Economic Development and the Committee on Housing and Neighborhood Revitalization |
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| B22-95 | Washington Area Professional Football Team Franchise Facility Interstate Compact Establishment Act of 2017<br><br>Intro. 2-6-17 by Councilmember Grosso and referred to the Committee of the Whole with comments from the Committee on Business and Economic Development                                 |
| <hr/>  |  |
| B22-96 | Electric Vehicle Public Infrastructure Expansion Act of 2017<br><br>Intro. 2-7-17 by Councilmembers Cheh, Allen, Todd, Evans, Silverman, R. White, and Chairman Mendelson and referred to the Committee on Transportation and the Environment  |
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- B22-97 Foster-Parent Pre-Service Training Regulation Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Cheh, Allen, and Bonds and referred to the Committee on Human Services
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- B22-98 Digital Sign Display Limitation Regulation Amendment Act of 2017  
Intro. 2-7-17 by Councilmember Cheh and referred to the Committee of the Whole
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- B22-99 Affordable Cooperative Task Force Act of 2017  
Intro. 2-7-17 by Councilmembers Bonds, Cheh, T. White, Evans, Nadeau, Todd, and R. White and referred to the Committee on Housing and Neighborhood Revitalization
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- B22-100 Preservation of Affordable Rent Control Housing Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Bonds, R. White, Silverman, Cheh, and T. White and referred to the Committee on Housing and Neighborhood Revitalization
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- B22-101 Local Business Support Amendment Act of 2017  
Intro. 2-7-17 by Councilmember Grosso and Chairman Mendelson and referred to the Committee on Business and Economic Development
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- B22-102 Secure A Fair & Equitable Trial Act of 2017  
Intro. 2-7-17 by Councilmembers Grosso, Nadeau, Cheh, Evans, and R. White and referred to the Committee on Judiciary and Public Safety
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- B22-103 Non-Traditional Child Care Needs Evaluation Act of 2017  
Intro. 2-7-17 by Councilmembers Silverman, Allen, Evans, Todd, R. White, and Cheh and referred to the Committee on Education
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- B22-104      Inclusionary Zoning Consistency Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Silverman, Nadeau, Bonds, Cheh, Allen, R. White, T. White, and Chairman Mendelson and referred to the Committee of the Whole
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- B22-105      First-Responders Housing Incentive Program Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Allen, Evans, McDuffie, Todd, Bonds, Cheh, and Grosso and referred to the Committee on Housing and Neighborhood Revitalization with comments from the Committee on Judiciary and Public Safety
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- B22-106      Defending Access to Women's Health Care Services Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Allen, Nadeau, Bonds, Cheh, and Silverman and referred to the Committee on Health with comments from the Committee on Business and Economic Development
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- B22-107      Campaign Finance Reform Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Allen, Grosso, and Bonds and referred to the Committee on Judiciary and Public Safety
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- B22-108      Age-In-Place and Equitable Senior Citizen Real Property Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers Todd, Cheh, Nadeau, T. White, and R. White and referred to the Committee on Finance and Revenue
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- B22-109      Commission on African American History and Culture Establishment Act of 2017  
Intro. 2-7-17 by Councilmembers Todd, R. White, T. White, Bonds, Nadeau, Silverman, and Evans and referred to the Committee on Government Operations
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B22-110 Fair Assessments for Affordable Housing Amendment Act of 2017  
Intro. 2-7-17 by Councilmembers R. White, Cheh, Nadeau, Allen, Bonds, Evans, and Silverman and referred to the Committee on Finance and Revenue

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B22-111 Safe Way Home Act of 2017  
Intro. 2-7-17 by Councilmembers T. White, Grosso, Cheh, Gray, Evans, Bonds, Todd, and McDuffie and referred sequentially to the Committee on Labor and Workforce Development until June 1, 2017, and then to the Committee on Human Services until July 15, 2017, and then to the Committee on Judiciary and Public Safety

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B22-112 Interstate Insurance Product Regulation Compact Act of 2017  
Intro. 2-7-17 by Chairman Mendelson and referred to the Committee on Business and Economic Development

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### **PROPOSED RESOLUTIONS**

PR22-88 Board of Barber and Cosmetology Antonia Browning Smiley Confirmation Resolution of 2017  
Intro. 1-30-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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PR22-89 Board of Dentistry Iris Morton Confirmation Resolution of 2017  
Intro. 1-30-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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PR22-90 Board of Professional Engineering Samuel Wilson Confirmation Resolution of 2017  
Intro. 1-31-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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PR22-91 Board of Professional Engineering Paul Rich Confirmation Resolution of 2017  
Intro. 1-31-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

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- PR22-93      Langdon Park Moratorium Zone Resolution of 2017  
Intro. 2-2-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development
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- PR22-95      Chief Financial Officer of the District of Columbia Jeffrey S. DeWitt  
Confirmation Resolution of 2017  
Intro. 2-2-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue
- 
- PR22-96      Not-for-Profit Hospital Corporation Board of Directors LaRuby Z. May  
Confirmation Resolution of 2017  
Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-97      Commission on Health Equity Regina Davis Moss Confirmation Resolution of 2017  
Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-98      Commission on Health Equity Lori Kaplan Confirmation Resolution of 2017  
Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-99      Commission on Health Equity Kamillah Wood Confirmation Resolution of 2017  
Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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- PR22-100      Commission on Health Equity Joseph Wright Confirmation Resolution of 2017  
Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
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PR22-101      Commission on Health Equity Autumn Saxton-Ross Confirmation  
Resolution of 2017

Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Health

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PR22-102      Board of Accountancy Mr. Joseph Seth Drew Confirmation Resolution of 2017

Intro. 2-6-17 by Chairman Mendelson at the request of the Mayor and referred  
to the Committee on Business and Economic Development

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
 ABBREVIATED NOTICE OF PUBLIC HEARINGS  
 AGENCY PERFORMANCE OVERSIGHT HEARINGS  
 FISCAL YEAR 2016-2017**

2/6/2017

**SUMMARY**

February 2, 2017	Committee of the Whole Public Briefing on the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR) 9:30 a.m. in Room 500
February 8, 2017 to March 16, 2017	Agency Performance Oversight Hearings on Fiscal Year 2016-2017

The Council of the District of Columbia hereby gives notice of its intention to hold public oversight hearings on agency performances for FY 2016 and FY 2017. The hearings will begin Wednesday, February 8, 2017 and conclude on Thursday, March 16, 2017 and will take place in the Council Chamber (Room 500), Room 412, Room 123, and Room 120 of the John A. Wilson Building; 1350 Pennsylvania Avenue, N.W.; Washington, DC 20004.

Persons wishing to testify are encouraged, but not required, to submit written testimony in advance of each hearing to the committee at which you are testifying. If a written statement cannot be provided prior to the day of the hearing, please have at least 10 copies of your written statement available on the day of the hearing for immediate distribution to the Council. Unless otherwise stated by the Committee, the hearing record will close two business days following the conclusion of each respective hearing. Persons submitting written statements for the record should observe this deadline. For more information about the Council's budget performance oversight hearing schedule, please contact the committee of interest.

**ADDENDUM OF CHANGES TO THE PUBLIC HEARING SCHEDULE**

<u>New Date</u>	<u>Original Date</u>	<u>Hearing</u>
2/15/2017	2/15/2017	Committee on Labor and Workforce Development (10:30 a.m.)
2/17/2017	2/16/2017	Commission on the Arts and Humanities (Finance & Revenue-Room 412)
2/17/2017	2/27/2017	Secretary of the District of Columbia (Government Operations-Room 120)
2/24/2017	2/28/2017	Office of Public-Private Partnerships (Government Operations-Room 412)

**PUBLIC HEARING SCHEDULE**

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, FEBRUARY 2, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Subject
9:30 a.m. - End	Committee of the Whole Public Briefing on the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR)

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, FEBRUARY 8, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Housing Finance Agency
	Board of Condemnation of Insanitary Buildings
	Board of Real Estate Appraisers
	Real Estate Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>FRIDAY, FEBRUARY 10, 2017; Room 412</b>	
Time	Agency
11:00 a.m. - End	Department of Motor Vehicles
	Department of Parks and Recreation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>MONDAY, FEBRUARY 13, 2017; Room 412</b>	
Time	Agency
11:00 a.m. - 5:00 p.m.	Deputy Mayor for Public Safety and Justice
	Criminal Justice Coordinating Council
	Office of Victim Services and Justice Grants
	Department of Corrections
	Corrections Information Council

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 14, 2017; Room 412</b>	
Time	Agency
11:00 a.m. - End	Office of the State Superintendent of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, FEBRUARY 15, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Small and Local Business Development
	Department of Insurance, Securities and Banking
	Department of For-Hire Vehicles
	For-Hire Vehicle Advisory Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.



**COMMITTEE ON HUMAN SERVICES**

**Chairperson Brianne Nadeau**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Disability Services
	Office of Disability Rights

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT**

**Chairperson Elissa Silverman**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:30 a.m. - End	Office of Employee Appeals
	Public Employees Relations Board

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON EDUCATION**

**Chairperson David Grosso**

<b>WEDNESDAY, FEBRUARY 15, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Education
	State Board of Education

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON FINANCE & REVENUE**

**Chairperson Jack Evans**

<b>THURSDAY, FEBRUARY 16, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. End	Washington Metropolitan Area Transit Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION**

**Chairperson Anita Bonds**

<b>THURSDAY, FEBRUARY 16, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office on Aging
	Commission on Aging
	Age-Friendly DC Task Force
	District of Columbia Housing Authority

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 16, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
12:00 p.m. - 5:00 p.m.	Judicial Nomination Commission
	Commission on Judicial Disabilities and Tenure
	Office of the Attorney General
	District of Columbia Sentencing Commission
	Criminal Code Reform Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON HEALTH**

**Chairperson Vincent Gray**

<b>FRIDAY, FEBRUARY 17, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON FINANCE & REVENUE** **Chairperson Jack Evans**

<b>FRIDAY, FEBRUARY 17, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Commission on the Arts and Humanities

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>FRIDAY, FEBRUARY 17, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Secretary of the District of Columbia

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, FEBRUARY 22, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Alcoholic Beverage Regulation Administration
	Office of Cable Television, Film, Music and Entertainment
	Office of the People's Counsel
	Public Service Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>WEDNESDAY, FEBRUARY 22, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Library System

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON FINANCE & REVENUE** **Chairperson Jack Evans**

<b>WEDNESDAY, FEBRUARY 22, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of the Chief Financial Officer
	District of Columbia Lottery and Charitable Games
	Real Property Tax Appeals Commission
	Events DC
	Destination DC

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Sarina Loy ([sloy@dccouncil.us](mailto:sloy@dccouncil.us)) or by calling 202-724-8058.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, FEBRUARY 23, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Schools (Public Witnesses Only)

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>THURSDAY, FEBRUARY 23, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Behavioral Health

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>THURSDAY, FEBRUARY 23, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Administrative Hearings
	Office of the Inspector General
	Public Access Corporation

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

**Chairperson Charles Allen**

<b>THURSDAY, FEBRUARY 23, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
2:00 p.m. - 6:00 p.m.	Office of Human Rights
	District of Columbia Board of Ethics and Government Accountability
	District of Columbia Board of Elections
	Office of Campaign Finance

Persons wishing to testify about the performance of any of the foregoing agencies should email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>FRIDAY, FEBRUARY 24, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Serve DC
	Office of Community Affairs
	Office of Religious Affairs
	Interfaith Council
	Commission for Women
	Office of Gay, Lesbian, Bisexual, Transgender & Questioning Affairs
	Advisory Committee to the Office of GLBTQ Affairs
	Office of Asian and Pacific Islander Affairs
	Commission on Asian and Pacific Islander Affairs
	Office on African Affairs
	Commission on African Affairs
	Commission on African American Affairs
	Commission on Fathers, Men and Boys
	Office of Latino Affairs
	Commission on Latino Community Development
	Advisory Commission on Caribbean Community Affairs
Office of Veterans Affairs	
Office of Public-Private Partnerships	

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON GOVERNMENT OPERATIONS**

**Chairperson Brandon Todd**

<b>MONDAY, FEBRUARY 27, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Executive Office of the Mayor
	Office of the City Administrator
	Office of the Senior Advisor
	Mayor's Office of Legal Counsel
	Emancipation Commemoration Commission

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>TUESDAY, FEBRUARY 28, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Washington Aqueduct
	District of Columbia Water & Sewer Authority
	Department of General Services

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>TUESDAY, FEBRUARY 28, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 4:00 p.m.	District of Columbia National Guard
	Homeland Security and Emergency Management Agency
	Department of Forensic Sciences
	Office of the Chief Medical Examiner

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE OF GOVERNMENT OPERATIONS** **Chairperson Brandon Todd**

<b>TUESDAY, FEBRUARY 28, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of Partnerships and Grants Services
	Office of the Chief Technology Officer

Persons wishing to testify about the performance of any of the foregoing agencies may email: [governmentoperations@dccouncil.us](mailto:governmentoperations@dccouncil.us) or by calling 202-724-6668.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>TUESDAY, FEBRUARY 28, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Charter School Board
	Bully Prevention Task Force

Persons wishing to testify about the performance of any of the foregoing agencies may do so online at: <http://bit.do/educationhearings> or by calling 202-724-8061.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, MARCH 1, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Department of Youth Rehabilitation Services
	Child and Family Services Agency

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 1, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Office of Risk Management
	Office of Labor Relations and Collective Bargaining
	Department of Human Resources

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-8835.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>WEDNESDAY, MARCH 1, 2017; Room 120</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Department of Health Boards

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT** **Chairperson Kenyan McDuffie**

<b>WEDNESDAY, MARCH 1, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	Deputy Mayor for Planning and Economic Development
	District of Columbia Boxing and Wrestling Commission
	Walter Reed Army Medical Center Site Reuse Advisory Committee

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Demetris Cheatham ([dcheatham@dccouncil.us](mailto:dcheatham@dccouncil.us)) or by calling 202-297-0152.

**COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY** **Chairperson Charles Allen**

<b>THURSDAY, MARCH 2, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - 5:00 p.m.	Metropolitan Police Department
	Office of Police Complaints
	Fire and Emergency Medical Services Department
	Office of Unified Communications

Persons wishing to testify about the performance of any of the foregoing agencies may email: [judiciary@dccouncil.us](mailto:judiciary@dccouncil.us) or by calling 202-727-8275.

**COMMITTEE ON EDUCATION** **Chairperson David Grosso**

<b>THURSDAY, MARCH 2, 2017; Room 412</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - End	District of Columbia Public Schools (Government Witnesses Only)

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>FRIDAY, MARCH 3, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Office of the Tenant Advocate
	Department of Housing and Community Development
	Housing Production Trust Fund
	Rental Housing Commission

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, MARCH 6, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
10:00 a.m. - 2:00 p.m.	Metropolitan Washington Airports Authority
	Metropolitan Washington Council of Governments
	Office of Zoning
	Office of Planning

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON HEALTH** **Chairperson Vincent Gray**

<b>WEDNESDAY, MARCH 8, 2017; COUNCIL CHAMBER (Room 500)</b>	
<b>Time</b>	<b>Agency</b>
11:00 a.m. - End	Deputy Mayor for Health and Human Services
	United Medical Center
	District of Columbia Health Benefit Exchange Authority
	Department of Health Care Finance

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Osa Imadojemu ([oimadojemu@dccouncil.us](mailto:oimadojemu@dccouncil.us)) or by calling 202-727-7774.

**COMMITTEE ON HOUSING & NEIGHBORHOOD REVITALIZATION** **Chairperson Anita Bonds**

<b>WEDNESDAY, MARCH 8, 2017; Room 123</b>	
<b>Time</b>	<b>Agency</b>
4:00 p.m. - End	Office on Returning Citizen Affairs
	Commission on Re-Entry and Returning Citizen Affairs
	Advisory Neighborhood Commissions

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Oscar Montiel ([omontiel@dccouncil.us](mailto:omontiel@dccouncil.us)) or by calling 202-724-8198.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>MONDAY, MARCH 13, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
11:00 a.m. - End	Pedestrian Advisory Council
	Bicycle Advisory Council
	District Department of Transportation

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>MONDAY, MARCH 13, 2017; Room 412</b>	
Time	Agency
10:00 a.m. - 2:00 p.m.	University of the District of Columbia
	District of Columbia Retirement Board/Funds
	District Retiree Health Contribution

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT** **Chairperson Elissa Silverman**

<b>WEDNESDAY, MARCH 15, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - End	Department of Employment Services
	Deputy Mayor for Greater Economic Opportunity
	Workforce Investment Council

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Charnisa Royster ([croyster@dccouncil.us](mailto:croyster@dccouncil.us)) or by calling 202-724-7772.

**COMMITTEE ON HUMAN SERVICES** **Chairperson Brianne Nadeau**

<b>WEDNESDAY, MARCH 15, 2017; Room 412</b>	
Time	Agency
10:00 a.m. - End	Department of Human Services
	Interagency Council on Homelessness

Persons wishing to testify about the performance of any of the foregoing agencies may email: [humanservices@dccouncil.us](mailto:humanservices@dccouncil.us) or by calling 202-724-8170.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>WEDNESDAY, MARCH 15, 2017; Room 123</b>	
Time	Agency
10:00 a.m. - 2:00 p.m.	District of Columbia Auditor
	New Columbia Statehood Commission
	Contract Appeals Board
	Office of Contracting and Procurement

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE OF THE WHOLE** **Chairman Phil Mendelson**

<b>THURSDAY, MARCH 16, 2017; COUNCIL CHAMBER (Room 500)</b>	
Time	Agency
10:00 a.m. - 4:00 p.m.	Office of Budget and Planning
	Department of Consumer and Regulatory Affairs

Persons wishing to testify about the performance of any of the foregoing agencies may email: [cow@dccouncil.us](mailto:cow@dccouncil.us) or by calling 202-724-8196.

**COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT** **Chairperson Mary Cheh**

<b>THURSDAY, MARCH 16, 2017; Room 412</b>	
Time	Agency
11:00 a.m. - End	Department of Public Works
	Department of Energy and Environment

Persons wishing to testify about the performance of any of the foregoing agencies may contact: Aukima Benjamin ([abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us)) or by calling 202-724-8062.

**Council of the District of Columbia  
Committee on Finance and Revenue  
Notice of Public Roundtable**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

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**COUNCILMEMBER JACK EVANS, CHAIR  
COMMITTEE ON FINANCE AND REVENUE**

**ANNOUNCES A PUBLIC ROUNDTABLE ON**

**PR 22–95, the “Chief Financial Officer of the District of Columbia Jeffrey S. DeWitt  
Confirmation Resolution of 2017”**

**Thursday, February 16, 2017**

**11:00 a.m.**

**Council Chamber - John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public roundtable to be held on Thursday, February 16, 2017 at 11:00a.m. in the Council Chamber, Room 500, of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

PR 22–95, the “Chief Financial Officer of the District of Columbia Jeffrey S. DeWitt Confirmation Resolution of 2017” would confirm the reappointment of Mr. Jeffrey S. DeWitt as the Chief Financial Officer of the District of Columbia.

The Committee invites the public to testify at the roundtable. Those who wish to testify should contact Sarina Loy, Committee Aide at (202) 724-8058 or [sloy@dccouncil.us](mailto:sloy@dccouncil.us), and provide your name, organizational affiliation (if any), and title with the organization by 11:00a.m. on Wednesday, February 15, 2017. Witnesses should bring 15 copies of their written testimony to the roundtable. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [sloy@dccouncil.us](mailto:sloy@dccouncil.us) or mailed to: Council of the District of Columbia, 1350 Pennsylvania Ave., N.W., Suite 114, Washington D.C. 20004.

**COUNCIL OF THE DISTRICT OF COLUMBIA  
EXCEPTED SERVICE APPOINTMENTS AS OF JANUARY 31, 2017**

**NOTICE OF EXCEPTED SERVICE EMPLOYEES**

D.C. Code § 1-609.03(c) requires that a list of all new appointees to Excepted Service positions established under the provisions of § 1-609.03(a) be published in the D.C. Register. In accordance with the foregoing, the following information is hereby published for the following positions.

<b>COUNCIL OF THE DISTRICT OF COLUMBIA</b>			
<b>NAME</b>	<b>POSITION TITLE</b>	<b>GRADE</b>	<b>TYPE OF APPOINTMENT</b>
Bunn, Sheila	Special Assistant	9	Excepted Service - Reg Appt
Lockridge, Wanda	Chief of Staff	8	Excepted Service - Reg Appt
Atkins, Latisha	Constituent Services Specialist	3	Excepted Service - Reg Appt
Hall, Dana	Legislative Assistant	3	Excepted Service - Reg Appt
Knight, Elzora	Office Manager	2	Excepted Service - Reg Appt
Sapp, TChaka	Constituent Services Deputy Director	2	Excepted Service - Reg Appt
Harrison, Kimberlynn	Constituent Services Director	3	Excepted Service - Reg Appt
Jenkins, Jimmie	Constituent Services Specialist	2	Excepted Service - Reg Appt
Lee, Sandra	Administrative Clerk	1	Excepted Service - Reg Appt
Hazel, Janis	Communications Director	4	Excepted Service - Reg Appt
Muhammad, Sedrick	Constituent Services Director	5	Excepted Service - Reg Appt
Fleming, Nathan	Legislative Director	6	Excepted Service - Reg Appt
Imadojemu, Osazee	Deputy Committee Director	7	Excepted Service - Reg Appt
Henry, Alicia	Administrative Assistant	6	Excepted Service - Reg Appt
Le, Nhan	Communications Director	7	Excepted Service - Reg Appt
Loggins, Michelle	Legislative Counsel	6	Excepted Service - Reg Appt
Williams Sr., Marchim	Constituent Services Specialist	4	Excepted Service - Reg Appt
Crocker, Cyril	Senior Research Analyst	7	Excepted Service - Reg Appt
Blemur, Jennifer	Legislative Counsel	6	Excepted Service - Reg Appt
Mansoor, Aamir	Legislative Counsel	6	Excepted Service - Reg Appt
Weiss, Elizabeth	Committee Director	8	Excepted Service - Reg Appt
Bennett, Temitutu	Legislative Counsel	6	Excepted Service - Reg Appt
Goulet, Eric	Special Assistant	10	Excepted Service - Reg Appt



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: January 27, 2017  
Protest Petition Deadline: March 13, 2017  
Roll Call Hearing Date: March 27, 2017

License No.: ABRA-087875  
Licensee: 476 K, LLC  
Trade Name: Cloakroom  
License Class: Retailer’s Class “C” Nightclub  
Address: 476 K Street, N.W.  
Contact: Andre De Moya: **\*\*(202) 262-8839**

WARD 6

ANC 6E

SMD 6E05

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 March 27, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Summer Garden Endorsement.

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

Sunday through Thursday 10:30 am – 2 am, and Friday through Saturday 10:30 am – 3 am

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

Sunday through Thursday 10:30 am – 2 am, and Friday through Saturday from 10:30 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: January 27, 2017  
Protest Petition Deadline: March 13, 2017  
Roll Call Hearing Date: March 27, 2017

License No.: ABRA-087875  
Licensee: 476 K, LLC  
Trade Name: Cloakroom  
License Class: Retailer’s Class “C” Nightclub  
Address: 476 K Street, N.W.  
Contact: Andre De Moya: \*(202) 371-2223

WARD 6                      ANC 6E                      SMD 6E05

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 March 27, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Summer Garden Endorsement.

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

Sunday through Thursday 10:30 am – 2 am, and Friday through Saturday 10:30 am – 3 am

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

Sunday through Thursday 10:30 am – 2 am, and Friday through Saturday from 10:30 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: December 23, 2016  
Protest Petition Deadline: February 6, 2017  
Roll Call Hearing Date: February 21, 2017

License No.: ABRA-104976  
Licensee: Dixie Georgetown, Inc.  
Trade Name: Dixie Liquor  
License Class: Retailer’s Class “A” Liquor Store  
Address: 3429 M Street, N.W.  
Contact: Kevin Lee, Esq.: \*(703) 941-3133

WARD 2

ANC 2E

SMD 2E05

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 February 21, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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**

Licensee requests to transfer location of liquor license from 1507 U Street NW, to 3429 M Street NW with a Change of Hours request

**CURRENT HOURS OF OPERATION**

Sunday from 8 am – 9 pm, and Monday through Saturday from 8 am – 10 pm

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday from 9 am – 9 pm, and Monday through Saturday 9 am – 10 pm

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9 am – 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: December 23, 2016  
Protest Petition Deadline: February 6, 2017  
Roll Call Hearing Date: February 21, 2017

License No.: ABRA-104976  
Licensee: Dixie Georgetown, Inc.  
Trade Name: Dixie Liquor  
License Class: Retailer’s Class “A” Liquor Store  
Address: 3429 M Street, N.W.  
Contact: Kevin Lee, Esq.: \*(703) 941-3144

WARD 2

ANC 2E

SMD 2E05

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 February 21, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> 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**

Licensee requests to transfer location of liquor license from 1507 U Street NW, to 3429 M Street NW with a Change of Hours request

**CURRENT HOURS OF OPERATION**

Sunday from 8 am – 9 pm, and Monday through Saturday from 8 am – 10 pm

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES**

Sunday from 9 am – 9 pm, and Monday through Saturday 9 am – 10 pm

**PROPOSED HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES**

Sunday through Saturday 9 am – 12 am

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

**NOTICE OF PUBLIC HEARING**

**11:30 A.M., WEDNESDAY, FEB. 15, 2017**

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

The Alcoholic Beverage Control Board (Board) will hold a hearing to receive public comment on its Notice of Emergency and Proposed Rulemaking to amend subsections 718.2 and 718.3 of Title 23 of the D.C. Municipal Regulations regarding the Metropolitan Police Department (MPD) Reimbursable Detail Subsidy Program. Proposed amendments include:

- Reducing subsidies paid to MPD by the Alcoholic Beverage Regulation Administration (ABRA) from 70 percent to 60 percent for MPD officers working reimbursable details under the program.
- Allowing for reimbursable detail coverage of pub crawls under the program.

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

**HEARING INFORMATION**

**WHEN: 11:30 a.m. on Wednesday, Feb. 15, 2017**

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

Individuals and representatives of organizations that want to testify should contact ABRA General Counsel Martha Jenkins by **Tuesday, Feb. 14, 2017**:

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

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

Members of the public that are unable to testify in person are encouraged to provide written comments, which will be made a part of the Board's official record. Copies of written statements should be submitted to ABRA General Counsel Martha Jenkins no later than **4 p.m. on Tuesday, Feb. 14, 2017**.

- Email - [abralegal@dc.gov](mailto:abralegal@dc.gov)  
(include full name, title, and organization, if applicable, of the person(s) providing comment)
- Mail - 2000 14th St., N.W., Suite 400 South, Washington, D.C. 20009

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON

\*\*2/10/2017

**\*\*READVERTISEMENT**

Notice is hereby given that:

License Number: ABRA-097277

License Class/Type: C Tavern

Applicant: Lemlem Gebrewahd

Trade Name: Freedom Lounge

ANC: 1B02

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

**1920 9TH ST NW, WASHINGTON, DC 20001**

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

\*\*3/27/2017

A HEARING WILL BE HELD ON:

\*\*4/10/2017

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 3 am	11 am - 2 am	6 pm - 3 am
Thursday:	11 am - 3 am	11 am - 2 am	6 pm - 3 am
Friday:	11 am - 4 am	11 am - 3 am	6 pm - 4 am
Saturday:	11 am - 4 am	11 am - 3 am	6 pm - 4 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON

\*\*1/27/2017

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-097277

License Class/Type: C Tavern

Applicant: Lemlem Gebrewahd

Trade Name: Freedom Lounge

ANC: 1B02

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

**1920 9TH ST NW, WASHINGTON, DC 20001**

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

\*\*3/13/2017

A HEARING WILL BE HELD ON:

\*\*3/27/2017

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

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Monday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Tuesday:	11 am - 3 am	11 am - 2 am	6 pm - 2 am
Wednesday:	11 am - 3 am	11 am - 2 am	6 pm - 3 am
Thursday:	11 am - 3 am	11 am - 2 am	6 pm - 3 am
Friday:	11 am - 4 am	11 am - 3 am	6 pm - 4 am
Saturday:	11 am - 4 am	11 am - 3 am	6 pm - 4 am

FOR FURTHER INFORMATION CALL: (202) 442-4423

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
2/10/2017**

Notice is hereby given that:

License Number: ABRA-013885

License Class/Type: B Retail - Grocery

Applicant: Vincent H. Covert

Trade Name: M L K Deli

ANC: 8C03

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

**3113 M.L. KING JR., AVE SE**

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

**3/27/2017**

**A HEARING WILL BE HELD ON:**

**4/10/2017**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	10 am - 12 am	10 am - 9 pm
Monday:	9 am - 12 am	9 am - 9 pm
Tuesday:	9 am - 12 am	9 am - 9 pm
Wednesday:	9 am - 12 am	9 am - 9 pm
Thursday:	9 am - 12 am	9 am - 9 pm
Friday:	9 am - 12 am	9 am - 9 pm
Saturday:	10 am - 12 am	10 am - 9 pm

FOR FURTHER INFORMATION CALL: (202) 442-4423



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*CORRECTION**

Placard Posting Date: January 27, 2017  
Protest Petition Deadline: March 13, 2017  
Roll Call Hearing Date: March 27, 2017  
Protest Hearing Date: May 24, 2017

License No.: ABRA-105098  
Licensee: Hurricane Hospitality, LLC  
Trade Name: Pearl Street Warehouse  
License Class: Retailer’s Class “C” Tavern  
Address: 33 Pearl Street, S.W.  
Contact: Michael Fonseca: (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 27, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on May 24, 2017 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class “C” Tavern with \*\*155 seats and a Total Occupancy Load of 300. Tavern will be a live music venue and bar with diner-style food. Entertainment Endorsement requested.

**HOURS OF OPERATION FOR PREMISES**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES**

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

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 6 pm - 1 am, Friday & Saturday 6 pm - 2am

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

Saturday and Sunday 8 am - 2 am, Monday through Friday 3 pm - 2 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

**\*\*RESCIND**

Placard Posting Date: January 27, 2017  
Protest Petition Deadline: March 13, 2017  
Roll Call Hearing Date: March 27, 2017  
Protest Hearing Date: May 24, 2017

License No.: ABRA-105098  
Licensee: Hurricane Hospitality, LLC  
Trade Name: Pearl Street Warehouse  
License Class: Retailer’s Class “C” Tavern  
Address: 33 Pearl Street, S.W.  
Contact: Michael Fonseca: (202) 625-7700

WARD 6

ANC 6D

SMD 6D04

Notice is hereby given that this licensee has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the **Roll Call Hearing date on March 27, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on May 24, 2017 at 1:30 p.m.**

**NATURE OF OPERATION**

New Class “C” Tavern with \*\*150 seats and a Total Occupancy Load of 300. Tavern will be a live music venue and bar with diner-style food. Entertainment Endorsement requested.

**HOURS OF OPERATION FOR PREMISES**

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

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR PREMISES**

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

**HOURS OF LIVE ENTERTAINMENT**

Sunday through Thursday 6 pm - 1 am, Friday & Saturday 6 pm - 2am

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

Saturday and Sunday 8 am - 2 am, Monday through Friday 3 pm - 2 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: February 10, 2017  
Protest Petition Deadline: March 27, 2017  
Roll Call Hearing Date: April 10, 2017

License No.: ABRA-098182  
Licensee: NYPA, LLC  
Trade Name: Reliable Tavern & Hardware  
License Class: Retailer’s Class “C” Tavern  
Address: 3655 Georgia Avenue, N.W.  
Contact: Cheryl Webb: (202) 258-0356

WARD 1

ANC 1A

SMD 1A08

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 April 10, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests a Change of Hours of Operation and Alcoholic Beverage Sales.

**CURRENT HOURS OF OPERATION**

Sunday 11 am- 2 am, Monday through Thursday 4 pm- 2 am, Friday 4 pm- 3 am, Saturday 11 am – 3 am

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION**

Sunday 11 am- 1:45 am, Monday through Thursday 4 pm- 1:45 am, Friday 4 pm- 2:45 am, Saturday 11 am – 2:45 am

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

Sunday 10 am- 2 am, Monday through Thursday 9 am- 2 am, Friday and Saturday 9 am – 3 am

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

**NOTICE OF PUBLIC HEARING**

Placard Posting Date: February 10, 2017  
Protest Petition Deadline: March 27, 2017  
Roll Call Hearing Date: April 10, 2017

License No.: ABRA-096141  
Licensee: Zion Kitchen and Trading, Inc.  
Trade Name: Zion Kitchen and Trading  
License Class: Retailer’s Class “C” Restaurant  
Address: 1805 Montana Avenue, N.E.  
Contact: Oyindamola Akinkugbe, President: 202-636-9097

WARD 5

ANC 5C

SMD 5C05

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 April 10, 2017 at 10 a.m., 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

**NATURE OF SUBSTANTIAL CHANGE**

Applicant requests an Entertainment Endorsement.

**CURRENT HOURS OF OPERATION**

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

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION**

Sunday through Thursday 10 am – 2 am, and Friday and Saturday 10 am to 3 am

**PROPOSED HOURS OF ENTERTAINMENT**

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

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
WEDNESDAY, MARCH 29, 2017  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD THREE**

11212A      **Application of Robert M. Holland**, pursuant to 11 DCMR Subtitle X,  
ANC-3G      Chapter 9, for a special exception under the R-use requirements of Subtitle U §  
                 203.1(j), to permit the operation of a parking lot in the R-2 Zone at premises  
                 3831 McKinley Street N.W. (Square 1860, Lots 5, 6, 7, 17, and 18).

**WARD ONE**

**THIS CASE WAS POSTPONED FROM FEBRUARY 1, 2017 AND FEBRUARY 15, 2017  
AT THE APPLICANT'S REQUEST:**

19424      **Application of Young Soo Kim**, pursuant to 11 DCMR Subtitle X, Chapter  
ANC-1A      10, for variances from the nonconforming structure requirements of Subtitle C §  
                 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard  
                 requirements of Subtitle E § 306.1, to construct a third-story addition to an  
                 existing one-family dwelling in the RF-1 Zone at premises 1500 Ogden Street  
                 N.W. (Square 2686, Lot 810).

**WARD SIX**

19460      **Application of Thomas and Whitney Paxson**, pursuant to 11 DCMR  
ANC-6A      Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the  
                 lot occupancy requirements of Subtitle D § 304.1, to permit the construction of a  
                 third-story addition with roof deck to an existing one-family dwelling in the RF-1  
                 Zone at premises 619 Elliott Street N.E. (Square 1028, Lot 131).

**WARD SIX**

19461      **Application of James and Angela Catella**, pursuant to 11 DCMR Subtitle  
ANC-6A      X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot  
                 occupancy requirements of Subtitle E § 5003.1 and the rear yard requirements of  
                 Subtitle E § 5004.1, to permit the construction of a two-story garage in the RF-1  
                 Zone at premises 1126 Constitution Avenue N.E. (Square 987, Lot 73).

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WARD SIX

19462            **Application of Ed and Lauren Hild**, pursuant to 11 DCMR Subtitle X,  
ANC-6C            Chapter 9, for a special exception under Subtitle E § 5201, from the non-  
conforming structure requirements of Subtitle C § 202.2, the lot occupancy  
requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E §  
306.1, to construct a rear three-story addition and partial third-floor addition to an  
existing one-family dwelling in the RF-1 Zone at premises 316 G Street S.E.  
(Square 777, Lot 64).

WARD SIX

19463            **Application of DC Department of General Services**, pursuant to 11  
ANC-6B            DCMR Subtitle X, Chapter 9, for a special exception under the penthouse  
requirements of Subtitle C § 1500.9, to permit the location of rooftop mechanical  
equipment on an existing public school in the RF-1 Zone at premises 420 12th  
Street S.E. (Square 1018, Lots 830 and 831).

**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](http://www.dcoz.dc.gov). All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4<sup>th</sup> Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

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

BZA PUBLIC HEARING NOTICE  
MARCH 29, 2017  
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**Do you need assistance to participate?**

Amharic

ለመሳተፍ ዕርዳታ ያስፈልግዎታል?

የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም)

ካስፈለገዎት እባክዎን ከስብሰባው አማካኝ ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-

0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

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[Zelalem.Hill@dc.gov](mailto: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](mailto:Zelalem.Hill@dc.gov) cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

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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](mailto:Zelalem.Hill@dc.gov) 로

이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

Spanish

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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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

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

**FREDERICK L. HILL, CHAIRPERSON**  
**CARLTON HART, NATIONAL CAPITAL PLANNING COMMISSION**  
**A PARTICIPATING MEMBER OF THE ZONING COMMISSION**  
**CLIFFORD W. MOY, SECRETARY TO THE BZA**  
**SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING**



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

**TIME AND PLACE:**                                    **Thursday, March 23, 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 LIMITED PURPOSE OF CONSIDERING THE ISSUES REMANDED BY THE DISTRICT OF COLUMBIA COURT OF APPEALS TO THE ZONING COMMISSION PERTAINING TO THE FOLLOWING APPLICATION:**

**CASE NO. 13-14 (Vision McMillan Partners LLC and the District of Columbia – First-Stage and Consolidated PUDs and Related Map Amendment @ 2501 First Street, N.W. (Square 3128, Lot 800))**

**THIS CASE IS OF INTEREST TO ANCs 5E, 5A, and 1B**

Through Zoning Commission Order No. 13-14, as corrected (“the Order”), the Zoning Commission for the District of Columbia (the “Commission”) approved an application for a planned unit development (“PUD”) pertaining to the McMillan Reservoir Slow Sand Filtration Site, located at 2501 First Street, N.W., Washington, D.C. (Square 3128, Lot 800) in Washington, D.C. (the “Property”). The application was submitted by Vision McMillan Partners, LLC, on behalf of the District of Columbia through the Deputy Mayor for Planning and Economic Development, the owner of the Property (collectively, the “Applicant”). The Order approved a first-stage and consolidated PUD and related map amendment to rezone the Property from unzoned to the CR and C-3-C zone districts. The parties in the case were the Applicant, ANC 5E, the ANC in which the PUD site is located, and Friends of McMillan Park (“FOMP”).

FOMP petitioned the District of Columbia Court of Appeals to review the Order. A division of that court decided to “vacate the Commission's order and remand for further proceedings.” *Friends of McMillan Park v. D.C. Zoning Comm'n*, 149 A.3d 1027, 1035 (D.C. 2016) (the “Opinion”).

At its public meeting held January 30, 2017, the Commission voted to hold a limited scope public hearing on the issues remanded. The parties in the original case remain as parties in this remand and may present testimony and legal argument limited to the following issues, which are stated below using the same subject headings as used in the Opinion. The Applicant has the burden of proof as to all the issues.

**A. Consistency with the Comprehensive Plan**

Subsection 2403.4 of the Zoning Regulations of 1958 (Title 11 DCMR)<sup>1</sup> requires the Commission to “find that the proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.”

The Comprehensive Plan’s Future Land Use Map designates future uses at the McMillan site as “moderate density commercial,” “medium density residential,” and “parks, recreation, and open space.” The Commission agreed to permit to high-density development on the northern portion of the site concluding that, when the entire site is taken into account, the PUD’s overall density is consistent with that permitted in moderate-density commercial zones. The Court agreed with that interpretation. However, the Mid-City Area Element provides that development on the McMillan site “should consist of moderate- to medium-density housing, retail, and other compatible uses.” (10-A DCMR § 2016.9 (2016).) In response, the Commission found that permitting the high-density development was “a critical and essential part of fulfilling the parks, recreation, and open space designation of the Future Land Use Map, while at the same time achieving other elements of the Comprehensive Plan and the city’s strategic economic plan.” The Court concluded that further explanation was needed.

**Issue No. 1**

- A. Could the other policies cited in the Order be advanced even if development on the site were limited to medium- and moderate-density use?
- B. If not, which of the competing policies should be given greater weight and why?

The Court also found that Commission failed to adequately address a number of provisions in the Comprehensive Plan that FOMP claimed weighed against approval of the PUD, including provisions discouraging the placement of large buildings near low-density residential neighborhoods (10-A DCMR §§ 305.11, 309.10, 309.15 (2016)), and a provision encouraging geographic dispersion of health-care facilities (10-A DCMR § 1105.1 (2016)).

**Issue No. 2.**

Do these or other Comprehensive Plan policies cited by FOMP in the record of this case weigh against approval of the PUD?

**B. Other Objections to the Commission’s Order**

After determining to vacate the Order based upon its Comprehensive Plan discussion, the Court briefly addressed “several additional issues that could affect proceedings on remand.” (149 A.3d at 1035.) Those additional issues are as follows:

---

<sup>1</sup> Because this application was originally setdown for hearing prior to the repeal of the 1958 Zoning Regulations, it will be decided under the PUD standards existing prior to the September 6, 2016 repeal, but heard in accordance with the contested case provisions of Title 11-Z, Chapter 4 of the 2016 Zoning Regulations.

## 1. Preservation of Open Space

Policy MC-2.6. of the Mid City Element provides in part:

Require that reuse plans for the McMillan Reservoir Sand Filtration site dedicate a substantial contiguous portion of the site for recreation and open space

The Court expressed its doubt that this policy was mandatory and therefore concluded that the “Commission might be able to permissibly conclude that the need to preserve open space justified the inclusion of some high-density development on the site.” (149 A.3d at 1036.)

### Issue No. 3

Is the high-density development proposed for the site the only feasible way to retain a substantial part of the property as open space and make the site usable for recreational purposes?

## 2. Adverse Impacts

The 1958 PUD Regulations provide:

2403.3 The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.

2403.8 In deciding a PUD application, the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.

The Court concluded that the Commission “failed to adequately address a variety of asserted adverse impacts of the PUD, including environmental problems, destabilization of land values and displacement of neighboring residents, and increased demand for essential public services.” (149 A.3d at 1036.)

### Issue No. 4

A. Will the PUD result in environmental problems, destabilization of land values, or displacement of neighboring residents or have the potential to cause any other adverse impacts identified by the FOMP in the record of this case.?

- B. If so, how should the Commission judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and these potential adverse effects.

**Issue No. 5**

- A. Will the PUD have a favorable impact on the operation of city services and facilities?
- B. If not, is the impact capable of being mitigated, or acceptable given the quality of public benefits in the project?

As to the issue of city services, the Commission notes the discussion in the Opinion concerning the failure of certain District agencies to respond to referrals made by the Office of Planning. At the time it voted to hold this hearing, the Commission requested that the Office of Planning again refer the application to the non-responding agencies. If less than all of the agencies fail to respond, the Commission will hear from the parties as to the significance, if any, of such non-response on the Commission's disposition of this issue.

If any party believes that the issues stated above do not accurately or fully reflect the issues remanded, that party must, no later than 3:00 p.m. on March 13, 2016, file with the Office of Zoning, and serve upon the other parties, a written statement identifying the asserted deficiency(ies) and offering revised language for the existing or any proposed additional issue identified. If no such submission is timely made by a party, that party is deemed to have agreed that the scope of this hearing fully encompasses the issues on remand.

In addition, any party by that same date and time may file a written statement responding to the remand issues stated above. No response to another party's filing will be accepted.

Other than these two submissions, and the Office of Planning and other agency reports discussed above, no submissions may be entered into the record by any party or person. During the hearing, the Commission will accept written statements offered by witnesses and exhibits offered by the parties.

The record in this remand proceeding includes the entire record of Zoning Commission Case No. 13-14. The Parties and public witnesses are to avoid repetitious testimony.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 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. Prior to speaking, each witness is requested to identify, by number, the remand

issue or issues being addressed, which should also be indicated on any written testimony. The applicable time limits for oral testimony are described below.

**Time limits.**

For each segment of the hearing conducted on the dates listed above, the following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- 1. Applicant 60 minutes.
- 2. FOMP 60 minutes
- 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.

**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](mailto:Zelalem.Hill@dc.gov) five days in advance of the meeting. These services will be provided free of charge.

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**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](mailto:Zelalem.Hill@dc.gov) trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

**ለመከተል ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓሚ) ካስፈለገዎት እባክዎን ከስብሰባው አጭነት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኝህ አገልግሎቶች የሚጠቅሙ በነጻ ናቸው።

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

**TIME AND PLACE:**                      **Thursday, March 30, 2017, @ 6:30 p.m.**  
**Jerrily R. Kress Memorial Hearing Room**  
**441 4<sup>th</sup> Street, N.W., Suite 220-South**  
**Washington, D.C. 20001**

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

**CASE NO. 16-25 (DC Boathouse LLC – Zoning Map Amendment @ Square 6, Lots 42 & 810)**

**THIS CASE IS OF INTEREST TO ANC 2A**

On November 16, 2016, the Office of Zoning received a petition from DC Boathouse LLC (the “Petitioner”) requesting approval of a Zoning Map amendment for 2601 and 2641 Virginia Avenue, N.W. (Square 6, Lots 42 and 810). The Office of Planning submitted its report in support of setting the petition down for a public hearing on December 30, 2016. On January 9, 2017, the Commission voted to set down the petition for a public hearing. The Zoning Commission determined that the case will be heard as a rulemaking case.

The property that is the subject of this petition consists of approximately 24,110 square feet of land area. The property is bounded by Virginia Avenue on the south and I Street and the on-ramp to the Potomac and Rock Creek Expressway on the north. The property is located in the RA-5 zone. The property is located in the High-Density Residential and Medium-Density Commercial land use categories on the Future Land Use Map of the District of Columbia Comprehensive Plan.

The Petitioner is petitioning to rezone the property to the MU-2 zone to make it consistent with the mixed-use nature of the Comprehensive Plan’s designation. The height and floor are ratio (“FAR”) permitted in the current zone district will not change through the Zoning Map Amendment, though the MU-2 zone allows a 20% increase in FAR with participation in the Inclusionary Zoning program.

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

**How to participate as a witness.**

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

statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record.

### **Time limits.**

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

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

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

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

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

**ANTHONY J. HOOD, 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.**

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ለመከተል ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚጠኑ በነጻ ነው።



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

**TIME AND PLACE:** Thursday, April 13, 2017, @ 6:30 p.m. – 1<sup>st</sup> Case  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 17-01 (Office of Planning - Text Amendment to Subtitles B and U re: Continuing Care Retirement Community)**

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

On December 30, 2016, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) proposing a text amendment to the Zoning Regulations (11 DCMR) regarding a Continuing Care Retirement Community (“CCRC”). On January 9, 2017, the Commission voted to set down the application for a public hearing and made some minor changes to align the terms presently used in definition with the terms in the proposed additional criteria for the existing special exception. The OP setdown report served as a pre-hearing filing.

The proposed text would clarify the definition for CCRC and provide for the use as a special exception in R (Residential House), the RF (Residential Flat), and the RA-1 and RA-6 (Residential Apartment) zones. The text amendment would permit a CCRC to include independent living, assisted living, and skilled nursing care, or any combination thereof, with review criteria to avoid objectionable conditions.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text:

***1. Definition of Continuing Care Retirement Community***

Amend the definition in Subtitle B §100.2, as follows:

Continuing Care Retirement Community: A building or group of buildings providing a continuity of residential occupancy and health care for elderly persons. This facility includes dwelling units for independent living, **and** assisted living facilities, plus a skilled nursing care facility of a suitable size to provide treatment or care of the residents; it may **also** include ancillary facilities for the further enjoyment, service or care of the residents. The facility is restricted to persons sixty (60) years of age or older or **married or domestic partner** couples where either the ~~husband or wife~~ **spouse or domestic partner** is sixty (60) years of age or older.

2. *Special Exception Standards in R-Use Groups A, B, and C*

Amend Subtitle U § 203.1(f) as follows:

**203 SPECIAL EXCEPTION USES – R-USE GROUPS A, B, AND C**

203.1 The following uses shall be permitted as a special exception in R-Use Groups A, B, and C, if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to applicable conditions of each section:

(a) ...

(f) Continuing care retirement community, subject to the provisions of this paragraph:

- (1) The use shall be for persons sixty (60) years of age or older or married or domestic partner couples where either spouse or domestic partner is sixty (60) years of age or older;
- (2) The use shall include one or more of the following services:
  - (A) Dwelling units for independent living;
  - (B) Assisted living facilities; or
  - (C) A licensed skilled nursing care facility;
- (3) If the use does not include assisted living or skilled nursing facilities, the number of residents shall not exceed eight (8);
- (4) The use may include ancillary uses for the further enjoyment, service or care of the residents;
- (5) The use and related facilities shall provide sufficient off-street parking spaces for employees, residents and visitors;
- (6) The use, including any outdoor space provided, shall be located and designed so that it is not likely to become objectionable to neighboring properties because of noise, traffic, or other objectionable conditions; and
- (7) The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs, or other requirements as it deems necessary to protect adjacent and nearby properties.

3. *Special Exception in the RA-1 and RA-6 Zones*

Amend Subtitle U § 420.1 by adding a new § 420.1(i) to allow a CCRC as a special exception in the RA-1 and RA-6 zones as follows:

**420 SPECIAL EXCEPTION USES (RA)**

420.1 The following uses shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to any applicable conditions set forth in the following paragraphs:

(a)...

**(i) In the RA-1 and RA-6 zones, a continuing care retirement community subject to the conditions of Subtitle U § 203.1(f).**

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

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

**How to participate as a witness.**

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

**Time limits.**

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

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

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

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

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

**ANTHONY J. HOOD, 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**

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

**TIME AND PLACE:** Thursday, April 13, 2017, @ 6:30 p.m. – 2<sup>nd</sup> Case  
Jerrily R. Kress Memorial Hearing Room  
441 4<sup>th</sup> Street, N.W., Suite 220-South  
Washington, D.C. 20001

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

**CASE NO. 17-02 (Office of Planning - Text Amendment to Subtitles B and U re: Use Clarification Language)**

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

On December 30, 2016, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning (“OP”) proposing text amendments to Subtitles B and U of the Zoning Regulations of 2016 (11 DCMR). The proposed amendments are to include certain uses in the R and MU use groups that were previously allowed in the 1958 regulations and remove unnecessary references to Home Occupations and Accessory Apartments in the R-Use groups. On January 9, 2017, the Commission voted to set down the petition for a public hearing. The OP setdown report served as a pre-hearing filing.

In summary the proposed text would:

1. Allow for Driver's License Road Test Facility, including an amendment to the Use Group definition for Local Government;
2. Allow for “Automobile and Truck Sales” and for “Boat or Marine Sales” in the MU-Use Group E zones;
3. Correct the references to the R-Use Groups:
  - Correct the references in Subtitle U § 201.1(a) to R-Use Groups instead of listing the individual zone to ensure all the appropriate zones are in the correct use category;
  - Delete Subtitle U § 201.1(c) which references home occupation use, because home occupation is included by reference as an Accessory Use (Subtitle U § 250.1(e)); and
  - Delete Subtitle U § 201.1(d), which references accessory apartments and included it in the list of Accessory Uses;
4. Add “Mass transit facility” and the “Reuse of former DC public schools” to the permitted matter of right uses in Subtitle U § 202.1 and add clarifying language to allow public schools to collocate with other schools and to share recreation facilities and renumber accordingly.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~striketrough~~ text):

**1. Driver’s License Road Test Facility**

Amend the definition of Government, Local in Subtitle B § 100(t) as follows:

- (t) Government, Local:
  - (1) A use involving services owned, managed, or provided by local government and associated with providing neighborhood-scaled services to meet the community needs of the directly adjacent areas;
  - (2) Examples include, but are not limited to: public community centers, police stations, libraries, **drivers’ license road test facilities**, or fire stations; and

Amend Subtitle U § 507.1 (a) (8) as follows:

**507 MATTER-OF-RIGHT USES (MU-USE GROUP C)**

507.1 In addition to the uses permitted by Subtitle U § 501, the following uses shall be permitted in MU Use Group C as a matter of right subject to any applicable conditions:

- (a) Any use within the following use categories:
  - (1)...
  - (8) Local government ~~uses except a Driver’s License Road Test Facility shall only be permitted in the MU 12 and MU 13 zones;~~

Amend Subtitle U § 510.1(n) as follows:

**510 MATTER-OF-RIGHT USES (MU-USE GROUP D)**

510.1 The following uses shall be permitted in MU-Use Group D as a matter of right subject to any applicable conditions:

- (n) Local government **uses except a driver’s license road test facility;**

2. *Automobile, truck, boat, or marine sales*

Amend Subtitle U § 512.1(b) as follows:

**512 MATTER-OF-RIGHT USES (MU-USE GROUP E)**

512.1 The following uses shall be permitted in MU-Use Group E as a matter of right subject to any applicable conditions:

(a)...

**(b) Automobile, truck, boat, or marine sales;**

3. *References to the R-Use Groups*

Amend Subtitle U § 201.1(a) is as follows:

**201 MATTER-OF-RIGHT USES – R-USE GROUPS A, B, C, AND D**

201.1 The following uses in this section shall be permitted as a matter of right subject to any applicable conditions:

(a) A principal dwelling unit shall be permitted as follows:

- (1) In the **R-Use Group A and D** ~~R-1-A, R-1-B, and R-16~~ zones, the principal dwelling unit shall be in a detached dwelling;
- (2) In the **R-Use Group B** ~~R-2 and R-10~~ zones, the principal dwelling unit may be in either a detached or semi-detached dwelling; and
- (3) In the **R-Use Group C** ~~R-3, R-13, R-17, and R-20~~ zones, the principal dwelling unit may be either a detached, semi-detached, or an attached dwelling; **and**

(b) Clerical and religious group residences for no more than fifteen (15) persons;

~~(c) Home occupation, subject to Subtitle U § 251; and~~

~~(d) One accessory apartment shall be permitted in any single principal dwelling unit in an R zone as an accessory use and subject the conditions of Subtitle U § 253.~~

Amend Subtitle U § 250.1 by adding a new subsection (a) as follows and renumbering all subsequent sections appropriately:

250 ACCESSORY USES (R)

250.1 The following accessory uses shall be permitted as a matter of right in all R use groups ~~zones~~ subject to the associated conditions:

- (a) An accessory apartment subject to the conditions of Subtitle U § 253;

4. *Add Missing Uses to Subtitle U § 202.1*

Amend Subtitle U § 202.1 by adding mass transit facilities as a new subsection (l), renumbering the subsequent subsections accordingly, adding clarification on collocation of public school facilities, and adding “Reuse of former DC public schools” as a new subsection (p) and renumbering the subsequent subsections accordingly as follows:

202.1 The following uses shall be permitted as a matter of right in R-Use Groups A, B, and C subject to any applicable conditions:

(a)...

- (l) Mass transit facility;

~~(m)~~(m) ...

~~(m)~~(o) Public schools; public schools may collocate with other permitted schools or uses provided all applicable requirements of this title are met. Public schools may share common on-site recreation space including gymnasiums, playgrounds, and fields, and these shared recreational spaces may count toward the minimum lot area provided that the school is adjacent to the shared recreation space; on-site office use must be ancillary and necessary to the operation of the particular school;

- (p) Reuse of a former District of Columbia public school subject to the conditions of Subtitle U § 252;

5. *Change title of § 252 from “Uses in Former Public Schools (R)” to “Reuse of Former Public Schools (R)”*

252 ~~USES IN FORMER PUBLIC SCHOOLS~~ REUSE OF FORMER PUBLIC SCHOOLS (R)



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

This public hearing will be conducted in accordance with the rulemaking case provisions of the Zoning Regulations, 11 DCMR Subtitle Z, Chapter 5.

**How to participate as a witness.**

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- |    |               |                |
|----|---------------|----------------|
| 1. | Organizations | 5 minutes each |
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**ለማተፍ ዕርዳታ ያስፈልግዎታል?** የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጓም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል [Zelalem.Hill@dc.gov](mailto:Zelalem.Hill@dc.gov) ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in the Omnibus Alcoholic Beverage Amendment Act of 2004, effective September 30, 2004 (D.C. Law 15-187; D.C. Official Code § 25-211(b) (2012 Repl.)) and Mayor's Order 2001-96, dated June 28, 2001, as revised by Mayor's Order 2001-102, dated July 23, 2001, hereby gives notice of its adoption of amendments to Chapters 1 (Provisions of General Applicability), 2 (License and Permit Categories), 4 (General Licensing Requirements), 5 (License Applications), 6 (License Changes), 7 (General Operating Requirements), 8 (Enforcement, Infractions, and Penalties), 10 (Endorsements), 12 (Records and Reports), 17 (Procedural Requirements for Board Hearings), and 18 (Petition Procedures) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

The final rulemaking amends the definition of back-up drinks and add a definition for bottle service in Chapter 1. The proposed amendments to Chapter 2 create exemptions from licensing requirements. In Chapter 4, the rules clarify those circumstances under which the Board may rescind its previously issued license approval. Additionally, the rulemaking no longer permits a license located in a moratorium zone to be kept in safekeeping for the length of the moratorium. Chapter 6 is amended to add a new section regarding limited liability companies.

The final rulemaking also amends Chapter 7. First, licensees who remove their licenses from safekeeping after two (2) years must provide the Board with detailed plans of its return to operations, including its anticipated re-opening date. The rules clarify that licensees are required to register with the Board to sell and serve alcoholic beverages until 4 a.m. on January 1st and other District and federal holidays. The rulemaking clarifies that the holder of a manufacturer's license can file and be approved by the Board for a one (1)-day substantial change application. The rules also establish requirements for on-premises retailers to provide bottle service and buckets of beer to seated patrons.

Regarding Chapters 8, 10, and 12, the final rulemaking expands the list of violations in the civil penalty schedule. The rules also clarify several sections regarding those circumstances where the Board will issue a cease and desist order as a result of the licensee's non-compliance with other District requirements. The rules further clarify that a licensee may provide entertainment only during the hours permitted under its entertainment endorsement. Additionally, the rules clarify that licensed restaurants and hotels are responsible for maintaining three (3) years of sufficient documentation to allow the Board to verify the accuracy of information contained on the licensee's submitted quarterly reports.

The final rulemaking also amends Chapter 17 by allowing for service to be made electronically. The computation of time has been clarified regarding the calculation of hours and days. Additionally, the rules include new language regarding the Chairperson's authority to schedule and conduct hearings. The proposed rules also create new requirements for the submission of documentary evidence, post-hearing pleadings, and the protest information form.

## **BACKGROUND**

The Technical Amendment Rulemaking has undergone numerous iterations. The Board first adopted the Notice of Proposed Rulemaking (1<sup>st</sup> NOPR) on October 15, 2014, by a six (6) to zero (0) vote. The 1<sup>st</sup> NOPR was published in the *D.C. Register* on December 26, 2014, at 61 DCR 13149. On November 13, 2014, the Board held a hearing to receive public comment on the proposed rules. At the public hearing, the Board received valuable comments and testimony from the public and throughout the comment period. Commenters included members of the industry, Advisory Neighborhood Commission (ANC) Commissioners, District residents, and citizens and civic associations. A full summary of the testimony presented at the public hearing, as well as the written comments can be found in the Notice of Third Proposed Rulemaking. *See* 62 DCR 11906 (August 28, 2015).

Based on the comments received, the Board made additional changes to the rulemaking. As a result, it adopted the Notice of Second Proposed Rulemaking (2<sup>nd</sup> NOPR) on February 25, 2015, by a six (6) to zero (0) vote. The second NOPR was published in the *D.C. Register* on May 8, 2015, at 62 DCR 5732. On April 29, 2015, the Board held a hearing to receive public comment on the proposed rules as amended from the first round of comments. At the public hearing, the Board received additional valuable comments and testimony, much of which was repetitive of testimony received in response to the initial rulemaking and at the hearing. A full summary of the testimony presented at the public hearing, as well as the written comments can be found in the Notice of Third Proposed Rulemaking. *See id.*

In response to the comments received in response to the 2<sup>nd</sup> NOPR, the Board made further changes to the rulemaking. As such, the Board adopted the Notice of Third Proposed Rulemaking (3<sup>rd</sup> NOPR) on July 22, 2015, by a vote of five (5) to zero (0). These rules were published in the *D.C. Register* on August 28, 2015, at 62 DCR 11906. The Board received additional comments during the comment period. A full summary of the comments received can be obtained in the Notice of Third Proposed Rulemaking. *See id.*

## **COUNCIL REVIEW**

On September 16, 2016, the 3<sup>rd</sup> NOPR was submitted to the Council for the District of Columbia in accordance with D.C. Official Code § 25-211(b)(1). *See* PR21—0879 at <http://lims.dccouncil.us/Legislation/PR21-0879?FromSearchResults=true>. The 3<sup>rd</sup> NOPR submitted to the Council included all of the previously proposed changes to the Title 23 except for amendments to the pub crawl regulations (23 DCMR § 712) which were addressed in separate rulemakings. *See* Pub Crawl Notice of Emergency and Proposed Rulemaking, 63 DCR 4098 (March 18, 2016)[EXPIRED]; Pub Crawl Notice of Second Emergency and Proposed Rulemaking, 63 DCR 9426 (July 8, 2016)[EXPIRED]; Pub Crawl Emergency Rulemaking, adopted on August 3, 2016, published at 63 DCR 11195 (September 2, 2016)[EXPIRED].

The Subcommittee on Local Business Development and Utilities (a subcommittee of the Committee of the Whole) held a public hearing on PR21-0879 on October 17, 2016 and Mark-up on November 7, 2016. At mark-up, the Subcommittee voted, five (5) to zero (0), to approve PR21-0879. The only revision the Subcommittee made to the 3<sup>rd</sup> NOPR was to remove the

language which would have expanded the definition of the term, “egregious,” in Chapter of 8 of Title 23. Based on the comments the Subcommittee received from the industry, it voted not to move forward with this amendment. *See id*

On November 15, 2016, the 3<sup>rd</sup> NOPR went before the full Council for a vote. On this date, the Council voted unanimously to approve rulemaking. *See* R21-0651 at: <http://lims.dccouncil.us/Legislation/PR21-0879?FromSearchResults=true>.

### **THE BOARD’S DECISION**

The Board, voted five (5) to zero (0) on November 30, 2016, to adopt the Technical Amendment Notice of Final Rulemaking as approved by the Council on November 15, 2016.

In accordance with the Council’s marked up version of the proposed rules, the final rulemaking does not include the amendments to 23 DCMR § 807. Those amendments would have expanded the definition of the term, “egregious.” No other changes have been made to the final rules since they were published as proposed except to renumber new § 808 (Cease and Desist) as § 809. Prior to the Board adopting these final rules on November 30, 2016, it adopted the Computation of Civil Penalties Notice of Final Rulemaking which created a new § 808 (Violation History Computation). As a result, the cease and desist rules created by this final rulemaking has been renumbered § 809.

Pursuant to D.C. Official Code § 25-211(d)(1), the final rules shall not take effect until five (5) days after the rulemaking is published in the *D.C. Register*.

### **Chapter 1, PROVISIONS OF GENERAL APPLICABILITY, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

#### **Section 199, DEFINITIONS, is amended by amending the definition of “back-up drinks” and adding the term, “bottle service,” in alphabetical order to read as follows:**

**Back-up drinks** - shall include second drinks served as part of a “two-for-one” promotion, second drinks served just prior to last call, and second drinks provided complimentary by the licensee or purchased by other patrons. Except as provided in the preceding sentence, back-up drinks shall not include two (2) different drinks served together such as a beer or a shot or any other industry drink that can be considered a shot and a mixer. The prohibition against back-up drinks shall also not apply to the service of wine with a meal where the patron has not finished a previously served cocktail, nor shall it apply to containers of alcoholic beverages served in accordance with 23 DCMR § 721.

**Bottle service** - the service of alcoholic beverages in any container holding multiple servings of alcoholic beverages.

**Section 207, LICENSURE PERIODS, of Chapter 2, LICENSE AND PERMIT CATEGORIES, is amended by replacing Subsection 207.2 to read as follows:**

**207 LICENSURE PERIODS**

...

207.2 The three (3)-year renewal period for each license listed below shall occur sequentially every three (3) years starting with the following dates:

<b>License Class</b>	<b>Licensure Period</b>	<b>Ending Year</b>
Manufacturer A	Apr. 1 to Mar. 31	2015
Wholesaler A	Apr. 1 to Mar. 31	2015
Retailer A	Apr. 1 to Mar. 31	2015
Manufacturer B	Apr. 1 to Mar 31	2017
Wholesaler B	Oct. 1 to Sept. 30	2017
Retailer B	Oct. 1 to Sept. 30	2017
Retailer CR	Apr. 1 to Mar. 31	2016
Retailer CT	Oct. 1 to Sept. 30	2016
Retailer CN	Oct. 1 to Sept. 30	2016
Retailer CH	Apr. 1 to Mar. 31	2016
Multipurpose facility CX	Apr. 1 to Mar. 31	2016
Common Carrier CX	Apr. 1 to Mar 31	2016
Retailer Arena CX	Apr. 1 to Mar 31	2016
Retailer DR	Apr. 1 to Mar. 31	2016
Retailer DT	Oct. 1 to Sept. 30	2016
Retailer DN	Oct. 1 to Sept. 30	2016
Retailer DH	Apr. 1 to Mar. 31	2016
Multipurpose facility DX	Apr. 1 to Mar. 31	2016
Common carrier DX	Apr. 1 to Mar 31	2016
Caterer	Apr. 1 to Mar 31	2016
Solicitor	July 1 to June 30	2017
Club CX	Apr. 1 to Mar 31	2016
Club DX	Apr. 1 to Mar 31	2016
Farm winery retail	Oct. 1 to Sept. 30	2015
Alcohol certification provider permit	July 1 to June 30	2017

**Section 213, EXEMPTION FROM LICENSING REQUIREMENT, is amended to read as follows:**

**213 EXEMPTION FROM LICENSING REQUIREMENT**

213.1 A license shall not be required for any event where alcoholic beverages are provided gratuitously for on-premises consumption on the host’s own premises. Notwithstanding the foregoing, a license shall be required if the operator of the

premises provides professional services for the on-premises consumption of alcoholic beverages which are provided gratuitously to guests; or if the operator of the premises rents out the facility or provides entertainment, food or nonalcoholic beverages for compensation.

213.2 An applicant for a new license shall not permit the consumption of alcoholic beverages on the premises unless the applicant has obtained a stipulated or temporary license. The applicant for a new license may also permit a licensed caterer to host an event on the premises so long as the caterer retains the responsibility for the event, including control over the modes of ingress and egress into the establishment, bar and security staff, and the service of alcoholic beverages.

**Section 405, LICENSE APPROVAL BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY, of Chapter 4, GENERAL LICENSING REQUIREMENTS, is amended by adding a new Subsection 405.5 to read as follows:**

**405 LICENSE APPROVAL BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY**

...

405.5 Notwithstanding § 405.4, the Board may, after holding a hearing, rescind its previously issued approval to an applicant under this section when: (1) the license is still pending issuance after two (2) or more years, and (2) the applicant no longer has legal authority to operate at the approved location.

**Section 500, APPLICATION FORMAT AND CONTENTS, of Chapter 5, LICENSE APPLICATIONS, is amended by adding new Subsections 500.2, 500.3, and 500.4 to read as follows:**

**500 APPLICATION FORMAT AND CONTENTS**

...

500.2 The Board may deem an application abandoned or withdrawn if an applicant fails to provide all of the documents required to process the application within sixty (60) days of the submission of the application.

500.3 The Board may require an applicant to submit additional documents and information needed to properly process an application. The Board may deem an application abandoned or withdrawn if an applicant fails to provide any additional documents within thirty (30) days of the request.

500.4 An applicant may seek an extension of time to submit documents needed to process the application upon a showing of good cause. An extension granted by the Board shall not exceed thirty (30) days.

**A new Section 602, LIMITED LIABILITY COMPANY CHANGES, of Chapter 6, LICENSE CHANGES, is added to read as follows:**

**602 LIMITED LIABILITY COMPANY CHANGES**

602.1 The Board shall only approve as a member or managing member of a limited liability company an owner owning more than zero percent (0%) for purposes of recognizing applicants or licensees.

602.2 Nothing in this section shall prevent an individual with an ownership of zero percent (0%) in a limited liability company from serving as a manager or an officer of the limited liability company.

602.3 A manager or an officer of a limited liability company with an ownership interest of zero percent (0%) shall not be considered by the Board as an owner of the license, applicant or licensee.

**Section 704, SURRENDER OF LICENSE, of Chapter 7, GENERAL OPERATING REQUIREMENTS, is amended by deleting Subsections 704.3 and 704.4 in their entirety, and adding a new Subsection 704.3 to read as follows:**

**704 SURRENDER OF LICENSE**

...

704.3 Whenever a license has been in safekeeping with the Board for longer than two (2) years, the licensee shall, upon requesting the removal of the license from safekeeping, submit for Board approval detailed plans of its operations upon reopening, and shall notify the Board of the anticipated reopening date.

**Section 705, HOURS OF SALE AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES, is amended by replacing Subsection 705.11 to read as follows:**

**705 HOURS OF SALES AND DELIVERY FOR OFF-PREMISES RETAIL LICENSEES**

...

705.11 A licensee under an on-premises retailer’s license that provides written notification and a public safety plan to the Board at least thirty (30) days in advance may sell and serve alcoholic beverages until 4:00 a.m. and operate twenty-four (24) hours during the dates set forth in D.C. Official Code § 25-



723(c)(1) unless the licensee has a settlement agreement that restricts the establishment’s closing hours or hours of operation.

**Section 716, ONE DAY SUBSTANTIAL CHANGES, is amended by replacing Subsection 716.1 to read as follows:**

**716 ONE DAY SUBSTANTIAL CHANGES**

716.1 The holder of an on-premises retailer's license or a manufacturer’s license may file a one (1)-day substantial change request with the Board to: (a) sell or serve alcoholic beverages; (b) provide entertainment; (c) extend its hours of operation; (d) require a cover charge; (e) allow for dancing; or (f) operate at a location not permitted by the applicant’s license as part of a specific event. The one (1)-day substantial change request may be granted, in the Board’s discretion, unless the activities sought by the applicant are otherwise prohibited by the applicant’s ABC license or by the terms of a valid settlement agreement.

**A new Section 721, BOTTLE SERVICE, is added to read as follows:**

**721 BOTTLE SERVICE**

721.1 The holder of an on-premises retailer's license shall be permitted to provide bottle service of alcoholic beverages to one (1) or more seated patrons.

721.2 A licensee may serve a bucket filled with containers of beer to one (1) or more seated patrons.

721.3 The licensee’s server shall not deliver an alcoholic beverage to any patron in accordance with this section until the licensee has taken reasonable steps to ensure that no alcoholic beverage is delivered to a patron below the legal drinking age or that otherwise appears intoxicated. The server shall open all closed containers at the table before they are served to the seated patrons.

721.4 The licensee shall not permit or allow any patrons to remove the bottle or pitcher from the table, bar or other seating area where served. This provision shall not apply to a single container of beer delivered in a bucket or where patrons have been served alcoholic beverages at the bar prior to receiving table service.

**Section 800, ABRA CIVIL PENALTY SCHEDULE, of Chapter 8, ENFORCEMENT, INFRACTIONS, AND PENALTIES, is amended by adding the following to the Schedule:**

Section	Description	Violation	Warning
25-112(b)	Knowingly Allowing Patron to Open Containers in Off-Premises Licensed Establishments	Primary	Y

25-112(c)(2A)	Purchasing Alcoholic Beverages from an Off-Premises Licensee When Wholesalers are Open	Primary	Y
25-113	Violating Terms of On-Premise Retailer's License	Primary	Y
25-113a	Offering Entertainment After the Approved Entertainment Hours	Secondary	Y
§ 25-113(b)(3)(B)	Failure of Restaurant to Comply with Food Sales Requirement	Primary	Y
§ 25-113(e)(5)(B)	Failure of Hotel to Comply with Food Sales Requirement	Primary	Y
25-113(j)(3)(A)	Failure to Maintain Records on Premises	Primary	Y - Mandatory
25-113(j)(3)(B)	Failure to Obtain Board Approval for Off-Site Storage	Secondary	Y - Mandatory
25-113(j)(3)(C)	Failure of the Licensee to Keep or Maintain its Books, Records, or Invoices	Primary	Y
25-113a(b)	Cover Charge Without Endorsement	Secondary	Y
25-113a(b)	Dancing Without Endorsement	Secondary	Y
25-119	Importing Alcohol by Licensee Without Permit	Primary	Y
25-126(a)	Sale, Serve and/or Consumption Without the On-Site Sale and Consumption Permit – Manufacturer Licensees	Primary	N
25-126(b)	Sale, Serve, and/or Consumption Outside of the On-Site Sale and Consumption Permit Approved Hours – Manufacturer Licensees	Primary	N
25-127	Violating Terms of Festival License	Primary	N
25-403(e)(3)(G)(i)	Failure to Ensure Cameras are Operational	Primary	Y
25-403(e)(3)(G)(ii)	Failure to Ensure Any Footage of a Crime of Violence is Maintained for a Minimum of 30 days	Primary	Y
25-403(e)(3)(G)(iii)	Failure to Ensure Security Footage is Available within 48 Hours Upon Request	Primary	Y
25-701	Board-Approved Manager Required	Secondary	N
25-703	Licensee or Board Approved Manager Superintending the Licensed Establishment under the Influence of Alcohol or Illegal Drugs	Primary	N
25-723(b)	Sale and Service Outside of Licensed Hours	Primary	N
25-723(c)(4)	Failure to Obtain Operating Holiday Extension Hours - Class C and D Retailers	Primary	Y
25-823(a)(7)	Failure to Follow the Terms of License Approved by the Board	Primary	Y
25-823(a)(8)	Failure to Preserve a Crime Scene	Primary	N

23 DCMR 712	Violating Terms of a Pub Crawl License	Primary	Y
23 DCMR 719.1	Sign re: Pregnancy, Legal Drinking Age/Valid ID, Drinking and Driving	Secondary	Y - Mandatory

**Section 800 is amended by deleting the following:**

Section	Description	Violation	Warning
25-102(a)	Selling Alcoholic Beverages Without a License	Primary	N
25-102(b)	Wholesaler/Manufacturer Sale to Non-licensed Person for Resale	Primary	N
25-102(c)	Failure to Obtain Importation Permit by a Person Located Outside of the District	Primary	Y
25-102(d)	Permitting Consumption of Alcoholic Beverage Without a License	Primary	N
25-501	Failure to Pay Annual Fee	Primary	Y
25-762(b)(8)	Failure to Obtain Approval to Provide Music or Entertainment if None Previously	Primary	N
25-762(b)(9)	Failure to Obtain Approval to Change from Recorded to Live Music or Live Entertainment or Change the Kind of Music or Entertainment Provided	Secondary	Y - Mandatory

**A new Section 809, CEASE AND DESIST ORDERS, is added to read as follows:**

**809 CEASE AND DESIST ORDERS**

- 809.1 The Board, in its discretion, may issue a cease and desist order immediately suspending a licensee’s liquor license when one (1) of the following has occurred:
- (a) The licensee has been issued a notice of summary suspension by the Department of Health;
  - (b) The licensee’s basic business license has expired;
  - (c) The licensee’s certificate of occupancy has been revoked or expired;
  - (d) The licensee’s sales tax certificate has been suspended or revoked by the Office of Tax and Revenue;
  - (e) The corporation, limited liability company, or partnership owning the liquor license is no longer in good standing to operate in the District;
  - (f) The licensee has failed to pay a Board-ordered fine or a citation by the payment deadline; or

(g) Where payment was made to ABRA with a check returned unpaid.

809.2 The Board shall give written notice to the licensee of its intent to issue a cease and desist order. The licensee shall have fourteen (14) calendar days to respond to the notice. If the Board thereafter determines that the licensee’s failure to address the issues set forth in § 808.1 is not for good cause, the Board shall issue the cease and desist order.

**Section 1001, ENTERTAINMENT ENDORSEMENT APPLICATION, of Chapter 10, ENDORSEMENTS, is amended by adding a new Subsection 1001.8 to read as follows:**

**1001 ENTERTAINMENT ENDORSEMENT APPLICATION**

...

1001.8 A licensee shall provide entertainment only during the hours permitted under its Board-approved entertainment endorsement or by the terms of a valid settlement agreement. It shall be a violation of this subsection for an applicant to provide entertainment during hours not permitted by its entertainment endorsement or by the terms of a valid settlement agreement.

**Section 1207, QUARTERLY STATEMENTS AND ANNUAL REPORTS OF RESTAURANTS AND HOTELS, of Chapter 12, RECORDS AND REPORTS, is amended by adding a new Subsection 1207.10 to read as follows:**

**1207 QUARTERLY STATEMENTS AND ANNUAL REPORTS OF RESTAURANTS AND HOTELS**

...

1207.10 A Retailer’s license Class CR, CH, DR, or DH shall be responsible for ensuring that it maintains for three (3) years sufficient documentation to allow the Board to verify the accuracy of the information contained on the licensee’s submitted quarterly reports. Failure of the licensee to maintain sufficient documentation to allow the Board to verify the accuracy of the information contained on the licensee’s submitted quarterly reports shall be a violation of this subsection.

**Section 1702, COMPUTATION OF TIME, of Chapter 17, PROCEDURAL REQUIREMENTS FOR BOARD HEARINGS, is replaced in its entirety to read as follows:**

**1702 COMPUTATION OF TIME FOR FILINGS**

1702.1 Whenever a party to a proceeding under this chapter has the right or is required to perform some act within a specified time period after the service of notice upon

the party, and the notice is served upon that party by mail, three (3) days shall be added to the prescribed period.

1702.2 Except as otherwise provided by law, any time period prescribed by this chapter may, for good cause shown, be extended by the Board with notice to all parties.

1702.3 For purposes of computing time that is stated in days or a longer unit of time, exclude the day of the event that triggers the computation of time.

1702.4 For purposes of computing time that is stated in days or a longer unit of time, every day, including intermediate Saturdays, Sundays and legal holidays is counted. Count the last day of the period, but if the last day is a Saturday, Sunday or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

1702.5 For purposes of computing time that is stated in hours, begin counting every hour immediately at the conclusion of the event that triggers the period, including hours during intermediate Saturdays, Sundays and legal holidays. If the time period would end on a Saturday, Sunday, or legal holiday, the time period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

1702.6 Unless a different time is set by a statute, regulation or Board Order, the last day of a specified time period is at midnight for electronic filing, and at the close of business on the last day for filing by any other means.

**Section 1703, SERVICE OF PAPERS, is amended by replacing Subsections 1703.3 and 1703.4 to read as follows:**

**1703 SERVICE OF PAPERS**

...

1703.3 When a party has appeared through a representative, who has filed a written notice of appearance pursuant to § 1707.1, service shall be made upon the representative of record.

1703.4 Service upon a party or the party’s designated representative may be made in the following manner:

- (a) By personal delivery;
- (b) By use of a process server;
- (c) By registered or certified mail;

- (d) By electronic mail; or
- (e) As otherwise authorized by law.

**Section 1710, SCHEDULING AND CONDUCT OF HEARINGS: GENERAL PROVISIONS, is amended by deleting existing Subsection 1710.4 and adding new subsections to read as follows:**

**1710 SCHEDULING AND CONDUCT OF HEARINGS: GENERAL PROVISIONS**

...

1710.4 The Chairperson of the Board shall preside over all proceedings conducted by the Board under the authority of Title 25 of the D.C. Official Code.

1710.5 The Chairperson of the Board shall conduct all proceedings in accordance with the provisions of this chapter, Title 25 of the D.C. Official Code, and the District of Columbia Administrative Procedures Act.

1710.6 The Chairperson of the Board shall have the authority to:

- (a) Open and close a meeting or hearing;
- (b) Administer oaths and affirmations;
- (c) Regulate the course of the hearing and the conduct of the parties and their representative;
- (d) Receive relevant evidence of the hearing and the conduct of the parties and their representative; and
- (e) Take any other action in accordance with the above provisions in furtherance of a fair and orderly hearing.

1710.7 In the event the Chairperson is unable or unavailable to preside over a hearing or meeting, the Chairperson shall designate a member of the Board to act as the presiding officer in the Chairperson’s absence.

**Section 1711, EVIDENCE: GENERAL RULES, is amended by adding new subsections to read as follows:**

**1711 EVIDENCE: GENERAL RULES**

...

- 1711.5 In all protest hearings before the Board, the applicant shall have the burden of proof to show by substantial evidence in the record that the licensing action meets the appropriate standards in accordance with D.C. Official Code § 25-313.
- 1711.6 In all show cause proceedings before the Board, the District of Columbia shall have the burden of proof to show by substantial evidence in the record that the respondent has committed a violation of Title 25 of D.C. Official Code or these regulations.
- 1711.7 In all protest hearings before the Board, the applicant shall open and close the case insofar as presentation of evidence and argument are concerned.
- 1711.8 In all show cause proceedings before the Board, the District of Columbia shall open and close the case insofar as presentation of evidence and argument are concerned.

**Section 1713, DOCUMENTARY EVIDENCE, is amended by amending Subsection 1713.2 and adding new subsections to read as follows:**

**1713 DOCUMENTARY EVIDENCE**

...

- 1713.5 All exhibits that a party intends to introduce at a hearing must be identified on and attached to an exhibit form. Parties shall include the exhibit form, including copies of the exhibits, with the Protest Information Form pursuant to 23 DCMR § 1722.2(d).
- 1713.6 Exhibits reasonably anticipated to be used for impeachment need not be included on or attached to the exhibit form.
- 1713.7 If a document is readily available to the general public, a party need only provide a complete citation to the source of the document and how the document may be accessed.
- 1713.8 The Board may exclude at the hearing any exhibit(s) not disclosed on the exhibit form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.
- 1713.9 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the exhibit form upon a finding of good cause.
- 1713.10 The investigative report and attachments shall be part of the Board’s record and it shall not be necessary for the parties to formally move for admission of the

investigative report or portions of it into the evidentiary record.

1713.11 The exhibit form and any attachments shall be served on all parties and the Board’s Office of General Counsel seven (7) days prior to the hearing.

1713.12 If a PowerPoint presentation or similar presentation is used by the parties, a paper copy of the exhibit shall be filed with the Board.

**Section 1716, MOTIONS, is amended by deleting Subsection 1716.5 in its entirety.**

**Section 1717, POST-HEARING SUBMISSIONS, is amended to read as follows:**

**1717 POST-HEARING SUBMISSIONS**

1717.1 No document or other information shall be accepted for the record after the close of a hearing except as follow:

- (a) Unless accompanied by a Motion to Re-open the Record demonstrating good cause and the lack of prejudice to any party;
- (b) Until all parties are afforded due notice and an opportunity to rebut the information; or
- (c) Upon official notice of a material fact not appearing in the evidence in the record in accordance with D.C. Official Code § 2-509(b).

**Section 1718, DECISIONS OF THE BOARD, is amended by deleting Subsection 1718.4 in its entirety.**

**Section 1721, TRANSCRIPTS OF HEARINGS, is amended by deleting Subsection 1721.2 in its entirety.**

**A new Section 1722, PROTEST INFORMATION FORMS, is added to read as follows:**

**1722 PROTEST INFORMATION FORMS**

1722.1 All parties to a protest hearing shall file a Protest Information Form (PIF).

1722.2 The PIF shall identify the following specific items:

- (a) Agreements made by the parties as to any protest issues which limit the issues for hearing to those issues not disposed of or resolved by mediation;
- (b) Unresolved issues that remain the subject of the protest hearing;
- (c) Witnesses who are expected to testify;



- (d) Exhibits the party intends to offer into evidence, along with the attached exhibit form;
- (e) List of material facts, or the contents or authenticity of any document to which the parties have agreed to stipulate; and
- (f) The relief sought.

1722.3 The PIF must be signed by the party's representative or by the party if the party is proceeding *pro se*.

1722.4 The PIF must contain a copy of the résumé for any witness for whom a party intends to call as an expert.

1722.5 The Board may exclude at the hearing any witnesses or exhibits not disclosed on the PIF or the exhibit form if the Board finds that the opposing party has been prejudiced by the failure to disclose or if there has been a knowing failure to disclose.

1722.6 The Board shall have the discretion to receive documentary evidence from the parties not already listed or attached to the PIF or the exhibit form upon a finding of good cause.

1722.7 The PIF and exhibit form and any attachments shall be served on all parties and the Board's Office of General Counsel seven (7) days prior to the hearing.

**Section 1801, PROTEST PETITIONS, of Chapter 18, PETITION PROCEDURES, is amended by deleting Subsection 1801.3 in its entirety.**

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

**NOTICE OF FINAL RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to the authority set forth in Section 101(a) of the Moratorium Amendment Act of 1999, effective May 3, 2001 (D.C. Law 13-298; D.C. Official Code § 25-351(a) (2012 Repl.)), as amended, hereby gives notice of its adoption of amendments to Section 308 (Glover Park Moratorium Zone) of Chapter 3 (Limitations on Licenses) of Title 23 (Alcoholic Beverages) of the District of Columbia Municipal Regulations (DCMR).

This final rulemaking amends 23 DCMR § 308 by extending the Glover Park Moratorium Zone for an additional five (5) years for on-premises Retailer's Class CT, DT, CN, DN, CX, and DX Licenses. The moratorium will no longer apply to off-premises Retailer's Class A Licenses or on-premises Retailer's Class CR Licenses.

**BACKGROUND**

On December 4, 2015, the Advisory Neighborhood Commission (ANC) 3B filed a Petition to Extend and Amend the Glover Park Liquor License Moratorium (Petition) with the Board. The Petition asked the Board to extend the Glover Park Moratorium, which was slated to expire on February 22, 2016, for ninety (90) days while the ANC, the community, and stakeholders continued to explore the continuation of the moratorium.

On February 3, 2016, the Board adopted the Glover Park Moratorium Zone Notice of Emergency Rules, five (5) to zero (0) to take effect immediately. The emergency rules were published in the *D.C. Register* at 63 DCR 5306 (April 8, 2016)[EXPIRED]. On March 30, 2016, the Board held a public hearing to receive comments from the community and the alcohol retail industry concerning the moratorium.

After considering the oral and written comments received from interested parties, the Board adopted the Glover Park Moratorium Zone Notice of Emergency and Proposed Rulemaking on April 20, 2016, by a vote of five (5) to zero (0). The emergency and proposed rules went into effect at that time for one hundred twenty (120) days; expiring on August 18, 2016. The rules retained the moratorium for Class CT, DT, CN, DN, CX, and DX licenses, but remove the moratorium for Class CR and A licenses.

The Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on June 24, 2016, at 63 DCR 8890 [EXPIRED]. ABRA did not receive any comments in response to the rules during the comment period. A Notice of Second Emergency Rulemaking was published on September 2, 2016 at 63 DCR 11192 [EXPIRED].

On August 3, 2016, the Board voted, five (5) to zero (0), to send the rules to the Council for the District of Columbia for the mandatory ninety (90)-day Council review period. The rules were introduced to the Council on September 16, 2016. See <http://lims.dccouncil.us/Legislation/PR21->

[0892?FromSearchResults=true](#). On November 30, 2016, the Board adopted the Glover Park Moratorium Zone Third Notice of Emergency Rulemaking to keep the emergency rules in place during the period in which the emergency rules expired (December 1, 2016), the emergency and proposed rules would have been deemed approved (December 21, 2016). See <http://abra.dc.gov/sites/default/files/dc/sites/abra/publication/attachments/ABCBoardDis11302016.pdf>.

The Council review period ended on December 21, 2016, and the Emergency and Proposed Rules were deemed approved as of that date. See PR 21-892, at: <http://lms.dccouncil.us/Legislation/PR21-0892?FromSearchResults=true>.

### **BOARD'S DECISION**

On January 11, 2016, the Board voted, six (6) to zero (0), to adopt the rules as final. No changes have been made to the rules since they were published as proposed in the *D.C. Register*. The final rules shall supersede the Third Notice of Emergency Rulemaking.

The final rules shall not take effect until five (5) days after they are published in the *D.C. Register* in accordance with D.C. Official Code § 25-211(d)(1).

**Chapter 3, LIMITATIONS ON LICENSES, of Title 23 DCMR, ALCOHOLIC BEVERAGES, is amended as follows:**

**Section 308, GLOVER PARK MORATORIUM ZONE, is amended to read as follows:**

### **308 GLOVER PARK MORATORIUM ZONE**

- 308.1 No new retailer's license class CT, CN, CX, DN, DT, or DX shall be issued for a period of five (5) years from the effective date of this section in the area that extends approximately one thousand two hundred feet (1,200 ft.) in all directions from 2436 Wisconsin Avenue, N.W., Washington, D.C. 20007.
- 308.2 The Glover Park Moratorium Zone is more specifically described as beginning at Tunlaw Road and Fulton Street; East on Fulton Street to Wisconsin Avenue; South on Wisconsin Avenue to Edmunds Street; East on Edmunds Street to Massachusetts Avenue; Southeast on Massachusetts Avenue to Observatory Circle; Southwest around Observatory Circle to Calvert Street; West on Calvert Street to Wisconsin Avenue; Southeast on both sides of Wisconsin Avenue to 35<sup>th</sup> Street; South on 35<sup>th</sup> Street to Whitehaven Parkway; West on Whitehaven Parkway to 37<sup>th</sup> Street; North on 37<sup>th</sup> Street to U Street; West on U Street to a point of intersection of Huidekoper Place and W Street; West on W Street to 39<sup>th</sup> Street; North on 39<sup>th</sup> Street to Davis Place; East on Davis Place to Tunlaw Road; North and Northwest on Tunlaw Road to Fulton Street.

- 308.3 All hotels, whether present or future, shall be exempt from the Glover Park Moratorium Zone.
- 308.4 Nothing in this section shall prohibit the Board from approving the transfer of ownership of a retailer's license class CT, CN, CR, CX, DN, DT, or DX within the Glover Park Moratorium Zone that was in effect or for which an application was pending prior to the effective date of this section, subject to the requirements of Title 25 of the D.C. Official Code and this title.
- 308.5 Nothing in this section shall prohibit the Board from approving the transfer of a license from a location within the Glover Park Moratorium Zone to a new location within the Glover Park Moratorium Zone.
- 308.6 A license holder outside the Glover Park Moratorium Zone shall not be permitted to transfer its license to a location within the Glover Park Moratorium Zone.
- 308.7 Nothing in this section shall prohibit a valid protest of any transfer or change of a license class.
- 308.8 The moratorium shall have a prospective effect and shall not apply to any license granted prior to the effective date of this section or to any application for licensure pending on the effective date of this section.
- 308.9 This section shall expire five (5) years after the date of publication of the notice of final rulemaking.

**DEPARTMENT OF HUMAN SERVICES  
ECONOMIC SECURITY ADMINISTRATION**

**NOTICE OF FINAL RULEMAKING**

The Director of the Department of Human Services (DHS), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52 (2012 Repl. & 2016 Supp.)), Mayor's Reorganization Plan No. 3 of 1986, and the authority set forth in Mayor's Order 2006-50, dated April 13, 2006, hereby gives notice of the adoption of amendments to Chapter 72 (Standards of Assistance and Payment Levels) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The rules establish new payment levels for recipients of the following benefits: Temporary Assistance for Needy Families (TANF) (D.C. Official Code § 4-205.52); General Assistance for Children (D.C. Official Code § 4-205.05a (2012 Repl.)); Interim Disability Assistance (IDA) (D.C. Official Code § 4-204.07 (2012 Repl. & 2016 Supp.)); and Program on Work, Employment and Responsibility (POWER) (D.C. Official Code § 4-205.78 (2012 Repl.)). The rules also amend 29 DCMR § 5814.5 to refer to the new payment levels enumerated in Chapter 72.

The purpose of the rule is to modify the District of Columbia's (District) public assistance payment levels for District of Columbia residents who have been participating in the TANF program for sixty (60) or fewer months, General Assistance for Children, IDA, and POWER public benefit programs. The rules increase payment levels by fifteen point three percent (15.3%) in accordance with D.C. Official Code § 4-205.52(d-1)(1)(A) (2016 Supp.). In addition, the rules modify specific sections of 29 DCMR § 5814.5 to direct the application of the modified payment levels for public benefits, pursuant to Chapter 72.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on October 7, 2016, at 63 DCR 012394. DHS did not receive any comments from the public concerning the proposed rules during the thirty (30)-day comment period, which expired on November 6, 2016. No changes have been made to the text of the rules since published as proposed.

These rules were adopted as final on January 3, 2017, and shall take effect upon publication of this notice in *D.C. Register*.

**Chapter 72, STANDARDS OF ASSISTANCE AND PAYMENT LEVELS, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**7200            STANDARDS OF ASSISTANCE AND PAYMENT LEVELS**

7200.1            For the purposes of payments under TANF (D.C. Official Code § 205.52), POWER (D.C. Official Code § 4-205.78), General Assistance for Children

(D.C. Official Code § 4-205.05a) and Interim Disability Assistance (D.C. Official Code § 4-204.07), effective October 1, 2007, the District of Columbia's payments levels are adjusted as set forth in § 7200.2.

7200.2 Pursuant to D.C. Official Code § 4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after October 1, 2016.

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$320
2	560	\$398
3	712	\$508
4	870	\$621
5	1,002	\$716
6	1,178	\$842
7	1,352	\$965
8	1,494	\$1,066
9	1,642	\$1,173
10	1,786	\$1,274
11	1,884	\$1,344
12	2,024	\$1,445
13	2,116	\$1,511
14	2,232	\$1,593
15	2,316	\$1,654
16	2,432	\$1,737
17	2,668	\$1,904
18	2,730	\$1,949
19	2,786	\$1,988

7200.3 Pursuant to Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52), a TANF recipient who has received TANF benefits for more than sixty (60) months, whether or not consecutive months, shall be eligible to receive no more than the payment levels set forth in § 7200.4.

7200.4 Effective October 1, 2015, the payment levels set forth in this subsection shall apply to recipients who have received TANF benefits for more than sixty (60) months:

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$97
2	560	\$122
3	712	\$154
4	870	\$189
5	1,002	\$217

6	1,178	\$256
7	1,352	\$294
8	1,494	\$324
9	1,642	\$357
10	1,786	\$387
11	1,884	\$408
12	2,024	\$439
13	2,116	\$459
14	2,232	\$484
15	2,316	\$502
16	2,432	\$527
17	2,668	\$578
18	2,730	\$591
19	2,786	\$604

**Section 5814, INCOME DISREGARDS, of Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, is amended as follows:**

**Subsection 5814.5 is amended to read as follows:**

5814.5 After application of these disregards in § 5814.4, the remaining income shall be compared to the Standard of Assistance for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. If the remaining income is less than the Standard of Assistance, the income shall be compared to the payment standard for the applicable family unit size as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made as of October 1, 2016.

**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 Supp.)); Section 3205 (jjj) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 39-105 (2012 Supp.)); Section 2 of the District of Columbia Public Library Board of Trustees Appointment Amendment Act of 1985, effective September 5, 1985 (D.C. Law 6-17; D.C. Official Code § 39-105 (2012 Supp.)); the Procurement Reform Amendment Act of 1996, effective April 12, 1997, as amended (D.C. Law 11-259; 44 DCR 1423 (March 14, 1997)); and Section 156 of An Act Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, approved October 21, 1998 (112 Stat. 2681, Pub. L. 105-277; codified at D.C. Official Code § 39-105 (2012 Repl.)); hereby gives notice of the adoption of the following amendments to Chapter 43 (District of Columbia Public Library: Procurement) of Title 19 (Amusements, Parks, and Recreation) of the District of Columbia Municipal Regulations (DCMR).

The amendment adds new Sections 4385 (Advance Payments for Books from Birth Program), 4386 (Application for Advance Payments), and 4387 (Interest on Advance Payments). The purpose of these amendments is to provide advance funds to the Books from Birth vendor so that contract services can be provided to children in the District without interruption. D.C. Official Code § 39-115 authorizes the Executive Director to enter into contracts to provide books to all children under the age of five (5) residing in the District. These proposed rules will allow vendors to be paid in advance so the vendor has funds to order and mail the books to the children.

The Board of Trustees has appointed the Chief Librarian/Executive Director, through D.C. Official Code § 39-105(a)(10) (2012 Repl.), to establish rules and manage the day-to-day operations of the library. On December 6, 2016, 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 December 16, 2016 at 63 DCR 15547. There were no comments received during the thirty (30) day comment period.

These rules were adopted as final on December 16, 2016 and become effective immediately upon publication of this notice in the *D.C. Register*.

**Chapter 43, DISTRICT OF COLUMBIA PUBLIC LIBRARY: PROCUREMENT, of Title 19 DCMR, AMUSEMENTS, PARKS, AND RECREATION, is amended as follows:**

**New Sections 4385 - 4387 are added as follows:**



**4385            ADVANCE PAYMENTS FOR BOOKS FROM BIRTH PROGRAM**

- 4385.1            The DCPL Chief Procurement Officer (“CPO”) **may** authorize advance payments to a responsible contractor who is a provider for the Books from Birth program upon the determination that such advance payments are appropriate and necessary to achieve the goals of the Books from Birth program.
- 4385.2            The CPO shall not authorize the use of advance payments unless the following criteria are met:
- (a)            The contractor has a need for contract financing in order to fulfill the contract;
  - (b)            The contractor is unable to obtain private financing or private financing is insufficient;
  - (c)            Use of progress payments would be insufficient to meet the contractor's financing needs; and
  - (d)            The use of advance payments would be in the best interests of the District;
- 4385.3            Before authorizing any advance payments allowed under this section, the DCPL CPO complete a written determination and findings which sets forth the contracting officer's findings on each of the criteria set forth in § 4385.2.
- 4385.4            If a contractor requesting advance payments is also receiving advance payments under another District contract, the DCPL CPO shall include this information in the determination and findings, and shall consider the additional financial risk to the District when making his or her recommendation.
- 4385.5            If the request for advance payments is approved, the DCPL CPO shall ensure that the advance payments do not exceed three (3) months of payments within the annual contract.
- 4385.6            The contractor shall submit an invoice for the proposed amount of the advance based on estimated costs before the advance is issued. Once the advance has been issued, the contractor shall submit invoices of the actual cost incurred on a monthly basis or as determined by the DCPL CPO.
- 4385.7            When advance payments are made under a contract, the contract administrator shall closely monitor the performance of the contractor and the contractor's financial condition. A contractor receiving advance payments shall be subject to audit at any time, as determined by the DCPL CPO or contract administrator.

- 4385.8 The DCPL CPO may suspend or terminate advance payments if the contractor fails to account adequately for the use of advance funds or fails to use the funds to meet obligations related to the contract, including but not limited to the following:
- (a) Failure to pay wages due to contract personnel;
  - (b) Failure to escrow withholding and payroll taxes and make required periodic tax deposits; or
  - (c) Any other failure to meet any other financial obligation under the contract for which advance payments are intended.
- 4385.9 At the end of each fiscal year, the contractor shall refund DCPL any monies owed as a result of advance payments issued to the contractor.
- 4385.10 The DCPL CPO shall charge interest on the daily balance of the advance payments due to be refunded to DCPL at the rate of interest the District allows in judgments and decrees as set forth in the D.C. Official Code §28-3302(c) (1981 ed.), unless the balance is repaid within thirty (30) days of the end of the fiscal year.
- 4385.11 The DCPL CPO shall not allow interest charges for advance payments as reimbursable costs under cost-reimbursement contracts, whether the interest charge was incurred by the prime contractor or a subcontractor.

## **4386 APPLICATION FOR ADVANCE PAYMENTS**

- 4386.1 An eligible contractor may apply for advance payments before or after the award of a contract.
- 4386.2 The contractor or prospective contractor shall submit an advance payment request to the DCPL CPO in writing, which provides the following information:
- (a) A reference to the contract, if the request concerns an existing contract, or a reference to the solicitation, if the request concerns a proposed contract;
  - (b) A cash flow forecast showing estimated disbursements and receipts for the period of contract performance;
  - (c) The proposed total amount of advance payments;
  - (d) A description of the contractor's efforts to obtain private financing;
  - (e) Whether the contractor is receiving or has applied to receive advance payments under any other current District contracts or solicitations; and

- (f) Other information appropriate to an understanding of the following:
- (1) The contractor's financial condition and need;
  - (2) The contractor's ability to perform the contract without loss to the District; and
  - (3) Financial safeguards that will be used to protect the District's interests.

#### **4387 INTEREST ON ADVANCE PAYMENTS**

- 4387.1 The DCPL CPO shall charge interest on the daily balance of all advance payments at the rate of interest in the District allowed in judgments and decrees as set forth in the D.C. Official Code § 28-3302(c) (1981 ed.).
- 4387.2 The interest rate for advance payments shall be adjusted for changes in the prime rate or any change in rate established under D.C. Official Code §28-3302(c) (1981 ed.).
- 4387.3 Interest shall be computed at the end of each month on the daily balance of advance payments at the applicable daily interest rate, unless the balance is repaid within thirty (30) days.
- 4387.4 The DCPL CPO shall not allow interest charges for advance payments as reimbursable costs under cost-reimbursement contracts, whether the interest charge was incurred by the prime contractor or a subcontractor.

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF or the Department), pursuant to the authority set forth in An Act to enable the District of Columbia (District) to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat.774; D.C. Official Code § 1-307.02 (2016 Repl.)), and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the intent to adopt an amendment to Section 9502 (Residency) of Chapter 95 (Medicaid Eligibility) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

DHCF, as the single state agency for the administration of the State Medicaid program under Title XIX of the Social Security Act and CHIP under Title XXI of the Social Security Act in the District, is responsible for supervising and administering the District of Columbia State Plan (State Plan) for Medical Assistance pursuant to 42 U.S.C. §§ 1396 *et seq.*, and amendments thereto. In that capacity, DHCF shall ensure that the State Plan establishes and/or maintains standards that govern DHCF, or its designee, in the administration of the District's Medicaid program.

The existing rules originally implemented changes to the District's eligibility policies and procedures in accordance with the Patient Protection and Affordable Care Act of 2010, approved March 23, 2010 (Pub. L. No. 111-148, 124 Stat 119), as amended, and supplemented by the Health Care and Education Reconciliation Act of 2010, approved January 5, 2010 (Pub. L. No. 111-152, 124 Stat. 1029; codified as amended in scattered sections of 42 U.S.C.))(collectively referred to as the Affordable Care Act) (ACA), and related regulations.

These rules propose to amend Section 9502 (Residency) by defining when an individual, who is temporarily absent from the District, may satisfy residency criteria for Medicaid. It also identifies the conditions under which otherwise eligible foster care individuals placed outside of the District may satisfy eligibility criteria for Medicaid. These conditions include compliance with the federal designation of foster care at 45 C.F.R. § 1355.20; receipt of services by a provider enrolled in the District's Medicaid program at 29 DCMR § 9400; placement in an out-of-District foster home by the District's Child and Family Services Agency (CFSA); and taking into account the best interest of the individual when determining continued eligibility for and enrollment in the District's Medicaid program. DHCF projects no change in federal expenditures following implementation of this rule.

This proposed rulemaking correlates to a State Plan Amendment (SPA) to the District of Columbia State Plan for Medical Assistance. The SPA was approved by the U. S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) on April 21, 2016 and by the Council of the District of Columbia on March 18, 2016 (PR21-0559).

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

**Chapter 95, Medicaid Eligibility, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:**

**Section 9502, RESIDENCY, is amended by replacing Subsections 9502.8 and 9502.15, inserting two (2) new subsections after Subsection 9502.23, and renumbering subsequent subsections to read as follows:**

**9502 RESIDENCY**

- 9502.1 An individual shall be a resident of the District as a condition of Medicaid eligibility.
- 9502.2 An individual shall be considered incapable of stating intent to reside in the District if one of the following applies to the individual:
- (a) Individual has an I.Q. of forty-nine (49) or less or a mental age of seven (7) or less, based on tests acceptable to the District Department on Disability Services;
  - (b) Individual is judged legally incompetent; or
  - (c) Individual is found incapable of indicating intent by a physician, psychologist, or other similarly individual licensed in accordance with the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201 *et seq.* (2012 Repl.)).
- 9502.3 A resident of the District shall be any individual who:
- (a) Meets the conditions of Subsections 9502.4 through 9502.19; or
  - (b) Meets the criteria specified in an interstate agreement under Subsection 9502.24.
- 9502.4 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, and 9502.14 below, an individual under age nineteen (19) who lives in the District shall be considered a resident of the District.
- 9502.5 Subject to the exceptions identified in Subsections 9502.6, 9502.11, 9502.12, and 9502.14 below, the state of residence of an individual who is age nineteen (19) through twenty (20) shall be where the individual resides or the state of residency of the parent or caretaker relative with whom the individual resides.

- 9502.6 An individual who is under the age of twenty-one (21), who is capable of stating intent to reside; who is married or emancipated, and who does not reside in an institution, shall follow the residency rules applicable to individuals who are the age of twenty-one (21) and older.
- 9502.7 An individual, who is the age of twenty-one (21) or older and who does not live in an institution, shall be considered a resident of the District if the individual is living in the District voluntarily and not for a temporary purpose; that is, an individual with no intention of presently leaving including individuals without a fixed address or who have entered the District with a job commitment or seeking employment, whether or not currently employed.
- 9502.8 For purposes of determining eligibility for Medicaid, an individual may retain his or her status as a resident of the District of Columbia if the individual considers the District to be his or her fixed place of residence to which he or she will return with the intent to reside following a temporary absence, and:
- (a) The individual is absent from the District for less than ninety (90) days; or
  - (b) The individual is absent from the District for more than ninety (90) days for good cause, as determined by DHCF, which may include, but not be limited to, the following:
    - (1) School attendance: an individual under the age of twenty-one (21) who is away from the District for the sole purpose of attending a boarding school or other educational facility, if otherwise eligible, may retain Medicaid eligibility;
    - (2) Medical care: an otherwise eligible individual in need of medical care that temporarily resides outside of the District may retain Medicaid eligibility as long as the need for medical care continues; or
    - (3) U.S. Military service: an individual with full-time employment in the U.S. military service, if otherwise eligible, may retain Medicaid eligibility while away from the District due to a duty assignment.
- 9502.9 Residence as defined for eligibility purposes shall not depend upon the reason for which the individual entered the District, except insofar as it may bear on whether the individual is there for a temporary purpose.
- 9502.10 Unless an exception applies, the State of residence for an individual who is age twenty-one (21) and over, and who is not living in an institution, but who is incapable of stating intent to reside, shall be the State where the individual lives.

- 9502.11 Where a District agency or designee arranges or makes an out-of-state placement for any individual aged eighteen (18) and older receiving diagnostic, treatment, or rehabilitative services related to intellectual or developmental disabilities, the District shall be the State of residence.
- 9502.12 The State of residence for an individual placed by the District in an out-of-District institution shall be determined as follows:
- (a) An individual who is placed in an institution in another State by a District agency or designee is a District resident;
  - (b) If a District agency or designee arranges or makes the placement, the District is considered as the individual's State of residence, regardless of the individual's intent or ability to indicate intent;
  - (c) Where a placement is initiated by a District agency or designee because the District lacks a sufficient number of appropriate facilities to provide services to its residents, the District, as the State making the placement is the individual's State of residence.
- 9502.13 Any action by a District agency or designee beyond providing information to the individual and the individual's family constitutes arranging, or making, an out-of-District placement in an institution.
- 9502.14 The State of residence for an individual of any age who receives a State supplementary payment (SSP) shall be the State paying the SSP.
- 9502.15 Except as provided in Section 9202.24 and 9202.25, the State of residence for individuals under the age of twenty-one (21) receiving adoption assistance, foster care, or guardianship care under title IV-E of the Social Security Act (the Act) shall be the State where the individual resides.
- 9502.16 The State of residence for an institutionalized individual under the age of twenty-one (21), who is neither married nor emancipated, shall be the following:
- (a) The parent's or legal guardian's State of residence at the time of placement;
  - (b) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that same State; or
  - (c) If the individual has been abandoned by his or her parents and has no legal guardian, the State of residence of the individual who files an application.

- 9502.17 For any institutionalized individual who became incapable of indicating intent before age twenty-one (21), the State of residence shall be:
- (a) That of the parent applying for Medicaid on the individual's behalf, if the parents reside in separate States (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);
  - (b) The parent's or legal guardian's State of residence at the time of placement (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's);
  - (c) The current State of residence of the parent or legal guardian who files the application if the individual is institutionalized in that State (if a legal guardian has been appointed and parental rights are terminated, the State of residence of the guardian is used instead of the parent's); or
  - (d) The State of residence of the individual or party who files an application is used if the individual has been abandoned by their parent(s), does not have a legal guardian and is institutionalized in that State.
- 9502.18 For any institutionalized individual (regardless of any type of guardianship) who became incapable of indicating intent at or after age twenty-one (21), the State of residence is the State in which the individual is physically present, except where another State makes a placement.
- 9502.19 For any other institutionalized individual, the State of residence shall be the State where the individual is living and intends to reside.
- 9502.20 The Department shall not deny eligibility for Medicaid because an individual has not resided in the District for a specified period.
- 9502.21 The Department shall not deny eligibility for Medicaid to an individual in an institution, who satisfies the residency rules set forth in this section on the grounds that the individual did not establish residence in the District before entering the institution.
- 9502.22 The Department shall not deny or terminate an individual's eligibility for Medicaid because of the individual's temporary absence from the District if the individual intends to return when the purpose of the absence has been accomplished, unless another State has determined that the individual is a resident there for purposes of Medicaid.
- 9502.23 The District may extend eligibility for Medicaid to individuals who would traditionally be considered residents of a State other than the District under an interstate agreement.



- 9502.24 The Department may consider an individual under the age of twenty-one (21) who receives foster care assistance from the District under title IV-E of the Social Security Act and lives in an out-of-District foster home to be a resident of the District when:
- (a) The individual receives foster care as defined at 45 C.F.R. § 1355.20;
  - (b) The individual receives services from a provider screened and is enrolled in the District Medicaid program pursuant to 29 DCMR §§ 9400 *et seq.*;
  - (c) The District's Child and Family Services Agency (CFSA) places the individual in an out-of-District foster home for reasons related to the safety, permanence, and well-being of abused and neglected children and their families; and
  - (d) The District evaluates all factors affecting the best interests of the individual and determines that continued eligibility for and enrollment in the District Medicaid program is in the best interest of the individual.
- 9502.25 The District may determine that continued eligibility for and enrollment in the District Medicaid program is not in the best interest of an individual described in Subsection 9502.24 for the following reasons:
- (a) The individual cannot obtain services from a provider enrolled in the District's Medicaid program because of their geographic distance;
  - (b) The individual has special health needs that cannot be addressed by an available and accessible provider enrolled in the District's Medicaid program;
  - (c) The individual, or someone acting responsibly for the individual, requests that the individual be enrolled in the state's Medicaid program where the individual is living; or
  - (d) The District evaluates all factors affecting the best interests of the individual and determines that continued eligibility for and enrollment in the District Medicaid program is not in the best interest of the individual.
- 9502.26 Where two or more States cannot resolve which State is the State of residence, and in the absence of an interstate agreement between the District and another State governing disputed residency, the State where the individual is physically located shall be the State of residence.

Comments on the proposed rule shall be submitted, in writing, to Claudia Schlosberg, J.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4<sup>th</sup> Street, NW, Suite 900S, Washington, DC 20001, via telephone on (202) 442-8742, via e-mail at

[DHCFPubliccomments@dc.gov](mailto:DHCFPubliccomments@dc.gov), or online at [www.dcregs.dc.gov](http://www.dcregs.dc.gov), within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the proposed rules may be obtained from the above address.

**DEPARTMENT OF HEALTH****NOTICE OF PROPOSED RULEMAKING**

The Director of the Department of Health, pursuant to the authority set forth in Section 4902 of the Department of Health Functions Clarification Act of 2001 (“Act”) effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(a)(11) (2012 Repl. & 2016 Supp.)), and Mayor’s Order 2001-111, dated August 6, 2001, hereby gives notice of her intent to amend the swimming pool and spa pool regulations in Title 25 (Food Operations and Community Hygiene Facilities), Subtitle C (Swimming Pool and Spa Regulations) of the District of Columbia Municipal Regulations (DCMR), by repealing the current regulations in Chapter 64 (Swimming Pools and Spas) of Title 25-C in its entirety, and establishing in its place new “Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas” in Chapters 1 through 10 and 99 of Title 25-C.

The proposed rulemaking updates the existing regulations to reflect new industry standards and District regulations. Most significantly, the proposed rulemaking incorporates industry standards that are included in the second edition of the “Model Aquatic Health Code” published by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention.

In addition, the proposed rulemaking reflects the following additional industry standards:

- The bather load requirements of the 2012 International Swimming Pool and Spa Code (see Section 304); and
- The dimensional standards for competition type pools as published by the National Collegiate Athletic Association (NCAA), 2012-2013 or most recent addition; Fédération Internationale De Natation Amateur (FINA), 2015-2017 Handbook or most recent addition; 2015-2017 Official Technical Rules of United States Diving Inc. or most recent addition; 2015 United States Swimming Rules and Regulations or most recent addition, and National Federation of State High School Associations, 2015-2016 or most recent addition.

Furthermore, the proposed rulemaking reflects the following regulations issued by other District agencies, which regulations apply (in whole or in part) to aquatic facilities:

- The Department of Energy and Environment’s regulations for pesticide applicators, operators, and dealers (see Subsection 611.2);
- The Department of Parks and Recreation’s use of new a lifeguard training program offered by the International Lifeguard Training Program (see Sections 301 and 302);
- The Department of Consumer and Regulatory Affairs’ adoption of the “International Swimming Pool and Spa Code” for newly constructed public swimming pools, spas, and hot tubs; and

- The Office of Human Rights' requirements for signage, reasonable accommodations, and allowing individuals the right to use gender-specific restrooms and other gender-specific facilities that are consistent with their gender identity or expression (see Subsection 603.2).

In addition, some of the major changes to the existing regulations are described below:

- Section 203 allows an aquatic facility to designate eating areas and to allow the public to use non-glass and non-breakable water bottles.
- Section 203 requires an aquatic facility to close swimming pools and pool deck areas to the public during competitive swimming practices and/or swimming competitions.
- Revisions to the child safety plan age of expected bathers are included in Subsections 305.2(e) and (f).
- New water fountain requirements for existing aquatic facilities are included in Subsections 400.2 and 400.3.
- New depth marker tile requirements are included in Section 402.
- Revisions to chemical levels used to treat waters in swimming pools, spa pools, and saunas are included in Section 404.
- Updated regulations regarding the use of specific water quality test kits and new requirements for blood borne pathogen control kits are included in Sections 405 and 406.
- New requirements for spa pool and sauna turnover rates, plumbing system guidelines, and new circulation system charts for all different pool categories are included in Sections 408, 409, 410, and 411.
- New standard operating procedures for accidents involving bodily fluid are included in Subsection 412.7.
- New equipment room size, minimum ceiling height, and lighting requirements are included in Subsection 503.5.
- New general and emergency pool lighting requirements for all areas of the pool are included in Section 504.
- New requirements for first aid and safety equipment for public and semi-public swimming pools are included in Section 505.

- New requirements for pool safety covers including installation and weight capacity are included in Subsections 505.5, 610.9 and 610.10.
- New requirements for recordkeeping storage, access, handling, and prohibited use of chemicals for new and existing facilities are included in Section 608.
- New requirements for the installation of an eye wash station are included in Section 609.
- New requirements for the issuance of licenses, registrations, certifications, certificates of occupancy, and applications are included in Sections 700, 701, 702, 703, 704, and 706.
- New Department of Health access and inspection requirements are included in Subsection 710.1.
- Updated requirements for public record retention and disclosure are included in Section 714.
- New imminent health hazard provisions are included in Subsections 715.1 and 715.2.
- New informal conference requirements are included in Chapter 8.
- Updated requirements for service of process are included in Chapter 9.
- Updated administrative and civil penalties and judicial review provisions are included in Chapter 10.
- The public pool classifications (categories) have been revised and new definitions have been added.

The Director also gives notice of her intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

**Subtitle C, SWIMMING POOL AND SPA REGULATIONS, of Title 25 DCMR, FOOD OPERATIONS AND COMMUNITY HYGIENE FACILITIES, is amended to read as follows:**

**SUBTITLE C AQUATIC FACILITIES REGULATIONS:  
SWIMMING POOLS, SPA POOLS, AND SAUNAS**

**CHAPTER 1 TITLE, INTENT, SCOPE**

- 100 Title – Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas**
- 101 Intent – Safety**
- 102 Compliance with District Laws, Federal Laws, and Industry Standards/Guidelines**

**CHAPTER 2 GENERAL PROVISIONS**

- 200 General Provisions – Swimming Pool Supervision & Posting Requirements\***
- 201 General Provisions – Swimming Pool Admission Rules, Signs, & Postings\***
- 202 General Provisions – Spa Pool and Sauna Admission Rules, Signs, & Postings\***
- 203 General Provisions – Aquatic Facilities, Food and Beverage Consumption, Prohibitions**
- 300 Pool and Spa Operator – Training and Certifications, & Department Issued Registration Card\***

**CHAPTER 3 TRAINING & CERTIFICATIONS, DUTIES, FACILITY POSTINGS & USE RESTRICTIONS, AND CHILD SAFETY PLAN\***

- 301 Lifeguards – Duties\* \***
- 302 Lifeguards and Swimming Instructors – Training and Certifications\***
- 303 Lifeguard Requirements – Swimming Pool, Restricted Use**
- 304 Additional Lifeguard Requirements – Bather Load, Pool Size, Visual Obstructions, and Dimensions**
- 305 Child Safety Plan**

**CHAPTER 4 WATER QUALITY, CIRCULATION SYSTEMS, AND REPORTING REQUIREMENTS**

- 400 Water Quality – Approved Source\***
- 401 Water Quality – Standards, Drinking Water\***
- 402 Water Quality – Standards, Clarity, Depth Markers, and Temperature\***
- 403 Water Quality – Standards, Bacteriological\***
- 404 Water Quality – Standards, Chemical Quality\***
- 405 Water Quality – Test Kits**
- 406 Water Quality – Contamination**
- 407 Recirculation and Treatment System – Cross-Connection Prevention**

- 408 Recirculation and Treatment System – Spa Pool and Sauna Turnover Rates & Plumbing System\*
- 409 Circulation Systems – Public Swimming Pools, Turnover Rates\*
- 410 Circulation System – Aquatic Recreation Facilities’ Turnover Rates, and Skimming Systems\*
- 411 Water Supply and Wastewater Disposal – Contaminants, Removal
- 412 Reporting Requirements – Daily Water Quality & Safety Logs
- 413 Reporting Requirements – Emergency Notifications

**CHAPTER 5 EQUIPMENT, EQUIPMENT ROOM, STORAGE AND MAINTENANCE, AND SAFETY**

- 500 Equipment Rooms – Security Access\*
- 501 Equipment Rooms – Floor Covering\*
- 502 Equipment Rooms – Ventilation and Access\*
- 503 Equipment and Equipment Rooms – Size, Lighting, Maintenance and Good Repair, & Prohibited Items\*
- 504 General and Emergency Pool Lighting Requirements
- 505 First Aid and Safety Equipment

**CHAPTER 6 PLUMBING SYSTEMS, PHYSICAL STRUCTURE, DESIGN, ACCOMODATIONS, FACILITY MAINTENANCE, AND PEST CONTROL**

- 600 Physical Structure – Building Materials and Workmanship
- 601 Plumbing Systems – Design, Construction, Installation, and Cleanable Fixtures\*
- 602 Plumbing Systems – Water Temperature & Flow, Numbers, and Prohibitions\*
- 603 Toilet Facilities – Required Signage
- 604 Shower Facilities, Dressing Rooms – Reasonable Accommodations
- 605 Facility Maintenance – Physical Structure, Materials, Cleanability, and Prohibitions
- 606 Facility Maintenance – Toilet Facilities (Restrooms), Shower Facilities, Dressing Rooms, Handwashing Sinks, Access, and Prohibitions\*
- 607 Facility Maintenance – Equipment, Chemical Supplies, Use, Labeling, and Access\*
- 608 Facility Maintenance – Chemicals, Handling, Storage, and Safety\*
- 609 Facility Maintenance – Eye Wash Stations, Installation, Accessibility, Maintenance, and Training
- 610 Facility Maintenance – Effective Barriers, Fences\*
- 611 Facility Maintenance – Controlling Pests\*
- 612 Facility Maintenance – Removing Dead or Trapped Birds, Insects, Rodents, & Other Pests, and Animal Prohibition\*

**CHAPTER 7 APPLICATION & LICENSING REQUIREMENTS, AND DEFINITIONS**

- 700 Licenses, Registrations, & Certifications, and Certificate of Occupancy Requirements\***
- 701 Application Procedures for Facility License – Form of Submission, Notice**
- 702 Application Procedures for Facility License – Contents of the Application Packet**
- 703 Application Procedures – Denial of Application for Facility License, Notice**
- 704 Issuance of Pool and Spa Operators’ Registration Cards**
- 705 Issuance of Facility License – Required Plan Reviews and Approvals**
- 706 Issuance of New and Renewal Facility Licenses – Existing Facility, New Construction, Renovation, and Retrofitting of Swimming Pools, Spa Pools, or Sauna Facilities**
- 707 Issuance of Facility License – Existing Facilities, and Change in Ownership, or Location**
- 708 Required Postings**
- 709 Licenses and Permits Not Transferable\***
- 710 Access & Inspections – Department’s Right of Entry, Denial, and Inspectors’ Competency\***
- 711 Report of Findings – Specifying Time Frame for Corrections**
- 712 Report of Findings – Issuing Report and Obtaining Acknowledgement of Receipt**
- 713 Report of Findings – Refusal to Sign Acknowledgement**
- 714 Report of Findings – Public Information, Records Retention**
- 715 Imminent Health Hazards – Ceasing Facility Operations and Emergency Reporting\***
- 716 Imminent Health Hazard – Resumption of Facility Operations\***
- 717 Critical Violations – Time Frame for Correction**
- 718 Critical Violations – Verification and Documentation of Corrections**
- 719 Noncritical Violations – Time Frame for Correction**
- 720 Request for Reinspection**

**CHAPTER 8 ADMINISTRATIVE ENFORCEMENT ACTIONS AND ORDERS**

- 800 Administrative Enforcement Action – Remedies**
- 801 Administrative Enforcement Action – Condemnation Order, Justifying Conditions and Removal of Equipment, Chemicals, or Other Operational Supplies**
- 802 Administrative Enforcement Action – Condemnation Order, Contents**
- 803 Administrative Enforcement Action – Condemnation Order, Official Tagging or Marking of Equipment, Chemicals, or Other Operational Supplies**
- 804 Administrative Enforcement Action – Condemnation Order, Equipment, Chemicals, or Other Operational Supplies May Not Be Used or Moved**
- 805 Administrative Enforcement Action – Condemnation Order, Removing the Official Tag or Marking**



- 806 Administrative Enforcement Action — Condemnation Order, Warning or Informal Conference Not Required
- 807 Administrative Enforcement Action — Summary Suspension of License, Conditions Warranting Action
- 808 Administrative Enforcement Action — Contents of Summary Suspension Notice
- 809 Administrative Enforcement Action — Summary Suspension, Warning or Informal Conference Not Required
- 810 Administrative Enforcement Action — Summary Suspension, Time Frame for Reinspection
- 811 Administrative Enforcement Action — Summary Suspension, Term of Suspension, Reinstatement
- 812 Administrative Enforcement Action — Revocation or Suspension of License, or Denial of Application or Renewal of License

**CHAPTER 9 SERVICE OF PROCESS**

- 900 Service of Process – Notice, Proper Methods
- 901 Service of Process — Department Issued Notices of Summary Suspension, Notices of Infraction, and Other Directives
- 902 Service of Process — Notice, Effectiveness
- 903 Service of Process — Proof of Proper Service

**CHAPTER 10 ADMINISTRATIVE AND CIVIL PENALTIES, AND JUDICIAL REVIEW**

- 1000 Notice of Infractions
- 1001 Civil Fines and Penalties
- 1002 Judicial Review — Appeals
- 1003 RESERVED — Fee and Service Schedule

**CHAPTER 99 DEFINITIONS**

- 9999 Definitions — General Provision and Definitions

**CHAPTER 1 TITLE, INTENT, SCOPE**

**100 TITLE — AQUATIC FACILITIES REGULATIONS: SWIMMING POOLS, SPA POOLS, AND SAUNAS**

100.1 These provisions shall be known as the Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas hereinafter referred to as “these regulations.”

**101 INTENT – SAFETY**

101.1 The purpose of these regulations is to prevent disease, sanitary nuisances, and accidents that threaten or impair the public’s health and safety, and to prevent any modifications that result in unsanitary operations or danger to public health or safety.

- 101.2 These regulations prescribe minimum design, construction, and operation requirements that are intended to protect the health and safety of the public in swimming pools and spas.
- 101.3 The Department shall regulate certain aspects of the design, equipment, operation, installation, new construction and rehabilitation of swimming pools, spa pools, and saunas. Where adequate standards do not exist and these regulations do not provide sufficient guidance for consideration of innovations in design, construction and operation of proposed swimming pools, spa pools, and saunas, the Department will establish requirements necessary to protect the health and safety of patrons.
- 101.4 These regulations establish definitions; set quality control standards for personnel, health, sanitary operations, equipment and facilities; provide for the issuance of licenses and certifications and inspections; and provide for enforcement through suspension and revocation of licenses and certifications, condemnation of equipment, and fines and penalties.
- 101.5 These regulations shall not apply to:
- (a) A swimming pool, spa pool, or sauna that is less than twenty-four inches (24 in.) (six hundred and ten millimeters (610 mm)) deep or that has a surface area less than two hundred fifty (250) square feet (twenty-three and twenty-five squared meters (23.25m<sup>2</sup>)), except when permanently equipped with a water-recirculating system or constructed with structural materials;
  - (b) Private single family residential swimming pools, spa pools, and saunas as regulated by the Department of Consumer and Regulatory Affairs (DCRA), and as defined in these Regulations;
  - (c) A swimming pool, spa pool, or sauna which is completely emptied of water, disinfected, and refilled with water between each use and that is intended for use or used by a single individual during each use; or
  - (d) A swimming pools, spa pools, or saunas that are operated for medical treatment or physical therapy, and water therapy facilities under the direction and control of medical personnel licensed pursuant to Section 501 of the Health Occupations Revision Act of 1985 Amendment Act of 1994, effective March 23, 1995 (D.C. Law 10-247; D.C. Official Code § 3-1205.01 (2016 Repl.)), as defined in these Regulations.
- 101.6 Certain provisions of these regulations are identified as critical. Critical provisions are those provisions where noncompliance serves as a vector for a waterborne

illness, or an environmental health hazard. A critical item is denoted with an asterisk (\*).

101.7 Certain provisions of these regulations are identified as noncritical. Noncritical provisions are those provisions where noncompliance is less likely to serve as a vector for a waterborne illness, or an environmental health hazard. A headnote that is denoted in these regulations without an asterisk (\*) is a noncritical item. However, a critical item may have a provision within it that is designated as a noncritical item with a superscripted letter “N” following the provision.

## 102 COMPLIANCE WITH DISTRICT LAWS, FEDERAL LAWS, AND INDUSTRY STANDARDS/GUIDELINES

102.1 The most recent versions of District and federal laws and regulations or any successor standards are hereby incorporated by reference:<sup>1</sup>

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<sup>1</sup> Section 102.1 cites to copyrighted materials that are not republished in these regulations. However, these materials are available on their respective websites, as follows:

- The Virginia Graeme Baker Pool and Spa Safety Act of 2007, approved December 19, 2007 (Pub.L.110-140) (<http://des.sh.gov/organization/divisions/water/wmb/pools/documents/vgb-act.pdf>)
- National Sanitation Foundation NSF-ANSI Standard 60-2005 Drinking Water Treatment Chemicals – Health Effects (<http://www.nsf.org/services/by-industry/water-wastewater/water-treatment-chemicals/nsf-ansi-standard-60>)
- National Sanitation Foundation NSF/ANSI Standard 50-2007 Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs, dated April 2007, approved substitute filters ([http://standards.nsf.org/apps/group\\_public/download.php/458/50i51r1.pdf](http://standards.nsf.org/apps/group_public/download.php/458/50i51r1.pdf))
- American National Standard ASME A112.19.8 - 2007 Suction Fittings For Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs published by the American Society of Mechanical Engineers; performance standard (<http://www.poolsafely.gov/wp-content/uploads/2016/04/pssa.pdf>)
- ASME/ANSI standard A112.19.7 Safety Standard Vacuum Release System or ASTM standard F2387 (<http://www.poolsafely.gov/wp-content/uploads/2016/04/pssa.pdf>)
- American National Standard Specifications for Ceramic Tile A137.1-2012 (Dynamic Coefficient of Friction Specification and Testing for Slip Resistance) (<http://www.tcnatile.com/>)
- U.S. Consumer Product Safety Commission (CPSC) Publication No. 362 Guidelines, entitled “Safety Barrier Guidelines for Home Pools; and any other pool safety guidelines established by the Commission ([http://www.anotherperfectpoolnews.com/wp-content/CPODocs/VGB\\_Handout.pdf](http://www.anotherperfectpoolnews.com/wp-content/CPODocs/VGB_Handout.pdf))
- U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) “The Model Aquatic Health Code” 2<sup>nd</sup> Edition (July 2016) (<http://www.cdc.gov/mahc/currentedition/index.html>)
- National Collegiate Athletic Association (NCAA), 2012 – 2013 (<http://www.ncaa.org/>)
- National Federation of State High School Associations, 2015 – 2016 (<https://www.nfhs.org/activities-sports/swimming-diving/>)

- (a) The Virginia Graeme Baker Pool and Spa Safety Act of 2007, approved December 19, 2007 (Pub.L.110-140);
- (b) 40 CFR Part 141 – National Primary Drinking Water Regulations;
- (c) National Sanitation Foundation NSF-ANSI Standard 60-2005 Drinking Water Treatment Chemicals – Health Effects;
- (d) Department of Justice (DOJ) 2010 Americans with Disabilities Act Accessibility Standards, 28 CFR Part 36, Subpart D, effective March 15, 2012;
- (e) National Sanitation Foundation NSF/ANSI Standard 50-2007 Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs, dated April 2007, approved substitute filters;
- (f) American National Standard ASME A112.19.8 - 2007 Suction Fittings For Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs published by the American Society of Mechanical Engineers; performance standard;
- (g) ASME/ANSI standard A112.19.7 Safety Standard Vacuum Release System or ASTM standard F2387;
- (h) American National Standard Specifications for Ceramic Tile A137.1-2012 (Dynamic Coefficient of Friction Specification and Testing for Slip Resistance);
- (i) U.S. Consumer Product Safety Commission (CPSC) Publication No. 362 Guidelines, entitled “Safety Barrier Guidelines for Home Pools; and any other pool safety guidelines established by the Commission;
- (j) U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) “The Model Aquatic Health Code” 2<sup>nd</sup> Edition (July 2016);
- (k) National Collegiate Athletic Association (NCAA), 2012 - 2013;
- (l) National Federation of State High School Associations, 2015 - 2016; and
- (m) The District of Columbia’s Construction Codes Supplements of 2013, Title 12 of the District of Columbia Municipal Regulations, (61 DCR 3453

(March 28, 2014 – Part 2)); which consist of the following International Code Council (ICC):<sup>2</sup>

- (1) International Building Code (2012 edition);
- (2) International Mechanical Code (2012 edition);
- (3) International Plumbing Code (2012 edition);
- (4) International Fire Code (2012 edition);
- (5) International Existing Building Code (2012 edition);
- (6) International Swimming Pool and Spa Code (2012 edition); and
- (7) The National Fire Protection Association (NFPA) National Electrical Code (2014 edition).

102.2 If a conflict arises between a provision in these regulations and a federal law or regulation cited in Subsection 102.1 above, the federal law or regulation shall take precedence over these regulations. However, where there is a conflict between provisions in these regulations, the International Codes or their referenced standards, or the District's Construction Codes Supplements, the District's Construction Codes Supplements, including standards and amendments, shall take precedence.

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<sup>2</sup> The International Council Codes are copyrighted and are not republished in these Regulations. However, copies of the International Council Codes, as amended by the District of Columbia's Construction Codes Supplements of 2013, are available on the following websites:

- (a) The District of Columbia Building Supplement (2013) (12 DCMR A)  
(<http://publiccodes.cyberregs.com/icod/ibc/2012/index.htm?bu=IC-P-2012-000001&bi2=IC-P-2012-000019>)
- (b) The District of Columbia Mechanical Code Supplement (2013)(12 DCMR E)  
(<http://pulicecodes.cyberregs.com/icod/imc/2012/index.htm?bu=IC-P-2012-000005&bu2=IC-P-2012-000019>)
- (c) The District of Columbia Plumbing Code Supplement (2013)(12 DCMR F)  
(<http://pulicecodes.cyberregs.com/icod/ipc/2012/index.htm?bu=IC-P-2012-000005&bu2=IC-P-2012-000019>)
- (d) The District of Columbia Fire Code Supplement (2013)(12 DCMR H)  
(<http://pulicecodes.cyberregs.com/icod/ifc/2012/index.htm?bu=IC-P-2012-000005&bu2=IC-P-2012-000019>)
- (e) The District of Columbia Electrical Code Supplement (2013)(12 DCMR C)  
(<http://www.nfpa.org>)
- (f) The District of Columbia Swimming Pool and Spa Code Supplement (2013)(12 DCMR L)  
(<http://pulicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000005&bu2=IC-P-2012-000019>)
- (g) The District of Columbia Existing Building Code  
(<http://publiccodes.cyberregs.com/icod/iebc/2012/index.htm?bu=IC-P-2012-000006&bu2=IC-P-2012-000019>)

- 102.3 In enforcing the provisions of these regulations, the Department shall regulate certain aspects of a public swimming pool, spa pool, or sauna's physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings in use before the effective date of these regulations based on the following considerations:
- (a) Whether the establishment's physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings used in the public swimming pool, spa pool, or sauna, is in good repair or capable of being maintained in a hygienic condition in compliance with these regulations; or
  - (b) The existence of a documented agreement with the licensee that the physical structure; operating systems, equipment, devices, fixtures, supplies, or furnishings used in public swimming pool, spa pool, or sauna will be replaced by an agreed upon date.

## CHAPTER 2 GENERAL PROVISIONS

### 200 GENERAL PROVISIONS — SWIMMING POOL SUPERVISION & POSTING REQUIREMENTS\*

- 200.1 The licensee may employ the services of a swimming pool Management Company to fulfill the requirements of these regulations.
- 200.2 All licensees, pool and spa operators, lifeguards or swimming instructors in charge of, or working at, public swimming pools shall be responsible for the supervision and swimming pool.
- 200.3 The licensee shall ensure that pool and spa operators, lifeguards or swimming instructors possess current first aid training certificates as specified in Subsections 302.3 and 302.4 of these regulations, and that pool and spa operators possess valid certificates issued by the Mayor as required in Subsection 700.4 of these regulations.
- 200.4 A licensee shall ensure that an individual functioning as both a lifeguard and pool and spa operator is in compliance with the requirements identified in Sections 200.3, 300, 301, 302, 304, 412.5, 412.7, 413.1, 704 and 710.3 of these regulations.
- 200.5 A licensee shall ensure swimming pools that are two hundred square feet (200 sq. ft.) in area or greater without an approved diving well configuration post a sign in letters that are four inch (4 in.) (one hundred and two millimeters (102 mm)) in height, which states:

“NO DIVING”

200.6 A licensee shall ensure swimming pools where the pool depth is five feet (5 ft.) (1524 mm) or less, a sign displaying “No Diving” symbol shall be posted:



200.7 The “No Diving” symbol in Subsection 200.6 or similar symbol shall be posted on the deck at intervals of not more than twenty-five feet (25 ft.) (seven thousand, six hundred and twenty millimeters (7620 mm)).

**201 GENERAL PROVISIONS – SWIMMING POOL ADMISSION RULES, SIGNS, & POSTINGS\***

201.1 Rules for the admission of bathers to the swimming pool shall be enforced and shall have a heading or caption that reads “Pool Rules” printed legibly with letters that are three inches (3”) or larger on a backing of durable construction and conspicuously posted in an appropriate location for all bathers to see before entering the swimming pool. The sign shall state the following:

- (a) No tobacco products, drink, glass or animals in the pool deck area;
- (b) Bathing load: \_\_\_\_ persons;
- (c) Pool hours: \_\_\_\_ a.m. to \_\_\_\_ p.m.;
- (d) Shower before entering pool area;
- (e) Do not swallow the pool water; and
- (f) The Pool and Spa Operator at this facility is \_\_\_\_\_ District Permit number \_\_\_\_\_.

201.2 Pool closed signs shall be provided and posted at bather entrances whenever a swimming pool’s operating license is summarily suspended for water quality or safety violations.

201.3 All swimming pools shall post a sign for all bathers to see before entering the swimming pool area directing bathers to shower before entering the pool.

201.4 In addition to Subsection 201.1, licensees, pool and spa operators, lifeguards, and swimming instructors shall enforce the following rules including but not limited to:

- (a) Restricting the introduction of dirt, excreta, and other extraneous matter into the water by bathers;
- (b) Excluding persons from the swimming pool who are intoxicated, and persons who show apparent signs of infection, such as open cuts, wounds, rashes, or blisters.
- (c) Restricting the importation of dangerous objects and materials into the swimming pool area;
- (d) Prohibiting smoking, and unsafe acts, both in and out of the water;
- (e) Prohibiting the use of topical agents including oils, body lotions, and minerals prior to entering, or while in the water. Waterproof sunscreens are allowed when applied and re-applied according to the manufacturers' recommendations;
- (f) The consumption of food or beverages is prohibited on the deck area and a three feet (3 ft.) clearance around the swimming pool, spa pool, or sauna perimeter shall be maintained at all times;
- (g) Ensuring that small children are water-safe, as defined in these regulations;
- (h) Ensuring that small children and frail individuals are properly supervised by a competent water-safe person in addition to the lifeguard; and
- (i) Requiring incontinent individuals to wear protective clothing and small children wearing diapers to also wear snugly-fitting rubber pants.

201.5 In addition to Section 201, when no lifeguard is on duty, a permanently mounted sign shall be printed legibly with letters that are three inches (3 in.) or larger conspicuously posted warning bathers of the following:

“WARNING – NO LIFEGUARD IS ON DUTY. SWIM AT YOUR OWN RISK.”

“NO CHILDREN UNDER THE AGE OF FIFTEEN (15) SHALL USE THE SWIMMING POOL WITHOUT ADULT SUPERVISION.”

“ADULTS SHOULD NOT SWIM ALONE.”

201.6 Wading pools that do not have a lifeguard inside the wading pool enclosure shall have a permanently mounted sign printed legibly with letters that are three inches (3 in.) or larger conspicuously posted which states:



## “WARNING – NO LIFEGUARD ON DUTY.”

**202 GENERAL PROVISIONS – SPA POOL AND SAUNA ADMISSION RULES, SIGNS, & POSTINGS\***

202.1 Rules for the admission to spa pools and saunas shall be enforced and shall have a heading or caption that reads “Spa pools and Saunas Rules” printed legibly with letters that are three inches (3 in.) or larger conspicuously posted adjacent to the entrance to each hot water facility except where notice is provided to bathers pursuant to Subsections 201.1, 201.5, and 201.6. The sign shall state:

- (a) Post a sign which reads, “The Pool and Spa Operator at this facility is \_\_\_\_\_ District Permit number \_\_\_\_\_;
- (b) Do not operate at water temperatures higher than one hundred and four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C)). The actual temperature of this spa pool at \_\_\_\_\_ o’clock today is \_\_\_\_\_° F (\_\_\_\_\_° C) at three (3) hour intervals; and
- (c) Bathers shall shower prior to entering the spa pool or sauna;
- (d) The maximum number of bathers allowed in the spa or hot tub at one time is \_\_\_\_\_. The maximum bather load shall be determined on the basis of nine square feet (9 sq. ft.) of water surface per bather;
- (e) “Risk of Drowning”;
- (f) Unsupervised use by children is prohibited;
- (g) Do not use alone;
- (h) Always enter and exit slowly and cautiously;
- (i) Bathers with a history of heart disease, diabetes, high or low blood pressure or who are pregnant should consult their physician prior to use;
- (j) Bathers on medication should consult with their physician prior to use;
- (k) Observe a reasonable time limit of 10 – 15 minutes, then shower upon exiting the hot water facility, cool down and rest before returning for another brief stay;
- (l) Long exposure may result in discomfort, nausea, dizziness or fainting, a shorter exposure period is recommended when a bather is pregnant;

- (m) Do not use while smoking, or under the influence of alcohol, drugs, medicines, or anything else that may impair the senses or cause drowsiness;
- (n) Do not use electrical appliances or devices within five feet (5 ft.) of a spa pool or sauna;
- (o) Do not use topical agents including, oils, body lotions, and minerals prior to entering, or while in the water. Waterproof sunscreens are allowed when applied and re-applied according to the manufacturers' recommendations; and
- (p) Bathers with apparent signs of infection or other evidence of high contamination risk, such as open cuts, wounds, rashes, or blisters are excluded, except when certified by a physician not to be in a communicable stage.

202.2 A clock or other time-keeping device that is maintained and in good working condition shall be provided on the deck area and visible to bathers from any location within the spa pool or sauna.

**203 GENERAL PROVISIONS — AQUATIC FACILITIES, FOOD AND BEVERAGES CONSUMPTION, PROHIBITIONS\***

203.1 The consumption of food or beverages is prohibited, except for areas specifically designated as eating areas that are separated from the swimming pool, spa pool, or sauna, as specified in Subsection 201.4(f).

203.2 Aquatic facilities that serve food or beverages shall not use containers made of glass or other material which, when broken, could be a hazard to bathers.

203.3 Only water bottles made of non-glass and non-breakable material are allowed on pool decks, and shall not be used by patrons while swimming inside the swimming pool.

203.4 Swimming pools and pool deck areas shall be closed to the public during competitive swimming practices and/or swimming competitions.

**CHAPTER 3 TRAINING & CERTIFICATIONS, DUTIES, FACILITY POSTINGS & USE RESTRICTIONS, AND CHILD SAFETY PLAN\***

**300 POOL AND SPA OPERATOR — TRAINING AND CERTIFICATIONS, & DEPARTMENT ISSUED REGISTRATION CARD\***

300.1 A pool and spa operator shall be on duty during all hours the aquatic facility is open to the public.

- 300.2 Individuals who maintain the cleanliness, water quality and chemical balance of public swimming pools, spa pools, or saunas shall obtain a Pool and Spa Operator Registration Card issued by the Department.
- 300.3 Individuals desiring to become pool and spa operators shall attend a training course approved by the Department of Health.
- 300.4 Course training shall include the following study topics:
- (a) Swimming pool and spa pool calculations;
  - (b) Filter type and filtration circulation;
  - (c) Water chemistry – balancing & testing;
  - (d) Spa pools and warm water pools;
  - (e) Swimming pool and spa pool maintenance;
  - (f) Operational and safety requirements; and
  - (g) Aquatic Facilities Regulations: Swimming Pools, Spa Pools, and Saunas, Title 25-C of the District of Columbia Municipal Regulations.
- 300.5 A pool and spa operator shall demonstrate knowledge of public pools, which includes but is not limited to:
- (a) Swimming pool and spa pool cleaning;
  - (b) General pool maintenance;
  - (c) Make-up water supply; and
  - (d) Bacteriological, chemical, and physical quality of water and water purification, testing, treatment, and disinfection procedures.
- 300.6 Certification does not imply any licensure as a contractor regulated by the Department of Consumer and Regulatory Affairs.
- 300.7 A pool and spa operator may not affect the structural integrity of the pool or equipment, and shall not delegate work to others, including employees that are not themselves certified under these regulations.
- 300.8 The Department shall issue Pool and Spa Operators' Registration Cards that are renewed every three (3) years.

**301 LIFEGUARDS – DUTIES\***

- 301.1 Where required, lifeguards shall be on the deck and shall observe the pool whenever bathers are in the water or on the pool deck.
- 301.2 Lifeguards shall be properly attired and readily identifiable as members of the lifeguard staff.
- 301.3 Lifeguards shall not leave their post for any reason without ensuring that all bathers are out of the water and that they will not return to the water during the lifeguard's absence.

**302 LIFEGUARDS AND SWIMMING INSTRUCTORS – TRAINING AND CERTIFICATIONS\***

- 302.1 Lifeguards and swimming instructors shall receive first aid training, including but not limited to:
- (a) Basic treatment of bleeding, shock, sudden illness, and muscular/skeletal injuries as per the guidelines of the National First Aid Science Advisory Board;
  - (b) Knowing when and how to contact DC Emergency Medical Services (EMS);
  - (c) Rescue and emergency care skills to minimize movement of the head, neck and spine until DC EMS arrives for a person who has suffered a suspected spinal injury on land or in the water; and
  - (d) Use and the importance of universal precautions and personal protective equipment in dealing with body fluids, blood, and preventing contamination according to current OSHA guidelines.
- 302.2 Lifeguards and swimming instructors' training in and use of Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED), Automated External Defibrillator (AED) and other resuscitation skills shall be professional level skills that follow treatment protocols consistent with the current Emergency Cardiovascular Care Update (ECCU) and/or, the International Liaison Committee on Resuscitation (ILCOR) guidelines for cardiac compressions, foreign body restriction removal, and rescue breathing for infants, children, and adults.
- 302.3 Lifeguards and swimming instructors shall maintain current certifications in lifeguarding or swimming instruction by:
- (a) The American Red Cross;

- (b) The YMCA or other equivalent nationally recognized aquatic training organization that meets the established standards, objectives and standards of care provided in the American Red Cross or YMCA programs; or
- (c) Other nationally recognized aquatic training organizations adopted and recognized by the D.C. Department of Health.

302.4 Lifeguards and swimming instructors shall possess current certificates in First Aid; and Adult, Child and Infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) through the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organizations adopted and recognized by the D.C. Department of Health.

302.5 Swimming coaches are exempted from the swimming instructor certification requirement when training advanced level swimmers for competition.

### **303 LIFEGUARD REQUIREMENTS – SWIMMING POOL, RESTRICTED USE**

303.1 Except as provided in Sections 303.2 and 305, a lifeguard shall not be required for a swimming pool that is:

- (a) Open for use only to persons who hold membership or other paid association in the facility where the pool is located;
- (b) Open for use only to persons who are permanent or temporary residents or guests of residents at the facility where the pool is located;
- (c) Open for use to persons who are lodging for a fee at the facility where the pool is located; or
- (d) A spa pool or sauna.

303.2 The exemptions identified in Subsection 303.1 shall not apply if a swimming pool has:

- (a) A diving board;
- (b) A depth of at least five feet (5 ft.) (one and one-half meters (1.5 m)) for non-municipal pools;
- (c) An expected bather population of fifty percent (50%) or more children under the age of fifteen (15); or

- (d) New construction occurring from the date of adoption of these regulations for any aquatic facility deeper than five feet (5 ft.) (one and one-half meters (1.5 m)) at any point.

**304 ADDITIONAL LIFEGUARD REQUIREMENTS – BATHER LOAD, POOL SIZE, VISUAL OBSTRUCTIONS, AND DIMENSIONS**

304.1 Except as specified in Section 303, there shall be a minimum of one (1) lifeguard on duty capable of observing the swimming pool for every fifty (50) bathers permitted in the water as specified in Table 403.1 of the 2012 International Swimming Pool and Spa Code (ISPSC).

**TABLE 403.1  
MAXIMUM BATHER LOAD**

<b>POOL / DECK AREA</b>	<b>SHALLOW INSTRUCTIONAL OR WADING AREAS</b>	<b>DEEP AREA (NOT INCLUDING THE DIVING AREA)</b>	<b>DIVING AREA (PER EACH DIVING BOARD)</b>
Pools with minimum deck area	15 sq. ft. per user	20 sq. ft. per user	300 sq. ft.
Pools with deck area at least equal to water surface area	12 sq. ft. per user	15 sq. ft. per user	300 sq. ft.
Pools with deck area at least twice the water surface area	8 sq. ft. per user	10 sq. ft. per user	300 sq. ft.

304.2 In addition to Subsection 304.1, when lifeguards are used, the aquatic facility’s staffing plans shall include diagrammed zones of patron surveillance that:

- (a) Ensures qualified lifeguards are capable of viewing the entire area of the assigned zone of patron surveillance;
- (b) Ensures qualified lifeguards are able to reach the furthest extent of the assigned zone of patron surveillance within 20 seconds;
- (c) Identifies whether qualified lifeguards are in an elevated stand, walking, in-water, and/or other approved position;
- (d) Identifies any additional responsibilities for each zone;
- (e) All areas of an aquatic facility are assigned a zone of patron surveillance; and
- (f) Lifeguard zones of patron surveillance are required in aquatic facility plans submitted for review.

- 304.3 Pool management shall increase the number of lifeguards based on the number of bathers in the swimming pool.
- 304.4 The Department of Health may require a lifeguard to be on duty if none exists, or require additional lifeguards to be on the deck, or restrict swimming to one (1) portion of any swimming pool because of the following:
- (a) The number of lifeguards is inadequate to safely guard the swimming pool due to the number of bathers using the swimming pool;
  - (b) The shape, dimension, and layout of the swimming pool and filter room locations;
  - (c) The existence of an obstruction to vision; or
  - (d) The capability of the bathers using the swimming pool.
- 304.5 Swimming pools over eighteen hundred square feet (1800 sq. ft.) of water surface area shall have at least one (1) elevated lifeguard chair for each three thousand square feet (3000 sq. ft.) of swimming pool surface or fraction thereof. A deck-level lifeguard may be used in a designated area on the deck adjacent to shallow water instead of an elevated lifeguard chair.
- 304.6 Swimming pools with a width of forty-five feet (45 ft.) or more shall have more than one (1) lifeguard chair located on each side of the swimming pool.
- 304.7 The Department shall accept dimensional standards for competition type pools as published by the National Collegiate Athletic Association (NCAA), 2012 - 2013 or most recent addition; Fédération Internationale De Natation Amateur (FINA), 2015-2017 Handbook or most recent addition; 2015 - 2017 Official Technical Rules of United States Diving Inc. or most recent addition; 2015 United States Swimming Rules and Regulations or most recent addition, and National Federation of State High School Associations, 2015 - 2016 or most recent addition.

### **305 CHILD SAFETY PLAN**

- 305.1 A swimming pool or spa that does not have a lifeguard on duty shall follow a Child Safety Plan that has been reviewed and approved by the Department during a preoperational inspection.
- 305.2 The Child Safety Plan shall contain the following information:
- (a) The name, address and telephone number of the facility;

- (b) The name, address and telephone number of the owner of the facility;
- (c) The facility's swimming season (the months of the year that the pool is open);
- (d) The expected number of bathers when the spa is open (daily average for the operating months);
- (e) The expected number of bathers who are over the age of fourteen (14) when the spa is open (daily average for the operating months);
- (f) The percentage of the expected bathers who are under the age of fourteen (14) when the spa is open (daily average for the operating months);
- (g) Specific measures that the facility will undertake (in addition to the posting of signs) to ensure that children under the age of fourteen (14) do not use the spa without adult supervision; and
- (h) Specific measures that the facility will undertake to monitor the spa when the spa is open.

#### **CHAPTER 4 WATER QUALITY, CIRCULATION SYSTEMS, AND REPORTING REQUIREMENTS**

##### **400 WATER QUALITY – APPROVED SOURCE\***

- 400.1 The only approved system for pool water shall be potable water from the District of Columbia public water system.
- 400.2 Existing aquatic facilities shall have at least one (1) drinking fountain directly plumbed and maintained in good repair or shall have at least one (1) water cooler inside the facility.
- 400.3 If a drinking fountain cannot be provided inside the aquatic facility, it shall be provided in a common use building or area adjacent to the aquatic facility entrance and on the normal path of bathers going to the aquatic facility entrance.

##### **401 WATER QUALITY – STANDARDS, DRINKING WATER\***

- 401.1 Potable water shall be used to supply water to all pools and shall meet the requirements of the applicable provisions of 40 CFR Part 141 – National Primary Drinking Water Regulations, and the District of Columbia drinking water quality standards.

##### **402 WATER QUALITY – STANDARDS, CLARITY, DEPTH MARKERS, AND TEMPERATURE\***



- 402.1 The pool water shall be 0.5 or less NTU and the main drain grate shall be readily visible from the pool deck.
- 402.2 The water in an aquatic facility shall be sufficiently clear such that the bottom is visible while the water is static at all times the aquatic facility is open or available for use.
- 402.3 Depth markers shall be not less than four inches (4 in.) (one hundred and two millimeters (102 mm)) in height. The color of the numbers shall contrast with the background on which they are applied and the color shall be of a permanent nature. The lettering shall spell out the words “feet” and “inches” or abbreviate them as “Ft.” and “In.” respectively. Where displayed in meters in addition to feet and inches, the word meter shall be spelled out or abbreviated as “M”.
- 402.4 Swimming pools built after adoption of these regulations, shall add a four inch by four inch square (4 in. x 4 in.) (10.2 cm x 10.2 cm) marker tile in a contrasting color to the swimming pool floor, and/or shall add a main suction cover outlined in a contrasting color to the swimming pool floor which are located at the deepest part of the swimming pool floor.
- 402.5 Swimming pools over ten feet (10 ft.) (3.0 m) deep, an eight inch by eight inch square (8 in. x 8 in.) (20.3 x 20.3 cm) marker tile in a contrasting color to the swimming pool floor or main suction outlet shall be located at the deepest part of the swimming pool.
- 402.6 Spa pools and swimming pools with heaters shall have a maximum water temperature of one hundred and four degrees Fahrenheit (104° F) (forty degrees Celsius (40° C)).

#### **403 WATER QUALITY – STANDARDS, BACTERIOLOGICAL\***

- 403.1 The pool water shall be free of coliform bacteria contamination.

#### **404 WATER QUALITY – STANDARDS, CHEMICAL QUALITY\***

- 404.1 The Department may collect water samples and examine them as necessary to determine compliance with these regulations.
- 404.2 Chemicals used in controlling the quality of the pool water shall be tested and approved using the National Sanitation Foundation (NSF-ANSI) Standard 60, 2005, which is incorporated by reference into these rules and shall be compatible with other accepted chemicals used in pools. The following parameters shall be adhered to when treating water for swimming pools, spa pools or saunas:

- (a) Maintain water pH between 7.2 to 7.8; however:

- (1) Water pH shall not be below 6.5; or
  - (2) Water pH shall not be above 8.0;
- (b) Use the following disinfectants –
- (1) Free chlorine residual shall be 1 milligram per liter (mg/L) to 10 mg/L, inclusive, in conventional swimming pools.
  - (2) Free chlorine residual shall be 2 mg/L to 10 mg/L, inclusive, in all other type pools such as spa-type pools, except spa-type pools which shall be at the minimum of 3 mg/L.
  - (3) Bromine residual shall be 1.5 mg/L to 8 mg/L, inclusive, in conventional swimming pools and 4 mg/L to 8 mg/L, inclusive, in all spa-type pools.
  - (4) Except that, the following maximum disinfectant levels shall apply to indoor conventional swimming pools: 5 mg/L free chlorine or 6 mg/L bromine;
- (c) The level of combined Chlorine (Chloramines) use shall not exceed 0.4 ppm (mg/L) – Water with combined chlorine (chloramines) levels in excess of 0.4 ppm (mg/L) shall be reduced by the following actions:
- (1) Super-chlorination; or
  - (2) Water exchange;
- (d) When oxidation reduction potential controllers are used – Water potential shall be kept between six hundred to nine hundred millivolts (600 – 900 mv). Use of these units does not negate the manual daily testing requirement of Section 412;
- (e) Use of cyanuric acid – shall remain between 30 and 50 mg/L and shall not exceed 100 ppm in swimming pools and in spa pools; and
- (f) Use of quaternary ammonium – 5 mg/L maximum.

404.3 Irrigation water that wets the deck area of a pool and the water in the pool shall be potable water. Non-potable irrigation water shall not be applied within ten feet (10 ft.) of the wet deck area.

404.4 Manual addition of chemicals will be allowed under special conditions and requires the pool to be closed prior to addition and for at least one (1) hour after

addition, or a longer period as necessary, for sufficient and safe distribution of the chemical. After treatment for breakpoint chlorination and algae prevention, use of the pool can be resumed when the free chlorine levels drop to 10 mg/L, or in compliance with the Safety Data Sheets.

#### **405 WATER QUALITY – TEST KITS**

- 405.1 Water quality test kits such as colorimetric, titrimetric, turbidimetric, or electronic are required to be on the premises of all swimming pools and spa pools to determine free active chlorine and total chlorine using N,N-Diethyl-p-Phenylenediamine (DPD), or bromine level, total alkalinity, calcium hardness, and pH.
- 405.2 Water quality test kits shall be provided if the corresponding chemicals are used:
- (a) Cyanuric acid;
  - (b) Sodium chloride;
  - (c) Quaternary ammonium;
  - (d) Ozone; and
  - (e) Copper.
- 405.3 A single water quality test kit may be used for multiple pools, provided the pools have common ownership and they are located on contiguous property.
- 405.4 A water quality test kit shall be capable of measuring disinfectant levels in the normal operating range.

#### **406 WATER QUALITY – CONTAMINATION**

- 406.1 A swimming pool, spa pool, or sauna shall be deemed contaminated when one (1) of the following conditions exists:
- (a) More than one (1) ten milliliter (10 ml) portion of a sample shows a positive test for coliform organisms when multi-tube fermentation technique is used; or more than one (1) coliform per fifty milliliters (50 ml) when the membrane filter test is used; or
  - (b) Two (2) consecutive samples show a positive test for coliform organisms in any ten milliliter (10 ml) portion of a sample when the multi-tube fermentation technique is used or more than one (1) coliform per fifty milliliters (50 ml) when the membrane filter test is used; or

- (c) Two (2) of any ten (10) consecutive samples show a positive test for coliform organisms in any of the ten milliliter (10 ml) portions of a sample when the multi-tube fermentation technique is used or more than one (1) coliform per fifty milliliters (50 ml) when the membrane filter test is used; or
- (d) When performing diarrheal/*Cryptosporidium* decontamination in aquatic venues, the maximum allowable cyanuric acid concentration shall be 15 ppm.

**407            RECIRCULATION AND TREATMENT SYSTEM — CROSS-CONNECTION PREVENTION**

- 407.1            An atmospheric break or approved back flow prevention device shall be provided in each pool water supply line that is connected to a public water supply.
- 407.2            Vacuum breakers shall be installed on all hose bibbs.

**408            RECIRCULATION AND TREATMENT SYSTEM — SPA POOL AND SAUNA TURNOVER RATES, & PLUMBING SYSTEM\***

- 408.1            The pool recirculation system shall be operated at all times when the pool is open for use. The recirculation system may be shut off three (3) hours after the pool closes and shall be turned back on three (3) hours before opening the pool. Shut down time shall be controlled by a time clock.
- 408.2            Recirculation and treatment equipment such as filters, recessed automatic surface skimmers, water ionizers, ozone generators, disinfection feeders and chlorine generators shall be tested and approved using the NSF/ANSI Standard 50-2007, Circulation System Components and Related Materials for Swimming Pool and Spas/Hot Tubs.
- 408.3            The recirculation system shall be designed to provide a minimum of four (4) turnovers of the pool volume per day. Pools that are less than one thousand square feet (1000 sq. ft.) shall be required to provide eight (8) turnovers per day.
- 408.4            The design pattern of recirculation flow shall be one hundred percent (100 %) through the main drain piping and one hundred percent (100 %) through the perimeter overflow or sixty percent (60%) through the skimmer system.
- 408.5            All swimming pools including wading pools and spa pools that are open to the public and that are built without a main drain collector tank shall be retrofitted with a properly sized and piped collector tank to eliminate direct suction through the main drain.

- 408.6 All existing public swimming pools with direct suction shall install a main drain cover that meets the ANSI/ASME A112.19.8-2007 standard for drain covers.
- 408.7 Public pools and spas with a single main drain (other than an unblockable drain) shall be equipped with a device or system such as a safety vacuum release system to prevent entrapment.
- 408.8 Public pools and spas that are not in operation do not need to meet the requirements specified in sections 408.5 and 408.6 until they resume operations.
- 408.9 A construction permit shall be obtained from the Department of Consumer and Regulatory Affairs prior to installation of a collector tank.
- 408.10 Any pool that cannot be retrofitted as required in Subsections 408.5 and 408.6 shall be closed.
- 408.11 Newly constructed swimming pools and spas built after the effective date of these regulations shall be built with either:
- (a) More than one (1) drain;
  - (b) One (1) or more unblockable drains; or
  - (c) No main drain.
- 408.12 Hot water facilities shall be disinfected with automatic chemical feed equipment as specified in Subsection 607.3 of these regulations.
- 408.13 The turnover rate shall not exceed thirty (30) minutes.
- 408.14 The whirlpool shall be designed and the hydraulic analysis calculated to provide a thirty (30) minute turnover rate when the filter is at maximum pressure and ready to be cleaned or backwashed.
- 408.15 The filter shall be cleaned or backwashed when the filter pressure and the flow meter indicate it is necessary.
- 408.16 The plumbing system shall be designed to preclude entrapment in main drains.
- 408.17 Return fitting(s) shall be provided and arranged to facilitate a uniform circulation of water and maintain a uniform sanitizer residual throughout the entire spa or exercise spa.

408.18 Suction fittings shall be sized and installed in accordance with the manufacturer's specifications. Spas and exercise spas shall not be used or operated if the suction outlet cover is missing, damaged, broken or loose.

408.19 Submerged vacuum fittings shall be prohibited.

**409 CIRCULATION SYSTEMS – PUBLIC SWIMMING POOLS, TURNOVER RATES\***

409.1 Circulation systems for pools shall comply with Section 311 of the 2012 International Swimming Pool and Spa Code (ISPSC) and this section.

409.2 Circulation equipment shall be sized to turn over the entire water capacity of the pool as specified in Table 407.2 of the 2012 International Swimming Pool and Spa Code (ISPSC). The system shall be designed to provide the required turnover rate based on the maximum pressure and flow rate recommended by the manufacturer for the filter and clean filter media.

**TABLE 407.2  
TURNOVER RATE**

Swimming Pool Category	Turnover rate In hours
Class A, B, and C pools	Hours equal 1-1/2 times the average depth of pool in feet not to exceed 6 hours
Wading pools	1

**410 CIRCULATION SYSTEM – AQUATIC RECREATION FACILITIES’ TURNOVER RATES, AND SKIMMING SYSTEMS\***

410.1 A circulation system consisting of pumps, piping, return inlets and suction outlets, filters, and other necessary equipment shall be provided for complete circulation of water within the swimming pool, spa pool, or sauna.

410.2 Circulation system equipment shall be designed to turnover one hundred percent (100%) of the nominal pool water volume in the amount of time specified in Table 604.2 of the 2012 International Swimming Pool and Spa Code (ISPSA). The system shall be designed to give the required turnover time based on the manufacturer’s recommended maximum pressure and flow of the filter in clean media condition.

**TABLE 604.2  
TURNOVER TIME**

CLASS OF POOL	MAXIMUM TURNOVER TIME <sup>a</sup> (hours)
D-1	2
D-2 with less than 24 inches water depth	1
D-2 with 24 inches or greater water depth	2
D-3	1
D-4	2
D-5	1
D-6	1

<sup>a</sup> Pools with a sand bottom require a one (1) hour turnover time.

410.3 Circulation systems shall circulate treated and filtered water for twenty-four (24) hours a day.

410.4 The circulation rate shall be permitted to be reduced during periods that the pool is closed to the public, provided that acceptable water clarity conditions are met prior to reopening the pool for public use. At no time shall the circulation rate be zero.

410.5 Surface skimming systems shall be in accordance with Table 604.3 of the 2012 International Swimming Pool and Spa Code (ISPSC).

**TABLE 604.3  
SURFACE SKIMMING SYSTEMS**

CLASS OF POOL	SURFACE SKIMMING SYSTEM
D-1	Zero-depth trench located at static water level or other skimming systems
D-2	Auto skimmer, zero depth trench or gutters
D-3	Auto skimmer, zero depth trench or perimeter device
D-4	Single or multiple skimmer devices for skimming flow
D-5	Skimmers prohibited in side area
D-6	Auto skimmer, zero depth trench, or gutter

410.6 The installation of skimmers in the side areas of D-5 pools is prohibited.

**411 WATER SUPPLY AND WASTEWATER DISPOSAL – CONTAMINANTS, REMOVAL**

411.1 No direct mechanical connection shall be made between the potable water supply and the swimming pool or spa, chlorinating equipment, or the system of piping for the swimming pool or spa, unless it is protected against backflow and back-siphonage.

411.2 Backwash water or drainage waters of a swimming pool or spa shall be discharged into a sanitary sewer through an approved air gap, or by other means approved by the District Government.

411.3 When necessary, filter backwash water and drainage water shall be treated chemically or through the use of settling tanks to eliminate or neutralize chemicals, diatomaceous earth, and contaminants in the water that exceeds the limits set by the District Government.

**412 REPORTING REQUIREMENTS – DAILY WATER QUALITY & SAFETY LOGS**

412.1 Each swimming pool, spa pool, or sauna shall record the following information on a daily basis, unless otherwise required:

- (a) Name of each swimming pool or spa operator on duty;
- (b) Name of each lifeguard on duty;



- (c) Rate of flow readings;
- (d) Weather;
- (e) Temperature;
- (f) Attendance;
- (g) The time of filter backwash or cleaning;
- (h) Injuries or accidents at the swimming pool or spa;
- (i) Chemicals added to the waters;
- (j) Malfunctioning or broken equipment;
- (k) pH readings, taken at a minimum of three (3) hour intervals;
- (l) Free chlorine residual readings, taken at a minimum of three (3) hour intervals;
- (m) Total bromine residual readings, taken at a minimum of three (3) hour intervals; and
- (n) Cyanuric acid, if used, residual readings, taken prior to opening the swimming pool or spa for bathers.

412.2 The information required in Subsection 412.1 shall be recorded a minimum of three (3) times per day, unless otherwise required, and in conformance with the following schedule:

- (a) The first recording of the day shall be made prior to opening the swimming pool or spa opens to bathers;
- (b) The second recording shall be completed between 12 p.m. and 2 p.m.; and
- (c) The final recording shall be completed two (2) hours before closing.

412.3 The Department may require more frequent recordings than those specified in this section if conditions, including high bather load, high temperatures, bright sunlight, or inadequate water quality exist.

- 412.4 The daily operational log must be easily readable, dated and signed, and available on the premises for inspection by the Department for a minimum of three (3) years.
- 412.5 Pool owners, pool and spa operators, and lifeguards shall be responsible for maintaining the daily report logs required in Subsection 412.1.
- 412.6 Complete reports shall reflect manually conducted pool water tests for pH and disinfectant levels at least as specified in Subsections 412.1(i), (k), (l), (m), and (n).
- 412.7 Pool owners, pool and spa operators, or lifeguards shall comply with Standard Operating Procedures for accidents involving bodily fluid as specified in Sections 6.0.1.8, 6.0.1.9, 6.1.2.1.4.1, 6.1.2.1.4.5, 6.1.2.1.4.14, 6.1.2.1.4.15, 6.4.1.1.2(4), 6.4.1.3.1(15), 6.4.1.8, and 6.5 of The Model Aquatic Health Code 2<sup>nd</sup> Edition (July 2016).

### **413 REPORTING REQUIREMENTS – EMERGENCY NOTIFICATIONS**

- 413.1 A pool owner, pool and spa operator, lifeguard, or swimming instructor shall report any death, serious injury, or injury that requires resuscitation or admission to a hospital occurring at a swimming pool, spa pool, sauna to the Department within twenty-four hours (24 hrs.) of the incident.
- 413.2 A pool owner, pool and spa operator, lifeguard, or swimming instructor shall report a complaint of illness attributed by a bather to use of a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident.
- 413.3 The report to the Department shall include the following:
- (a) Name and telephone number or address of the person injured or making a complaint;
  - (b) Date of the incident or onset of illness;
  - (c) Description of the type of injury or complaint;
  - (d) Name and telephone number of the person rendering assistance or first aid;
  - (e) The name of any known hospital, rescue squad or physician providing medical assistance;
  - (f) Names and telephone numbers of available witnesses to the incident; and
  - (g) All physical security breaches.

**CHAPTER 5 EQUIPMENT, EQUIPMENT ROOM, STORAGE AND  
MAINTENANCE, AND SAFETY****500 EQUIPMENT ROOMS – SECURITY ACCESS\***

- 500.1 Equipment designated by the manufacturer for outdoor use may be located in an equipment area. All other equipment shall be located in an equipment room.
- 500.2 Plastic pipe subject to a period of prolonged sunlight exposure area shall be surrounded with a fence at least four feet (4 ft.) high on all sides and not confined by a building or equivalent structure.
- 500.3 A self-closing and self-latching gate with a locking device shall be provided, if necessary for access.
- 500.4 An equipment room shall be protected on at least three (3) sides and overhead. The fourth side may be a gate, fence, or open if otherwise protected from unauthorized access.
- 500.5 An equipment room shall be lockable or otherwise protected from unauthorized access.
- 500.6 Security access shall be installed on all pool equipment rooms for those that do not presently have a similar level of security.

**501 EQUIPMENT ROOMS – FLOOR COVERING\***

- 501.1 The equipment room floor shall be of concrete or other nonabsorbent material having a smooth slip resistant finish and shall have positive drainage, including a sump pump if necessary.
- 501.2 Ancillary equipment, such as a heater, shall be stored in an equipment room as specified in Subsection 500.1.

**502 EQUIPMENT ROOMS – VENTILATION AND ACCESS\***

- 502.1 Equipment rooms shall have either forced draft or cross ventilation.
- 502.2 All below grade equipment rooms shall have a stairway access with forced draft ventilation or a fully louvered door and louvered vent on at least one other side.
- 502.3 Where stairway access is not necessary to carry heavy items into the below grade room or vault, a “ship’s ladder” may be used if approved by the Department.

502.4 The opening to an equipment room shall be a minimum of three feet by six feet (3 ft. x 6 ft.) and shall provide easy access to the equipment.

502.5 A hose bibb with vacuum breaker shall be located in the equipment room.

502.6 A carbon monoxide detector with local alarming, listed and labeled in accordance with UL Standard 2075, shall be installed in all equipment rooms and rooms adjacent to spaces containing fuel-burning equipment or vents carrying the products of combustion.

**503 EQUIPMENT AND EQUIPMENT ROOMS – SIZE, LIGHTING, MAINTENANCE AND GOOD REPAIR, & PROHIBITED ITEMS\***

503.1 All equipment and appurtenances shall be kept in good repair.

503.2 Skimmers and returns shall be adjustable and functioning.

503.3 Filter and pump rooms shall be kept clean and reasonably dry at all times.

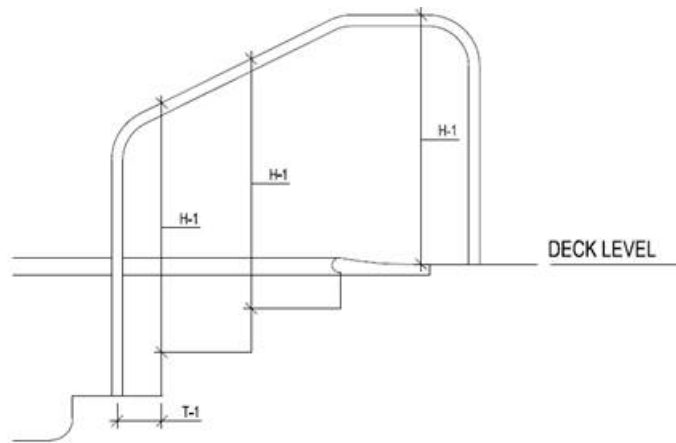
503.4 Decks, coping, and fencing shall be in good condition.

503.5 Guard chairs, rails, ladders, steps, ADA deck-mounted equipment, and diving equipment shall be firmly secured to its base in accordance with Table 4.5.5.7 and Figure 4.5.5.7.1 of the 2<sup>nd</sup> Edition of the Aquatic Model Health Code.

**TABLE 4.5.5.7  
STAIR HANDRAIL DIMENSIONS**

Dimensions	T-1	H-1
Minimum	3 inches (7.6 cm)	3.4 inches (86.4 cm)
Maximum	N/A	38 inches (96.5 cm)

FIGURE 4.5.5.7.1



- 503.6 The pool and pool deck shall be kept free from sediment, floating debris, visible dirt and algae. Pools shall be refinished when the pool surfaces cannot be maintained in a safe and sanitary condition.
- 503.7 The pool water level shall be maintained at an elevation suitable for continuous skimming without flooding during periods of non-use.
- 503.8 Face plates and main grates shall be intact, in place, and secured so that they cannot be removed without the use of tools.
- 503.9 Hose bibbs shall be in functioning order and vacuum breakers shall be on all hose bibbs.
- 503.10 Weirs shall be present and functioning.
- 503.11 Scum gutters shall be free flowing.
- 503.12 The room housing the swimming pool or spa shall contain adequate ceiling intake vents and shall be exhausted at floor level.
- 503.13 All other facilities and equipment shall be operable and in good condition.
- 503.14 The size of an equipment room shall provide working space to perform routine operations.
- 503.15 Clearance shall be provided for all equipment as prescribed by the manufacturer to allow normal maintenance operation and removal without disturbing other piping or equipment.

- 503.16 In rooms with fixed ceilings, the minimum ceiling height shall be eight feet (8 ft.).
- 503.17 Equipment rooms shall be lighted to provide thirty foot (30 ft.) candles of illumination at floor level.
- 503.18 Equipment rooms shall not be used to store chemical emitting corrosive fumes, and shall be clear of unnecessary or discarded items.
- 503.19 All chemical tubing that runs through areas where staff works shall be routed in PVC piping to support the tubing and to prevent the supported tubing from leaking.

#### **504 GENERAL AND EMERGENCY POOL LIGHTING REQUIREMENTS**

- 504.1 When a swimming pool, spa pool, or sauna is open during periods of low natural illumination, artificial lighting shall be provided so that all areas of the pool, including the bottom main drains are visible.
- 504.2 Overhead or underwater lighting shall be provided to illuminate the pool and adjacent deck areas. Such lighting shall be installed in accordance with the National Fire Protection Association (NFPA 70) National Electrical Code (2014), as specified in Subsection 102.1(1)(7).
- 504.3 For outdoor pools, overhead lighting shall provide not less than three (3) foot-candles of illumination at the pool water surface and on adjacent deck areas. For indoor pools, overhead lighting shall provide not less than ten (10) foot-candles of illumination at the pool water surface.
- 504.4 Underwater lighting shall provide a minimum of eight (8) lumens per square foot of pool water surface area, except when overhead lighting provides not less than fifteen (15) foot-candles of illumination at the pool surface.
- 504.5 Aquatic facilities that operate during periods of low illumination shall be provided with sufficient emergency lighting to permit evacuation of the pool and to secure the area in the event of power failure. The emergency lighting intensity shall not be less than half ( $\frac{1}{2}$ ) foot-candle.
- 504.6 Branch circuits that supply underwater lights operating at more than the Low Voltage Contact Limit as defined in NEC 680.2 shall be Ground-Fault Circuit Interrupter (GFCI) protected.

#### **505 FIRST AID AND SAFETY EQUIPMENT**

- 505.1 Safety equipment shall be mounted in a conspicuous place and be readily available for use.

505.2 All public and semi-public swimming pools shall be provided with the following first aid safety equipment that is quickly accessible:

- (a) Automated External Defibrillators (AEDs) shall be located:
  - (1) On the deck near the pool's perimeter; or
  - (2) Inside the facility in a room that cannot be locked.
- (b) A shepherd's hook securely attached to a one (1) piece pole not less than sixteen feet (16 ft.) in length;
- (c) A minimum of ¼ inch diameter throwing rope as long as one and one-half (1½) times the maximum width of the pool or fifty feet (50 ft.), whichever is less, attached to a U.S. Coast Guard approved ring buoy. A rescue-tube shall be accepted as a substitute for the ring buoy where it is accompanied by a lifeguard who has been trained to use it properly;
- (d) First aid supplies consisting of:
  - (1) Splints;
  - (2) One (1) roll of ½ inch adhesive tape;
  - (3) Five (5) four inch by four inch (4 in. x 4 in.) gauze pads;
  - (4) Five (5) two inch by two inch (2 in. x 2 in.) gauze pads;
  - (5) Twenty-five (25) one inch (1 in.) Band-Aids;
  - (6) Two (2) one inch (1 in.) roller bandages;
  - (7) Tape tongue depressors;
  - (8) Two (2) eye pads;
  - (9) One (1) Triangular bandage;
  - (10) Two (2) bee sting swab kits;
  - (11) One (1) elastic bandage;
  - (12) One bag instant ice packs or ice Bag with readily available ice;

- (13) One (1) bottle of eyewash;
  - (14) One (1) container of liquid soap;
  - (15) One (1) facemask for cardiopulmonary resuscitation (CPR) with one-way valve;
  - (16) One (1) pair of scissors;
  - (17) Safety pins;
  - (18) Single-use, sterilized tweezers; and
  - (19) Disposable gloves;
- (e) Two (2) cots or equivalent and two (2) blankets for emergency use only;
  - (f) A backboard with properly spaced handholds, head immobilizer, and proper straps to secure the victim;
  - (g) A blood borne pathogen control kit;
  - (h) A rescue tube designed for lifesaving for each required lifeguard;
  - (i) A hard-wired, non-cordless telephone available to individuals using a pool or spa that:
    - (1) Can directly reach a 911 emergency service without the use of a coin and without connection to an internal switchboard unless the internal switchboard is monitored at all times;
    - (2) Is posted with the 911 emergency number and the name and location of the pool or spa; and
    - (3) Is located within the pool enclosure or in an immediately adjacent room, which cannot be locked.
- 505.3 Pools greater than fifty feet (50 ft.) in length shall have multiple first aid safety equipment with at least one (1) shepherd's hook and one (1) lifesaving ring located along each of the longer sides of the pools.
- 505.4 All pools with a slope transition shall have a safety line. The safety line shall be in place at all times unless a lifeguard or swimming instructor is present.
- 505.5 Pool safety covers required in Subsection 610.10, shall be installed in a track, rail, guides, or secured to the deck, and shall provide a continuous union with the deck,



with no passage. In the case of a pool with a width or diameter greater than eight (8) feet (2.4 m) from the periphery, the cover should be able to hold a weight of four hundred and eighty-five (485) pounds (220.0 kg). If the pool width or diameter is less than eight (8) feet (2.4 m) the cover should hold a weight of two hundred and seventy-five (275) pounds (125 kg).

## **CHAPTER 6 PLUMBING SYSTEMS, PHYSICAL STRUCTURE, DESIGN, ACCOMODATIONS, FACILITY MAINTENANCE, AND PEST CONTROL**

### **600 PHYSICAL STRUCTURE — BUILDING MATERIALS AND WORKMANSHIP**

600.1 The licensee of a newly constructed, remodeled or renovated swimming pool, spa pool, or sauna shall ensure that the design, construction, building materials, and workmanship complies with the most recent version of the District's Construction Codes Supplements, as specified in Subsection 102.1(l) of this chapter, or later construction codes.

600.2 The licensee of an existing swimming pool, spa pool, or sauna shall maintain the facility in good condition by repairing or replacing structural or design defects, operating systems, or fixtures in use before the effective date of these regulations in accordance with the most recent version of the District's Construction Codes Supplements, as specified in Subsection 102.1(l) of this chapter.

600.3 At least thirty (30) days before beginning construction or remodeling of a swimming pool, spa pool, or sauna, the licensee shall submit construction plans with all schedules, including but not limited to floor plans, elevations, and electrical schematics, to the Department for review and approval, as specified in Sections 706 and 707.2.

### **601 PLUMBING SYSTEMS — DESIGN, CONSTRUCTION, INSTALLATION, AND CLEANABLE FIXTURES\***

601.1 All plumbing systems and hoses that convey water shall be designed, constructed, installed and repaired with approved materials in accordance with the International Plumbing Code (2012 edition), Subtitle F (Plumbing Code Supplement of 2013) of Title 12 of the District of Columbia Municipal Regulations.

601.2 All toilet facilities shall be easily cleanable.<sup>N</sup>

### **602 PLUMBING SYSTEMS — WATER TEMPERATURE & FLOW, NUMBERS, AND PROHIBITION\***

- 602.1 Toilet facilities located on the premises of an aquatic facility shall be deemed conveniently located and accessible to staff; except, toilet facilities located outside of an aquatic facility do not meet this requirement.
- 602.2 All handwashing sinks in multiple-stall toilet rooms and single-stall toilet rooms shall be equipped to provide water at a temperature of at least one hundred degrees Fahrenheit (100° F) (thirty-eight degrees Celsius (38°C)) through a mixing valve, a combination faucet, or tempered water and a single faucet.
- 602.3 A steam mixing valve shall not be used at a handwashing sink.
- 602.4 A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.
- 602.5 Automatic handwashing sinks shall be installed in accordance with the manufacturer's instructions.
- 602.6 Each showerhead shall have a water flow of not less than two gallons per minute (2 gpm) or seven point six one liter per minute (7.61 l/min).
- 602.7 The water temperature at each showerhead shall not exceed one-hundred and ten degrees Fahrenheit (110° F) (forty-three degrees Celsius (43°C)) and shall not be less than ninety degrees Fahrenheit (90° F) (thirty-two degrees Celsius (32°C)).
- 602.8 Where there is heated water provided to showers, the shower water supply shall be controlled by an anti-scald device.
- 602.9 Bathers access to water heaters and thermostatically controlled mixing valves for showers is prohibited.
- 602.10 The number of toilets and urinals shall be based upon the anticipated maximum attendance of bathers and their gender as follows:
- (a) A minimum of one (1) toilet facility (restroom), one (1) toilet stall, and one (1) urinal for the first one hundred (100) male bathers. A minimum of one (1) additional toilet facility, one (1) toilet stall, and one (1) urinal for each additional two (2) hundred male bathers or major fraction thereof; and
  - (b) A minimum of two (2) toilet facilities and two (2) toilet stalls for the first one hundred (100) female bathers. A minimum of one (1) additional toilet facility and one (1) toilet stall for each additional one hundred (100) female bathers or major fraction thereof.
- 602.11 All swimming pools and spas shall have at a minimum the following number of shower facilities:

- (a) One (1) shower for female bathers;
- (b) One (1) shower for male bathers; and
- (c) A minimum of two (2) shower heads for each sex. A minimum of one (1) additional shower head shall be required for each sex, and for each additional fifty (50) male or female bathers.

602.12 There shall be not less than one (1) shower and not greater than half ( $\frac{1}{2}$ ) of the total number of showers required by Subsection 602.11 shall be located on the deck or at the entrance of each pool.

602.13 Shower facilities and dressing rooms shall be provided at all swimming pools unless these facilities are provided in the building housing the swimming pool, spa pool, or sauna.

602.14 Subsection 602.13 does not apply to semi-public swimming pools at hotels, motels, condominiums, and apartments where the:

- (a) Pool's use is restricted to residents and guests; and
- (b) Farthest unit in the hotel, motel, condominium, or apartment is less than three hundred feet (300 ft.) from the pool area, as measured along walkways provided for access by residents and guests to the pool area.

### **603 TOILET FACILITIES – REQUIRED SIGNAGE**

603.1 All single-stall toilet rooms shall display gender-neutral signs on the door that read "Restroom," or have a universally recognized picture/symbol indicating that persons of any gender may use each restroom, in accordance with Section 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2012 Repl.)); and Section 802 of Chapter 8 (Compliance Rules and Regulations Regarding Gender Identity or Expression), Title 4 (Human Rights and Relations), of the D.C. Municipal Regulations.

603.2 Aquatic facilities employing:

- (a) A staff of five (5) or less may provide a single toilet facility with a gender-neutral sign on the door in accordance with the D.C. Human Rights Act of 1977, effective December 13, 1977, as amended (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2012 Repl.)); or
- (b) A staff of five (5) or more shall have multiple toilet facilities that are either:

- (1) Single-stall toilet rooms with a gender-neutral sign on each door as specified in Subsection 3101.2 in accordance with the D.C. Human Rights Act of 1977, effective December 13, 1977, as amended (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2012 Repl.)); or
- (2) Multiple-stall toilet rooms with gender-specific signs on the doors that read “Men” and “Women” or contain gender-specific, universally recognized pictorials of “Men” and “Women”.

603.3 Facilities which have multiple-stall toilet rooms with gender-specific signs on the doors shall allow individuals the right to use the gender-specific toilet room that is consistent with their gender identity or expression pursuant to 4 DCMR § 802.1.

**604 SHOWER FACILITIES, DRESSING ROOMS — REASONABLE ACCOMODATIONS**

604.1 All shower facilities shall be constructed and designed for individual privacy enclosures in accordance with Section 301(c) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code §§ 2-1401.01 *et seq.* (2012 Repl.); and Sections 804 and 805 of Chapter 8 (Compliance Rules and Regulations Regarding Gender Identity or Expression), Title 4 (Human Rights and Relations), of the D.C. Municipal Regulations.

604.2 Facilities shall make reasonable accommodations to allow an individual access to and the use of the facility that is consistent with that individual's gender identity or expression pursuant to 4 DCMR § 805.1.

**605 FACILITY MAINTENANCE — PHYSICAL STRUCTURE, MATERIALS, CLEANABILITY, AND PROHIBITION**

605.1 Toilet room floors shall be constructed of sealed concrete or other nonabsorbent materials with a smooth, slip-resistant surface to insure thorough cleaning.

605.2 The intersection of floors, walls, panels, stalls, or barriers shall be covered or sealed with waterproof materials.

605.3 Walls, panels, stalls, or barriers between toilet facilities, shower facilities, and dressing rooms, shall be made of durable materials not subject to water damage, and shall be designed so that a waterway is provided between the wall, panel, stall, barrier and the floor to permit thorough cleaning of the wall, panel, stall, barrier and floor areas with hoses and brooms.

605.4 Dressing room floors shall be made of the durable materials, not subject to water damage throughout.

- 605.5 Floor drains shall be provided, and floors shall be sloped not less than ¼ inch per foot toward the drains to ensure positive drainage.
- 605.6 Carpets, duckboards and footbaths are prohibited in toilet facilities, shower facilities, and dressing rooms.
- 606 FACILITY MAINTENANCE — TOILET FACILITIES (RESTROOMS), SHOWER FACILITIES, DRESSING ROOMS, HANDWASHING SINKS, ACCESS, AND PROHIBITIONS\***
- 606.1 Each aquatic facility's plumbing systems, including but not limited to toilet facilities (restrooms), shower facilities, and handwashing sinks shall be maintained in good repair at all times.
- 606.2 Each licensee shall provide sufficient toilet facilities (restrooms) that are:
- (a) Kept in clean and sanitary conditions, free of solid waste, and litter; and
  - (b) Enclosed with tight-fitting, self-closing doors or locking doors.
- 606.3 Toilet facility (restroom) doors shall be kept closed except during cleaning and maintenance operations.
- 606.4 At no time shall consumers or staff enter toilet facilities (restrooms), shower facilities, or dressing rooms during routine cleaning or maintenance emergency.
- 606.5 Each handwashing sink and shower facility shall be conveniently equipped with soap dispensers with either liquid or powdered soap. The dispensing unit shall be made of metal or plastic, glass materials are prohibited.
- 606.6 Liquid or powder soap dispensers shall be provided in each toilet facility (restroom) and shower facility. Reusable cake soap is prohibited.
- 606.7 Mirrors shall be shatter resistant, where provided.
- 606.8 Baby-changing tables shall be provided in toilet facilities (restrooms) having two (2) or more toilet stalls.
- 606.9 A hose bibb with vacuum breaker shall be provided in or within fifty feet (50 ft.) of each toilet facility (restroom) to allow for ease of cleaning.
- 606.10 Toilet paper holder, a supply of toilet tissue, and a waste receptacle shall be provided in each stall of a multiple-stall toilet room, and in every single-stall toilet room. A covered waste receptacle for feminine hygienic products shall be provided in each toilet stall designated for female staff and/or bathers.

606.11 Feminine hygiene products shall be supplied in dispensing units installed in toilet facilities (restrooms) and shower areas designated for female staff and/or bathers.

**607 FACILITY MAINTENANCE – EQUIPMENT, CHEMICAL SUPPLIES, USE, LABELING, AND ACCESS\***

607.1 Filter and pump rooms shall be kept clean and reasonably dry at all times.

607.2 Controls, valves, and gauges shall be accessible and shall not be blocked by extraneous materials. Valves and gauges shall function properly and be labeled in accordance with a posted backwash procedures chart.

607.3 Disinfectant and chemical feeders, capable of precisely introducing a sufficient quantity of an approved disinfecting agent to maintain the appropriate disinfectant residuals, shall be used at swimming pools and spa pools.

607.4 No person shall use chemical products or pesticides in a manner that is inconsistent with the product's labeling, or that is in violation of any restrictions imposed on the product's use by the United States Environmental Protection Agency or the Department.

607.5 All chemical products used in swimming pools, spa pools, or sauna waters shall be used in accordance with:

- (a) Sections 2208 and 2209 of the D.C. Pesticide Operations Regulations, effective March 20, 2015 (D.C. Law 2-70; D.C. Official Code §§ 8-401 *et seq.*);
- (b) Manufacturer's use directions included in labeling; and
- (c) The conditions of certification, if certification is required for use of pest control materials.

607.6 The Department may approve disinfectant products other than chlorine or bromine that:

- (a) Are labeled with clear directions for its use;
- (b) Provide satisfactory residual effects that are easily measured;
- (c) Are as effective as chlorine or bromine; and
- (d) Do not impart toxic properties into the water that could create a danger to public health or that could create objectionable physiological and environmental effects.

- 607.7 Non-staff persons shall not have unsupervised access to machinery, electric panels, or chemicals used for the swimming pool, spa pool, or sauna.
- 608 FACILITY MAINTENANCE – CHEMICALS, HANDLING, STORAGE, AND SAFETY\***
- 608.1 Chemicals shall be labeled and stored in a cool, dry, and well-ventilated area under a roof and the area shall be inaccessible to the public.
- 608.2 Chemicals which emit corrosive fumes shall not be stored in the equipment room as specified in Subsection 503.18.
- 608.3 An aquatic facility's use of compressed chlorine gas is prohibited in:
- (a) Newly constructed facilities; and
  - (b) Existing facilities undergoing any renovations or retrofitting that require DCRA to issue a Building Permit.
- 608.4 The Department shall prohibit a facility from using chlorine gas if the Department determines through an inspection (preoperational, routine or complaint) that safety equipment and/ or training requirements cannot be met as required by the manufacturer, or as directed by the Department.
- 608.5 A licensee shall ensure chlorine gas equipment and containers are:
- (a) Located out of direct sunlight;
  - (b) Chained or fastened in place to prevent tipping;
  - (c) Equipped with a shut-off wrench when in use; and
  - (d) The installed power exhaust system of such equipment operates properly and that a bottle of ammonia is available to test for leaks.
- 608.6 Empty chemical containers shall be stored and disposed of in such a manner that they are not accessible to the public.
- 608.7 Solutions and dry chemical spills, waste material, excess water, and debris shall be cleaned and removed promptly.
- 608.8 Safety Data Sheets (SDS) for all potentially hazardous chemicals shall be provided to the aquatic facility's pool and spa operator by the licensee or Pool Management Company.

- 608.9 All chemicals shall be handled, used, stored, and disposed of in accordance with the Safety Data Sheets, all applicable federal and District laws, and Sections 607.3, 607.4, 607.5, 607.6, 607.7, and Section 608.
- 608.10 All chemicals shall be stored in an area that has:
- (a) Protection against weather, excess heat and moisture;
  - (b) A lockable door;
  - (c) Continuous ventilation sized at a minimum of two cubic feet per minute (2 cfm) per square foot of floor area and exhausts to the open air;
  - (d) A minimum of 30 foot-candles (323 lux) of illumination to allow operators to read labels on containers throughout the chemical storage area and pump room;
  - (e) Adequate room to separate potentially reactive chemicals;
  - (f) Storage and or filter room door permanently labeled:  
“DANGER – CHEMICAL STORAGE AREA – DO NOT ENTER”
  - (g) Safety Data Sheets posted; and
  - (h) Availability of personal safety gear for all chemicals on site as required by the Safety Data Sheets (SDS), including:
    - (1) Goggles for eye protection;
    - (2) Splash-guard aprons;
    - (3) Neoprene gloves or other gloves as specified in the Safety Data Sheets;
    - (4) Respirators that are required by the Safety Data Sheets; and
    - (5) Proper training for handling procedures, which are posted in the filter room and chemical storage areas.

**609 FACILITY MAINTENANCE – EYE WASH STATIONS, INSTALLATION, ACCESSIBILITY, MAINTENANCE, AND TRAINING**

- 609.1 Eye wash stations capable of delivering low-pressure tepid potable water to both eyes simultaneously for at least ten (10) minutes shall be installed in all chemical storage rooms and work areas with corrosive substances.



- 609.2 Eye wash stations shall:
- (a) Be located within a ten (10) second walking distance in the installed area with a path that is free of obstructions, without having to pass through any doors;
  - (b) Use potable water and shall be equipped with stay-open valves that are easy to find and use and that remain open until manually closed;
  - (c) Well-lit, with signs that are easily identifiable and highly visible;
  - (d) Be directly plumbed; and
  - (e) Be inspected on a weekly basis and documented in a log book to ensure proper maintenance and working condition.
- 609.3 Licensees, pool and spa operators, lifeguards, and swimming instructors are required to know where the eye wash stations are located and are trained on how to use them in the event of an emergency.

**610 FACILITY MAINTENANCE – EFFECTIVE BARRIERS, FENCES\***

- 610.1 All outdoor public swimming pools and spa pools shall be surrounded by a minimum seventy-two inch (72 in.) high fence or other substantial barrier approved by the Department.
- 610.2 The fence shall be continuous around the perimeter of the pool area that is not otherwise blocked or obstructed by adjacent buildings or structures and shall adjoin with itself or abut to the adjacent members.
- 610.3 All aquatic venues shall be through self-closing, self-latching lockable gates in which the self-latching mechanisms shall be located not less than four and a half feet (4½ ft.) (1.4 m) above finished grade.
- 610.4 Door access points from public rooms such as lobbies or club houses need not be through gates.
- 610.5 Gates shall open outward away from the pool area.
- 610.6 A latched, lockable gate shall be placed in the fence within ten feet (10 ft.) of the equipment area for service access.
- 610.7 Screened pool enclosures shall be hardened on the bottom three feet (3 ft.)

- 610.8 Fencing consideration shall be given to the U.S. Consumer Product Safety Commission (CPSC) Publication No. 362 Guidelines.
- 610.9 Safety Covers shall meet strict performance standards as set by the American Society for Testing and Materials in ASTM Standard F1346-91, Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs.
- 610.10 All public and semi-public pools shall be installed or secured with pool safety covers as specified in Subsection 505.5, during the following occurrence:
- (a) At the end of the outdoor swimming season;
  - (b) An in-door or out-door pool is taken out of service for more than thirty (30) days; or
  - (c) When a pool is experiencing a mechanical failure that prevents proper recirculation of water for more than seventy-two (72) hours.
- 610.11 All standing water shall be substantially drained from the cover with a pump within thirty (30) minutes after cessation of normal rainfall.

**611 FACILITY MAINTENANCE – CONTROLLING PESTS\***

- 611.1 The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:
- (a) Routinely inspecting the premises for evidence of pests;<sup>N</sup>
  - (b) Using methods, if pests are found, such as trapping devices or other means of pest control, such as covered, tamper-resistant bait stations; and
  - (c) Eliminating harborage conditions.<sup>N</sup>
- 611.2 The licensee shall maintain a copy of the establishment's professional service contract and service schedule, which documents the following information:
- (a) Name and address of its D.C. licensed pest exterminator/contractor in accordance with Sections 2300 and 2400 of the D.C. Pesticide Operations Regulations, effective March 20, 2015 (D.C. Law 2-70; D.C. Official Code §§ 8-401 *et seq.*);
  - (b) Frequency of pest extermination services provided under the contract; and
  - (c) Date pest extermination services were last provided to the establishment.

**612 FACILITY MAINTENANCE — REMOVING DEAD OR TRAPPED BIRDS, INSECTS, RODENTS, & OTHER PESTS, AND ANIMAL PROHIBITION\***

612.1 Dead or trapped birds, insects, rodents, and other pests shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition or the attraction of pests.

612.2 Animals shall not be allowed in aquatic facilities.

**CHAPTER 7 APPLICATION & LICENSING REQUIREMENTS,  
AND DEFINITIONS**

**700 LICENSES, REGISTRATIONS, & CERTIFICATIONS, AND  
CERTIFICATE OF OCCUPANCY REQUIREMENTS\***

700.1 No person shall own, operate, or manage a public swimming pool, spa pool, or sauna without a valid license issued by the Mayor.

700.2 No person shall own, operate, or manage a public swimming pool, spa pool, or sauna with an expired or suspended license issue.

700.3 No person shall operate, or manage a public swimming pool, spa pool, or sauna without a current Certificate of Occupancy.

700.4 No person shall serve as a pool and spa operator without a current Pool and Spa Operator's Registration Card issued by the Department in violation of Subsection 301.4.

700.5 No person shall serve as a lifeguard or swimming instructor without a current lifeguard or instructor certification issued by the American Red Cross or the YMCA, or other nationally recognized aquatic training organizations adopted and recognized by the DC Department of Health in violation of Subsections 302.3 and 302.4.

700.6 No person shall serve as a lifeguard or swimming instructor without a current certification in First Aid, and in adult, child and infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) issued by the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organization adopted and recognized by the DC Department of Health in violation of Subsection 302.4.

700.7 No person shall construct, install, renovate or retrofit any public swimming pool, spa pool, or sauna without first having received written approval from the Department of Consumer and Regulatory Affairs and the Department of Health.

**701 APPLICATION PROCEDURES FOR FACILITY LICENSE – FORM OF SUBMISSION, NOTICE**

- 701.1 An applicant shall submit a written application for a swimming pool, spa pool, or sauna on a form provided by the Department.
- 701.2 An applicant shall submit an application to license a newly constructed or newly renovated swimming pool, spa pool, or sauna at least thirty (30) calendar days before the proposed opening date of the swimming pool, spa pool, or sauna.
- 701.3 An applicant shall submit an application to renew a license at least thirty (30) calendar days before the expiration date of the current license for an existing swimming pool, spa pool, or sauna.
- 701.4 A new application shall be filed with the Department within thirty (30) calendar days of any change in ownership or location. An applicant shall also notify the Department immediately if the applicant decides not to open, sell, or transfers the aquatic facility at the location identified in the application.
- 701.5 The Department shall accept completed plans and specifications approved by the Department of Consumer and Regulatory Affairs that meet the requirements of these regulations, and shall report its findings to the applicant within thirty (30) calendar days of the date the completed plans are received.
- 701.6 Plans and specifications that are not approved as submitted shall be changed to comply with these regulations or shall be returned as disapproved.

**702 APPLICATION PROCEDURES FOR FACILITY LICENSE – CONTENT OF THE APPLICATION PACKET**

- 702.1 The Department shall not process an application for a new license, license renewal, or change in ownership or location where administrative actions are pending against the licensee of a new or existing aquatic facility.
- 702.2 The Department shall accept completed plans and specifications approved by the Department of Consumer and Regulatory Affairs that meet the requirements of these regulations, and shall report its findings to the applicant or licensee within thirty (30) days of the date the completed plans are received.
- 702.3 The Department application for a public swimming pool, spa pool, or sauna license shall include the name, address, and signature of the applicant, and the following information:
  - (a) Name, mailing address and telephone number of the licensee;

- (b) Trade name, if applicable;
- (c) Name and address of corporate officers, if applicable;
- (d) Name and address of registered agent in the District, pursuant to the “District of Columbia Official Code Title 29 (Business Organizations) Enactment Act of 2009”, as amended, effective July 2, 2011 (D.C. Law 18-378; D.C. Official § 29-104.02 (2013 Repl.)), if applicable;
- (e) Address of the swimming pool, spa pool, or sauna facility and hours of operation;
- (f) Type of aquatic facility; and
- (g) Required application fee.

702.4 The following documents shall be submitted with the Department application for review:

- (a) Current Certificate of Occupancy and required approvals issued by DCRA;
- (b) A complete set of construction plans including all schedules, including floor plans, elevations, and electrical schematics, as specified in Section 705;
- (c) Passing Pre-operational Inspection Report for compliance with these Regulations from the Department (no cost for the first Pre-operation Inspection Report);
- (d) Copies of current registrations issued by the Department to the facility’s Pool and Spa Operators, including the individuals’ names, addresses, and cell phone numbers;
- (e) Copies of current lifeguards and swimming instructors’ training certifications and First Aid certifications as specified in Section 302; and
- (f) Copies of the facility’s D.C. licensed Pest Exterminator/Contractor as specified in Subsection 611.2.

**703 APPLICATION PROCEDURES – DENIAL OF FACILITY LICENSE, NOTICE**

703.1 If an application for a new license or renewal license is denied, the Department shall provide the applicant with written notice that includes:

- (a) The specific reasons and legal authority for denial of the license;
- (b) The actions, if any, that the applicant must take to qualify for a new license or to renew an existing license; and
- (c) Notice of the applicant’s or licensee’s right to a hearing as prescribed in sections 812.2 and 812.3.

**704 ISSUANCE OF POOL AND SPA OPERATORS’ REGISTRATION CARDS**

704.1 To qualify for a Pool and Spa Operator’s Registration Card an applicant shall:

- (a) Complete a registration form provided by the Department of Health;
- (b) Submit proof of certifications specified in Section 300; and
- (c) Pay the required fee.

704.2 A Pool and Spa Operator’s Registration Card shall be valid for a three (3) year period, as specified in Subsection 301.4.

**705 ISSUANCE OF FACILITY LICENSE – REQUIRED PLAN REVIEWS AND APPROVALS**

705.1 The following plans and specifications for a swimming pool, spa pool, or sauna shall be submitted to the Department of Consumer & Regulatory Affairs for review and approval as specified in this section and Subsection 706.1:

- (a) Proposed layout, mechanical schematics, construction materials, and finish schedules;
- (b) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications;
- (c) A complete set of elevations and drawings for all custom fabricated equipment; and
- (d) Other information that may be required before the Department of Consumer & Regulatory Affairs may approve proposed plans for the construction, or renovation, or retrofits, including approvals by other District agencies, when necessary.

**706 ISSUANCE OF NEW AND RENEWAL FACILITY LICENSES – EXISTING FACILITY, NEW CONSTRUCTION, RENOVATION, AND RETROFITTING OF SWIMMING POOLS, SPA POOLS, OR SAUNAS FACILITIES**

706.1 An applicant or licensee shall submit properly prepared plans and specifications to the Department of Health for review and approval, as specified in Section 705, at least thirty (30) calendar days before:

- (a) Opening a new or existing swimming pool, spa pool, or sauna;
- (b) Building a new swimming pool, spa pool, or sauna facility;
- (c) Renovating or retrofitting an existing swimming pool, spa pool, or sauna;  
or
- (d) Changing the type of swimming pool, spa pool, or sauna facility's operation.

706.2 The Department shall issue an aquatic facility license after an applicant has:

- (a) Submitted a properly completed application provided by the Department;
- (b) Paid all required fees;
- (c) Obtained required approvals of documents specified in Sections 701.5, 701.6, 702.4, and 705; and
- (d) Passed a preoperational inspection required in Subsection 710.1.

**707 ISSUANCE OF FACILITY LICENSE – EXISTING FACILITIES, AND CHANGE IN OWNERSHIP, OR LOCATION**

707.1 The Department shall renew a license to a swimming pool, spa pool, or sauna facility after a properly completed application is submitted, reviewed and approved, applicable fees are paid, and the Department has determined through an inspection that the facility is in compliance with this Regulation.

707.2 The Department shall issue a new license to a swimming pool, spa pool, or sauna facility that has changed ownership or changed location after a properly completed application is submitted, reviewed and approved, applicable fees are paid, and an inspection shows that the facility is in compliance with this Regulation.

**708 REQUIRED POSTINGS**

708.1 A public swimming pool, spa pool, or sauna shall provide notice to the Department of its intent to shut down permanently or temporarily at least thirty (30) calendar days before discontinuing operations.

708.2 All licenses, Certificate of Occupancy, certifications, Department posted warnings, and current inspection results shall be conspicuously posted near a public entrance within the swimming pool, spa pool, or sauna facility in accordance with Sections 201, 202, and 901.1(b).

**709 LICENSES AND PERMITS NOT TRANSFERABLE**

709.1 A facility license or permit to operate a swimming pool, spa pool, or sauna facility shall not be transferred from one person to another person, from one facility to another facility, or from one location to another location even if owned, leased or operated by the same person.

**710 ACCESS, & INSPECTIONS — DEPARTMENT’S RIGHT OF ENTRY, DENIAL, AND INSPECTORS’ COMPETENCY\***

710.1 The Department shall determine an aquatic facility’s compliance with these regulations by conducting the inspections:

- (a) Preoperational and follow-up inspections, as necessary to obtain a new license for indoor or seasonal outdoor swimming pools, spa pools, and saunas.
- (b) For indoor swimming pools, spa pools, and saunas with existing valid licenses:
  - (1) Two (2) unannounced, routine inspections; and
  - (2) Follow-up inspections, as necessary.
- (c) For seasonal outdoor swimming pools, spa pools, and saunas with existing valid licenses:
  - (1) Mandatory preopening inspections. Preopening inspections shall be requested in writing at least thirty (30) days prior to opening;
  - (2) One (1) unannounced, routine inspection; and
  - (3) Follow-up inspections, as necessary.
- (d) Unannounced, complaint-generated inspections.

710.2 After representatives of the Department present official credentials and provide notice of the purpose and intent to conduct an inspection in accordance with these regulations, the applicant, licensee, pool and spa operator, or lifeguard shall allow the Department access to any part, portion, or area of a swimming pool, spa pool, or sauna facility.



- 710.3 The Department may enter and inspect all aspects of a swimming pool, spa pool, or sauna facility, including, but not limited to its physical facilities, operations, equipment, records, chemicals and other operational supplies, at any time for one or more of the following purposes:
- (a) To determine if the swimming pool or spa facility is in compliance with these regulations;
  - (b) To investigate an emergency affecting the public health if the swimming pool or spa is or may be involved in the matter causing the emergency;
  - (c) To investigate, examine and sample water quality and testing for biological contaminants, as specified in Subsection 403.1; or
  - (d) To obtain information, and examine and copy all records on the premises relating to reporting requirements as specified in Section 412.
- 710.4 If a person denies the Department access to any part, portion, or area of a swimming pool, spa pool, or sauna facility, the Department shall inform the individual that:
- (a) The applicant or licensee is required to allow access to the District agencies as specified in Subsections 710.2 and 710.3;
  - (b) If access is denied, an inspection order allowing access may be obtained in accordance with District law; and
  - (c) The Department is making a final request for access.
- 710.5 If the Department presents credentials and provides notice as specified in Subsection 710.2, explains the authority upon which access is requested, and makes a final request for access as specified in Subsection 710.4, and the applicant or licensee continues to refuse access, the Department shall provide details of the denial of access on the inspection report.
- 710.6 If the Department is denied access to a swimming pool or spa facility for an authorized purpose, after complying with Subsection 710.5, the Department may:
- (a) Summarily suspend a license issued to the swimming pool, spa pool or sauna in accordance with Subsection 807.1;
  - (b) Revoke or suspend a license issued to the swimming pool spa pool or sauna facility in accordance with Subsection 812; or

- (c) Request that the Office of the Attorney General for the District of Columbia commence an appropriate civil action in the Superior Court of the District of Columbia to secure a temporary restraining order, a preliminary injunction, a permanent injunction, or other appropriate relief from the court, to enforce these regulations.

710.7 Authorized representatives of the Department who are responsible for conducting inspections, plan reviews, and approvals of aquatic facilities shall be properly trained and certified as specified in Sections 300 and 302 of these regulations.

**711 REPORT OF FINDINGS – SPECIFYING TIME FRAME FOR CORRECTIONS**

711.1 The Department shall specify on its inspection report the time frame for correction of violations as specified in Sections 717 and 719.

**712 REPORT OF FINDINGS – ISSUING REPORT AND OBTAINING ACKNOWLEDGMENT OF RECEIPT**

712.1 At the conclusion of an inspection, the Department shall provide a copy of its completed inspection report and the notice to correct violations to the licensee, and request a signed acknowledgment of receipt. The inspection report shall contain a listing of violations by area in the facility's operation and inspection item with corresponding citations to applicable regulatory provisions.

**713 REPORT OF FINDINGS – REFUSAL TO SIGN ACKNOWLEDGMENT**

713.1 The Department shall inform a person who declines to sign an acknowledgment of receipt of inspection findings that:

- (a) An acknowledgment of receipt is not an agreement with the finding;
- (b) Refusal to sign an acknowledgment of receipt will not affect the licensee's or dealer's obligation to correct the violations noted in the inspection report within the time frames specified; and
- (c) A refusal to sign an acknowledgment of receipt will be noted in the inspection report for the swimming pool, spa pool, or sauna facility.

**714 REPORT OF FINDINGS – PUBLIC INFORMATION, RECORDS RETENTION**

714.1 The Department shall keep and maintain in-office as an active record a copy of each inspection report, complaint, inspector's sample reports, license suspension, and other correspondence regarding a public swimming pool, spa pool, or sauna facility within the District for a period of one (1) year, and then as an inactive

record for a period of two (2) additional years. Inactive records shall be destroyed in-house at the end of the two (2)-year inactive period.

714.2 In the case of an audit or investigation, the Department shall keep all records until the audit or investigation has been completed.

714.3 The Department shall treat the inspection report as a public document and shall make it available for disclosure to a person who requests it as provided in the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code §§ 2-501, *et seq.* (2012 Repl.)).

**715 IMMEDIATE HEALTH HAZARDS – CEASING FACILITY OPERATIONS AND EMERGENCY REPORTING\***

715.1 The Department shall summarily suspend operations, or, a licensee shall immediately discontinue operations and notify the Department, whenever a swimming pool, spa pool, or sauna facility is operating with any of the following conditions:

- (a) Operating an aquatic facility without a clock in violation of Subsection 202.2;
- (b) Operating an aquatic facility with improper water temperatures in violation of Subsections 202.1(b), and 402.5;
- (c) Operating an aquatic facility with a total absence of or improper depth markings in violation of Subsections 201.1(e), 402.3, and 402.4;
- (d) Operating an aquatic facility with an unapproved or contaminated water supply source for potable water use in violation of Sections 400 and 401;
- (e) Operating an aquatic facility without proper water clarity from the pool deck in violation of Subsections 402.1, 402.2, and 410.1;
- (f) Operating an aquatic facility with water quality pH level below 6.5 in violation of Subsection 404.2(a)(1);
- (g) Operating an aquatic facility with water quality pH level above 8.0 in violation of Subsection 404.2(a)(2);
- (h) The disinfectant level is below the minimum or above the maximum in violation of Subsection 404.2(b);
- (i) Operating an aquatic facility with contaminated water not treated or improperly treated with disinfectants in violation of Sections 406 and 411;

- (j) Failing to continuously operate the aquatic facility's filtration equipment in violation of Sections 408.1, 408.3, 408.12, 409, and 410.3;
- (k) Operating an aquatic facility that is not retrofitted with a properly sized and piped collector tank to eliminate direct suction through the main drain in violation of Subsection 408.5;
- (l) Operating an aquatic facility with direct suction without installing a main drain cover that meets the ANSI/ASME A112.19.8-2007 standard for drain covers in violation of Subsection 408.6;
- (m) Operating an aquatic facility with a single main drain (other than an unblockable drain) without being equipped with a device or system such as a safety vacuum release system to prevent entrapment in violation of Subsection 408.7;
- (n) Operating an aquatic facility in violation of Subsection 408.11;
- (o) Operating an aquatic facility with broken, unsecured, improperly secured, damaged or missing main drain grate or any submerged suction outlet grate in violation of Subsections 408.16 and 408.18;
- (p) Operating an aquatic facility in violation of Sections 500, 501, 502, 503, and 504;
- (q) Operating an aquatic facility without an emergency lighting source, or failing to maintain an emergency lighting source in violation of Subsection 504.5;
- (r) Operating an aquatic facility without required first aid and safety equipment on deck as specified in Section 505;
- (s) Operating an aquatic facility with improper plumbing cross-connections between the drinking water supply and aquatic facility water or between sewage system and the aquatic facility including filter backwash facilities in violation of Subsection 601.1;
- (t) Operating an aquatic facility without hot water in violation of Subsections 602.2 and 602.7;
- (u) Failing to properly handle, use, label, store, or ventilate chemicals in an aquatic facility in violation of Sections 607 or 608;
- (v) Using unapproved chemicals or applying chemicals by unapproved methods to an aquatic facility's water in violation of Subsection 607.3;

- (w) Failing to prevent unauthorized access to an aquatic facility's machinery, electric panels, or chemicals used for the swimming pool, spa pool, or sauna in violation of Subsection 607.7;
- (x) Operating an aquatic facility without the required personal protective equipment (ppe) to handle chemicals in violation of Subsection 608.10(h);
- (y) Operating an aquatic facility with safety covers that do not meet strict performance standards as set by the American Society for Testing and Materials in ASTM Standard F1346-91, Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs in violation of Subsection 610.10; or
- (z) Operating an aquatic facility with safety covers that are improperly installed, or secured with continuous union to the deck in violation of Subsection 505.5.

## 715.2

In addition to the imminent health hazards identified in Subsection 715.1, the Department shall summarily suspend operations if it determines through an inspection, or examination of records or other means as specified in Section 710, the existence of the following conditions, including but not limited to:

- (a) Operating an aquatic facility with a bather load in violation of Subsections 201.1(b), 202.1(d), and 304.1;
- (b) Serving as a lifeguard or swimming instructor without a current lifeguard or instructor certification issued by the American Red Cross, the YMCA, or other nationally recognized aquatic training organizations adopted and recognized by the D.C. Department of Health in violation of Subsections 302.3 and 302.4;
- (c) Serving as a lifeguard or swimming instructor without a current certification in First Aid, and in adult, child and infant Cardio-Pulmonary Resuscitation and Automated External Defibrillator (CPR/AED) issued by the American Red Cross, the American Heart Association, the National Safety Council, the American Academy of Orthopedic Surgeons, or other nationally recognized aquatic training organizations adopted and recognized by the DC Department of Health in violation of Subsections 302.3 and 302.4;
- (d) Operating a swimming pool, spa pool, or sauna without the required number of lifeguards in violation of Section 304;

- (e) Operating an aquatic facility without an approved Child Safety Plan, if applicable, or failing to provide copies of the facility's Child Safety Plan to the Department for review and approval in violation of Section 305;
- (f) Operating an aquatic facility in violation of a Notice of Closure/Summary Suspension, Revocation, Suspension, warnings, or other directives issued by the Department as specified in Sections 408.10, 607.4, 716, 801, 807, 811, and 812;
- (g) Using, selling, moving, or destroying equipment, chemicals, or other operational supplies subject to a Condemnation Order by the Department in violation of Subsection 804.1;
- (h) Operating an aquatic facility without a Water Quality Test Kit in violation of Section 405;
- (i) Operating an aquatic facility without maintaining daily water quality and safety logs in violation of Section 412;
- (j) Failing to report a death, serious injury, or injury that requires resuscitation or admission to a hospital occurring at a swimming pool, spa pool, sauna to the Department within twenty-four hours (24 hrs.) of the incident in violation of Subsection 413.1;
- (k) Failing to report a complaint of illness attributed by a bather to use of a swimming pool, spa pool, or sauna to the Department within twenty-four (24) hours of the incident in violation of Subsection 413.2;
- (l) Owning, operating, or managing a swimming pool, spa pool, or sauna without a valid license issued by the Department in violation of Subsection 700.1;
- (m) Failing to maintain plumbing systems, including but not limited to toilet facilities (restrooms), shower facilities, and handwashing sinks in good repair in violation of Subsection 606.1;
- (n) Using compressed chlorine gas or chlorine gas in violation of Subsections 608.3 and 608.4;
- (o) Owning, operating, or managing a swimming pool, spa pool, or sauna without required barriers and/or fencing; or, with barriers and/or fencing not approved by the Department in violation of Section 610;
- (p) Owning, operating, or managing a swimming pool without a pool safety cover in violation of Subsection 610.10;

- (q) Owning, operating, or managing a swimming pool, spa pool, or sauna with an expired or suspended license issue in violation of Subsection 700.2;
- (r) Operating, or managing a public swimming pool, spa pool, or sauna without a valid Certificate of Occupancy in violation of Subsection 700.3;
- (s) Serving as a pool and spa operator without a current Pool and Spa Operator's Registration Card issued by the Department in violation of Subsection 700.4;
- (t) Constructing, installing, renovating or retrofitting, or operating any public swimming pool, spa pool, or sauna without first having received written approved from the Department of Health and the District Government in violation of Sections 705 and 706;
- (u) Failing to allow the Department access to a swimming pool, spa pool, or sauna in violation of Section 710;
- (v) Failing to post licenses, Certificate of Occupancy, certifications, and current inspection reports in violation of Subsection 708.2;
- (w) Failing to post required signs in violation of Sections 201 and 202;
- (x) Removing required signs or Department posted warnings or closures in violation of Sections 715.3, 720.3, 805.1, and 901.1(b); or
- (y) Operating an aquatic facility with conditions dangerous to the health, safety, or welfare of bathers or patrons at the swimming pool, spa pool, or sauna, including but not limited to:
  - (1) Accidents involving bodily fluids in violation of Subsection 412.7;
  - (2) Failing to keep swimming pool, spa pool or sauna, or pool deck free of sediment, floating debris, visible dirt and algae in violation of Subsection 504.6;
  - (3) Violations of recent editions of the District of Columbia's Construction Codes Supplements, as specified in Subsection 102.1(l) and Chapter 6;
  - (4) A drowning hazard;
  - (5) Broken glass, sharp edged or broken tile, metal, or other abrasion hazards in the water or deck area;
  - (6) Operating an aquatic facility with a fire;

- (7) Operating an aquatic facility with a flood;
- (8) Operating an aquatic facility with an interruption of municipal water service;
- (9) Operating an aquatic facility with a sewage backup;
- (10) Operating an aquatic facility with an onset of a confirmed waterborne illness;
- (11) An unapproved modification to a swimming pool, spa pool, or sauna determined by the Department to be unsanitary or dangerous to the public health, safety, or welfare;
- (12) Operating an aquatic facility with unprotected, overhead electrical wires within twenty (20) feet horizontally of the water of a swimming pool, spa pool, or sauna;
- (13) Operating an aquatic facility without a ground-fault circuit interrupter (GFCI) within twenty (20) feet of the inside wall of the aquatic facility designed to shut off electric power to protect people against electric shock from an electrical system or outlet; or
- (14) Operating an aquatic facility with a recirculation system or automatic disinfectant chemical feeding equipment is missing, malfunctioning, or not functioning.

715.3 When any of the conditions listed in Subsections 715.1 or 715.2 of these regulations exist, the Department shall attach a sign that states:

**AQUATIC FACILITY CLOSED.** This facility is closed until further notice by the Department of Health for imminent health hazard(s) in violation of Section 715 of the District’s Aquatic Facilities Regulations (Swimming Pools, Spa Pools, and Saunas in Subtitle C, Title 25 of the District of Columbia Municipal Regulations).

**716 IMMINENT HEALTH HAZARD — RESUMPTION OF FACILITY OPERATIONS\***

716.1 If the facility is closed as specified in Section 715, the licensee shall obtain approval from the Department as specified in Section 811 before resuming operations.

**717 CRITICAL VIOLATIONS — TIME FRAME FOR CORRECTION**



717.1 A licensee shall, at the time of inspection, correct a critical violation of these regulations immediately, except as specified in Subsection 717.2.

717.2 The Department may consider the nature of the potential hazard involved and the complexity of the corrective action needed and agree to specify a longer timeframe, not to exceed five (5) calendar days after the inspection, for the licensee to correct a critical violation of this Regulation.

717.3 Failure to correct violations in accordance with this section may subject a licensee to summary suspension of license pursuant to Section 807, revocation or suspension of a license pursuant to Section 812, and the issuance of Notice of Infractions pursuant to Section 1000, and civil penalties pursuant to Section 1001.

## **718 CRITICAL VIOLATIONS – VERIFICATION AND DOCUMENTATION OF CORRECTION**

718.1 After observing at the time of inspection a correction of a critical violation, the Department shall enter the violation and information about the corrective action on its inspection report.

718.2 After receiving notification that the licensee has corrected a critical violation, the Department shall verify correction of the violation, document the information on an inspection report, and enter the report in its records.

## **719 NONCRITICAL VIOLATIONS – TIME FRAME FOR CORRECTION**

719.1 The licensee shall correct noncritical violations by a date and time agreed to or specified by the Department but no later than fourteen (14) calendar days after the inspection, except as specified in Subsection 719.2.

719.2 The Department may approve a compliance schedule that extends beyond the time limits specified in Subsection 719.1 if the licensee submits a written schedule of compliance and no health hazard exists or will result from allowing an extended schedule for compliance.

719.3 Failure to correct violations in accordance with this section may result in the revocation or suspension of a license pursuant to Section 812, and the issuance of Notice of Infractions pursuant to Section 1000, and civil penalties pursuant to Section 1001.

## **720 REQUEST FOR REINSPECTION**

720.1 If a license is summarily suspended pursuant to Section 807 or suspended or revoked pursuant to Section 812 because of violations of this Regulation, the licensee shall submit to the Department a written request for reinspection.

- 720.2 Upon receipt of a request for reinspection, the Department shall perform the reinspection of the public swimming or spa facility within three (3) business days of receipt of the request.
- 720.3 A swimming pool, spa pool, or sauna facility shall not resume operations, use of equipment, chemicals or supplies, or remove from public view any Department posted closures, warnings, inspection reports, or orders until the Department has reinspected the swimming pool, spa pool, or sauna facility and certified that it is in compliance with these Regulations, as specified in Sections 716.1, 720.1, 720.2, 804, and 805.

## **CHAPTER 8 ADMINISTRATIVE ENFORCEMENT ACTIONS AND ORDERS**

### **800 ADMINISTRATIVE ENFORCEMENT ACTION – REMEDIES**

- 800.1 The Department may use one or more of the remedies listed in this chapter simultaneously to address a violation of this Regulation.

### **801 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION ORDER, JUSTIFYING CONDITIONS AND REMOVAL OF EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES**

- 801.1 A duly authorized agent of the Department may condemn and cause to be removed any equipment, chemicals, or other operational supplies found in a swimming pool, spa pool, or sauna facility the use of which does not comply with these regulations.

### **802 ADMINISTRATIVE ENFORCEMENT ACTION – CONDEMNATION ORDER, CONTENTS**

- 802.1 The condemnation order shall:
- (a) State that the equipment, chemicals, or other operational supplies subject to the order may not be used, sold, moved from the swimming pool, spa pool, or sauna facility or destroyed without a written release of the order from the Department;
  - (b) State the specific reasons for placing the equipment, or other operational supplies under the condemnation order with reference to the applicable provisions of these regulations and the hazard or adverse effect created by the observed condition;
  - (c) Completely identify the equipment, chemicals, or other operational supplies subject to the condemnation order by the common name, the manufacturer's information, description of the item, the quantity, the Department's tag or identifying information, and location;

- (d) State that the Department of Health may order the destruction, replacement or removal of the equipment, chemicals, or other operational supplies; and
- (e) That the licensee may request an informal conference in accordance with Subsection 803.2. A request for an informal conference does not stay the Department's imposition of the condemnation order.

**803 ADMINISTRATIVE ENFORCEMENT ACTION — CONDEMNATION ORDER, OFFICIAL TAGGING OR MARKING OF EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES**

- 803.1 The Department of Health shall place a tag, label, or other appropriate marking to indicate the condemnation of equipment, chemicals, or other operational supplies that do not meet the requirements of this Regulation.
- 803.2 The tag or other method used to identify the equipment, chemicals, or other operational supplies that are the subject of a condemnation order shall include a summary of the provisions specified in Section 802 and shall be signed and dated by the Department.

**804 ADMINISTRATIVE ENFORCEMENT ACTION — CONDEMNATION ORDER, EQUIPMENT, CHEMICALS, OR OTHER OPERATIONAL SUPPLIES MAY NOT BE USED OR MOVED**

- 804.1 Equipment, chemicals, or other operational supplies that are subject to a condemnation order may not be used, sold, moved, or otherwise destroyed by any person, except as specified in Subsection 804.2.
- 804.2 The Department may allow the licensee to store the equipment, chemicals, or other operational supplies in an area of the swimming pool, spa pool, or sauna that does not restrict the facility's operations.

**805 ADMINISTRATIVE ENFORCEMENT ACTION — CONDEMNATION ORDER, REMOVING THE OFFICIAL TAG OR MARKING**

- 805.1 No person shall remove Department posted tags, labels, or other appropriate markings except under the direction of the Department as specified in Subsection 805.2.
- 805.2 The Department of Health shall issue a notice of release from a condemnation order and shall remove condemnation tags, labels, or other appropriate markings from equipment, chemicals, or other operational supplies if:
- (a) The condemnation order is vacated; or

- (b) The licensee notifies the Department that the equipment, chemicals, or other operational supplies have been modified to meet NSF/ANSI or ASME/ANSI standards and the requirements of this Regulation, and the Department has conducted a re-inspection.

**806 ADMINISTRATIVE ENFORCEMENT ACTION — CONDEMNATION ORDER, WARNING OR INFORMAL CONFERENCE NOT REQUIRED**

806.1 The Department may issue a condemnation order to a licensee without prior warning, or informal conference on the condemnation order.

806.2 A condemnation order shall be reviewed by a Department program manager or supervisor prior to it being issued to an operator. A request by email, certified mail, or fax may be submitted by the licensee requesting an informal conference with the Department within fifteen (15) business days of receiving the condemnation order.

**807 ADMINISTRATIVE ENFORCEMENT ACTION — SUMMARY SUSPENSION OF LICENSE, CONDITIONS WARRANTING ACTION**

807.1 The Department may summarily suspend a license to operate a swimming pool, spa pool, or sauna facility, when the Department is denied access to a facility in violation of Section 710, or when the Department determines through an inspection, examination of records, or other means as specified in the Regulations that an imminent health hazard exists.

**808 ADMINISTRATIVE ENFORCEMENT ACTION — CONTENTS OF SUMMARY SUSPENSION NOTICE**

808.1 A summary suspension notice shall state:

- (a) That the license of a swimming pool, spa pool, or sauna facility is immediately suspended and that all operations shall immediately cease;
- (b) The reasons for summary suspension with reference to the provisions of this Regulation that are in violation;
- (c) The name and address of the Department's representative to whom a written request for reinspection may be made and who may certify that reasons for the suspension are eliminated; and
- (d) State that the licensee may request an informal conference in accordance with Subsection 809.2. A request for an informal conference does not stay the Department's imposition of the condemnation order;

**809 ADMINISTRATIVE ENFORCEMENT ACTION — SUMMARY SUSPENSION, WARNING OR INFORMAL CONFERENCE NOT REQUIRED**

809.1 The Department may summarily suspend a license as specified in Section 807 by providing written notice as specified in Section 808 of the summary suspension to the licensee, without prior warning or informal conference.

809.2 A Notice of Summary Suspension shall be reviewed by a Department program manager or supervisor prior to being issued to a licensee. A request by email, certified mail, or fax may be submitted by a licensee requesting an informal conference with the Department.

**810 ADMINISTRATIVE ENFORCEMENT ACTION — SUMMARY SUSPENSION, TIME FRAME FOR REINSPECTION**

810.1 After receiving a request by email, certified mail, or fax from the licensee stating that the conditions cited in the summary suspension order no longer exist, the Department shall conduct a reinspection of the aquatic facility for which the license was summarily suspended within three (3) business days of receiving the licensee's request.

**811 ADMINISTRATIVE ENFORCEMENT ACTION — SUMMARY SUSPENSION, TERM OF SUSPENSION, REINSTATEMENT**

811.1 A summary suspension shall remain in effect until the conditions cited in the notice of suspension no longer exist and the Department has confirmed, through reinspection or other appropriate means that the conditions cited in the notice of suspension have been corrected, as specified in Section 716 and 720.

**812 ADMINISTRATIVE ENFORCEMENT ACTION — REVOCATION OR SUSPENSION OF LICENSE, OR DENIAL OF APPLICATION OR RENEWAL OF LICENSE**

812.1 Failure to comply with any of the provisions of these regulations shall be grounds for the revocation or suspension of any license issued to an aquatic facility pursuant to the Department of Health Functions Clarification Act of 2001, effective October 3, 2001, as amended (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2012 Repl.)). The Department may revoke a license of a swimming pool, spa pool, or sauna where there is a record of subsequent violations and a history of summary suspensions within a three (3) year period.

812.2 Before a license is revoked, or suspended, a licensee shall be given an opportunity to answer and to be heard on the violations before the Office of Administrative Hearings in accordance with the Office of Administrative Hearings Rules of Practice and Procedure in Section 2808, Title 1 DCMR, as amended.

- 812.3 Before the Department denies an application for license, or denies the renewal of a license as specified in Section 703, an applicant or licensee shall be given an opportunity to answer and to be heard on the violations before the Office of Administrative Hearings in accordance with the Office of Administrative Hearings Rules of Practice and Procedure in Section 2808, Title 1 DCMR, as amended.

## CHAPTER 9 SERVICE OF PROCESS

### 900 SERVICE OF PROCESS – NOTICE, PROPER METHODS

- 900.1 A notice issued in accordance with these regulations shall be deemed properly served if it is served by one (1) of the following methods:

- (a) A Department representative, a law enforcement officer, or a person authorized to serve a civil process, personally services the notice to the licensee, or the person operating a swimming pool, spa pool, or sauna without a license;
- (b) The Department sends the notice to the last known address of the licensee or person operating a swimming pool, spa pool, or sauna without a license, in accordance with Section 205 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1802.05 (2012 Repl.)), or by other public means so that a written acknowledgment of receipt may be acquired; or
- (c) In accordance with the Office of Administrative Hearings Rules of Practice and Procedure in Section 2811, Title 1 DCMR, as amended.

### 901 SERVICE OF PROCESS – DEPARTMENT ISSUED NOTICES OF SUMMARY SUSPENSION, NOTICES OF INFRACTION, AND OTHER DIRECTIVES

- 901.1 Notices of Summary Suspension, Notices of Infraction, and other directives issued by the Department shall be:

- (a) Served as specified in Subsection 900.1; or
- (b) Posted by the Department at a public entrance to the swimming pool, spa pool, or sauna.

### 902 SERVICE OF PROCESS – NOTICE, EFFECTIVENESS

902.1 Service is effective at the time of the notice's receipt as specified in Subsection 901.1(a), or if service is made as specified in Subsection 901.1(b) at the time of the notice is posted.

**903 SERVICE OF PROCESS – PROOF OF PROPER SERVICE**

903.1 Proof of proper service may be made by certificate of service signed by the person making service or by admission of a return receipt, certificate of mailing, or a written acknowledgment signed by the licensee or person operating a swimming pool, spa pool, or sauna without a license or an authorized agent.

**CHAPTER 10 ADMINISTRATIVE AND CIVIL PENALTIES, AND JUDICIAL REVIEW**

**1000 NOTICE OF INFRACTIONS**

1000.1 The Department may impose civil infraction fines penalties for violations of any provision of these regulations pursuant to the Department of Consumer & Regulatory Affairs Civil Infractions Act of 1985, (Civil Infraction Act), effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801, *et seq.* (2012 Repl.)).

1000.2 A licensee who receives a Notice of Infraction as specified in Subsection 900.1(c), may pay the assessed fine or appear before the Office of Administrative Hearings as directed on the reverse side of the Notice of Infraction in accordance with the “Office of Administrative Hearings Rules of Practice and Procedure” in Section 2808, Title 1 DCMR, as amended.

**1001 CIVIL FINES AND PENALTIES**

1001.1 Civil fines, penalties, or related costs may be imposed against any aquatic facility owner, or licensee for violation of any provision of this Regulation.

**1002 JUDICIAL REVIEW – APPEALS**

1002.1 Any person aggrieved by a final order or decision of the Department may seek judicial review in accordance with the Department of Health Functions Clarification Act of 2001, effective October 3, 2001, as amended (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2012 Repl.)).

**1003 [RESERVED – FEE AND SERVICE SCHEDULE]**

**CHAPTER 99 DEFINITIONS**

**9900 GENERAL PROVISION AND DEFINITIONS**

9900.1 The terms and phrases used in this title shall have the meanings set forth in this chapter, unless the text or context of the particular chapter, section, subsection, or paragraph provides otherwise.

9900.2 DEFINITIONS

**Abrasion hazard** – a sharp or rough surface that would scrape the skin by chance during normal use.

**Accessible** – easy exposed for inspection and the replacement of materials and/or parts with the use of tools.

**Agitated water** – an aquatic venue with mechanical means (aquatic features) to discharge, spray, or move the water's surface above and/or below the static water line of the aquatic venue. Where there is no static water line, movement shall be considered above the deck plane.

**Algae** – a marine plant classified along with Fungi and Bacteria in the group *Thallophyta*; thrives in sunny places on land or water utilizing photosynthesis for energy production; and can be destroyed easily with chlorine sanitizers.

**Alteration** – any change in equipment or materials used in the construction of a public swimming pool, spa pool, or sauna that does not conform to DCRA or DOH-approved plans, specifications, and change orders. Or, any act which changes or alters the original characteristics of the pool that requires a Building Permit issued by DCRA or DOH-approval, including but not limited to: pool or deck resurfacing, painting, equipment changes, structural additions or deletions, including but not limited to changes in the recirculation systems, decking, treatment systems, disinfection system, or pool shape modifications.

**ASME/ANSI** – a safety standard accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

**Aquatic feature** – an individual component within an aquatic facility, such as slides, structures designed to be climbed or walked across, and structures that create falling or shooting water.

**Aquatic facility** – an artificially constructed structure or modified natural structure where the general public is exposed to water intended for recreational or therapeutic purpose. Such structures do not necessarily contain standing water, so water exposure may occur via contact, ingestion, or aerosolization. Examples include swimming pools, wave pools, lazy rivers, surf pools, spas (including spa pools and hot tubs),



therapy pools, waterslide landing pools, spray pads, and other interactive water venues.

**Barrier** – a fence, safety cover, wall, building wall or a combination thereof, which completely surrounds or covers the swimming pool or spa and obstructs access to the swimming pool, or spa pool, including a natural or constructed topographical feature that prevents unpermitted access by bathers to a swimming pool, and with respect to a hot tub, a lockable cover. All access through the barrier shall have (1) one or more of the following safety features: alarm, key lock or self-locking or self-latching doors and gates.

**Bather** – any person using a swimming pool, spa pool, or sauna and adjoining deck area for the purpose of water sports, recreation therapy or related activities.

**Bather load** – the maximum number of persons allowed in the pool / spa area at one time.

**Beginners' areas** – water depths of three feet (3 ft.) or zero point nine one four four meter (0.9144 m) or less.

**Breakpoint Chlorination** – elimination of inorganic chloramines by adding enough Free Chlorine to destroy the inorganic chloramines that contribute to combined chlorine. Ten times the Combined Chlorine minus the existing Free Chlorine is used.

**Bromine** – a chemical sanitizing agent that is not as effective as chlorine in normal conditions and is not affected by heat, and continues disinfecting after combining making it great for spas.

**Chemical feeder** – a mechanical device used for applying chemicals to the water in swimming pools, spa pools, and saunas.

**Chloramine** – a compound formed when chlorine combines with nitrogen or ammonia causing eye and skin irritations and has a strong, objectionable odor.

**Chlorination** – the process of introducing chlorine to water to remove undesired contaminants and acts as a sanitizer, algaecide and strong oxidizer.

**Circulation equipment** – the mechanical components that are part of a circulation system in a swimming pool, spa pool, or sauna. Circulation equipment includes but is not limited to categories of pumps, hair and lint strainers, filters, valves, gauges, meters, heaters, surface skimmers, inlet/outlet fittings, and chemical feeding devices. The components have

separate functions, but when connected to each other by piping, perform as a coordinated system for purposes of maintaining swimming pool, spa pool, or sauna in a clear, sanitary and desirable condition.

**Circulation system** – an arrangement of mechanical equipment or components, connected by piping to a swimming pool, spa pool, or sauna in a closed system. The function of a circulation system is to direct water from the pool or spa, causing it to flow through the various system components for purposes of clarifying, heating, purifying, and returning the water back to the original body of water.

**Clarifier** – a chemical that coagulates and neutralizes suspended particles in water. There are two (2) types: inorganic salts of aluminum or iron and water-soluble organic polyelectrolyte polymers, also called coagulant or flocculent.

**Coliform** – a group of naturally-occurring bacteria that are present in all surface water and are in the intestinal tract of human and other warm-blooded animals. The presence of coliforms in a swimming pool, spa pool, or sauna indicates possible deficiencies in chlorine residuals, water clarity, filter backwashing or cleaning, pool cleanliness, swimmer adherence to showering rules and/or proper sample collection technique.

**Colorimetric** – one of four (4) test methods used to determine the concentration of a chemical element or chemical compound in a solution with the aid of a color reagent.

**Competition pool** – a swimming pool designed to be routinely used to host organized swim competitions such as those sponsored by colleges, universities, swim leagues, and swim clubs.

**Coping** – edge between deck of pool and water.

**Critical item** – a provision of these regulations that, if in noncompliance, is more likely than other violations to serve as a vector for a waterborne illness, or an environmental health hazard. A critical item is denoted with an asterisk (\*).

**Critical limit** – the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to prevent, eliminate or reduce to an acceptable level the occurrence of a waterborne illness, or an environmental health hazard.

**Critical violation** – a condition or practice that violates these regulations and results in a waterborne illness, or endangers the public health, safety, or welfare.

**Cyanuric** – a chemical that helps reduce the excess loss of chlorine in water due to the ultraviolet rays of the sun. It is also called stabilizer, isocyanuric acid conditioner or triazinetrione.

**Dark** – a Munsell Color Value from zero (0) to four (4).

**Decks** – those areas immediately adjacent to or attached to a swimming pool, spa pool, or sauna that are specifically constructed or installed for use by users sitting, standing or walking.

**Deep areas** – water depths in excess of five feet (5 ft.) or one point five two four meters (1.524 m).

**Department** – Department of Health.

**D.E.** – the Diatomaceous Earth that is used as a filter aid in DE type filters, including alternative filter aids that have been approved under NSF / ANSI Standard 50-2007, and accepted by the filter manufacturer.

**Disinfectant** – energy or chemicals used to kill undesirable or pathogenic (disease-causing) organisms that have a measurable residual at a level adequate to make the desired kill.

**Diving board** – a recreational mechanism for entering a swimming pool, consisting of a semi-rigid board that derives its elasticity through the use of a fulcrum mounted below the board.

**Duckboard** – a boardwalk laid across a muddy ground or flooring; made of non-porous easily cleanable material when used in pool deck area.

**Electronic** – one of four (4) test methods used to determine the concentration of a chemical using a portable/hand held test meter for pool-side use.

**Ground-fault circuit interrupter (GFCI)** – a fast-acting circuit breaker designed to shut off electric power in the event of a ground-fault (a break in the low-resistance grounding path from a tool or electrical system) within as little as 1/40 of a second, as defined by the U.S. Department of Labor Occupational Safety & Health Administration (OSHA) in publication OSHA 3007 1998 (Revised), an informational booklet.

**Hose bibb** – any connection to a potable water supply.

**Imminent health hazard** – a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires

immediate correction or cessation of operations to prevent injury based on the number of potential injuries, and the nature, severity and duration of the anticipated injury.

**Inaccessible** – enclosed by an effective barrier.

**Jump board** – a recreational mechanism that has a coil spring, leaf spring or comparable device located beneath the board which is activated by the force exerted in jumping on the board.

**Licensee** – the owner of an aquatic facility.

**Lifeguard** – a person having the qualifications of and possessing a current American Red Cross, YMCA, or other Lifeguard Certifications, current First Aid Certificates, current CPR (which includes adult, child, and infant), Certificates issued by nationally recognized aquatic training organizations, such as the International Lifeguard Training Program™ (ILTP™), that are adopted and recognized by the DC Department of Health; and is responsible for the safety of the users of a public swimming pool, spa pool, and sauna.

**Main drain** – a submerged suction outlet typically located at the bottom of a swimming pool, spa pool, and sauna to conduct water to a re-circulating pump.

**Marking or Markings** – the placement and installation of visual marking cues to help patrons identify step, bench and swim out outlines, slope break location, depth designations, and NO ENTRY and NO DIVING warnings. When markings are specified to be dark the term “dark” shall have the meaning defined in this Regulation.

**Membrane filter test** – a swab sample taken from any hard surface.

**N,N-Diethyl-p-Phenylenediamine (DPD)** – pH indicator in liquid or tablet form is the most common chlorine/bromine testing reagent; the indicator turns pink in the presence of disinfectant residual and the pinker the sample, the higher the chlorine/bromine reading.

**NTU (Nephelometric Turbidity Unit)** – a means of measuring water clarity.

**Oxidation reduction potential (ORP) controller** – device used to measure sanitizer effectiveness and to control ozone generators, chlorine generators, and ionizers (in combination with chlorine). ORP is the only practical method to electronically monitor sanitizer effectiveness.

**Oxidation reduction potential (ORP)** – a measure of the tendency for a solution to either gain or lose electrons; higher (*more positive*) oxidation reduction potential indicates a more oxidative solution.

**Pool safety cover** – a manually or power-operated safety pool cover that conforms to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating swimming pools or drain covers.

**Pool and Spa Operator** – an individual directly responsible for the operation of a swimming pool, spa pool, and sauna facility with certifications that are registered by the National Swimming Pool Foundation, and who are in possession of a current District of Columbia Pool and Spa Operator's Registration Card.

**Precoat** – the layer of diatomaceous earth deposited on the filter septa at the start of a filter run with D.E. filters.

**Precoat feeder** – a chemical feeder designed to inject diatomaceous earth into a filter in sufficient quantity to coat the filter septa at the start of a filter run.

**Private residential swimming pools, spa pools, and saunas** – residential swimming pool, spa pool, or sauna built in conjunction with a single family residence used or intended to be used solely by the owner or lessee, and the owner or lessee's immediate family and guests invited to use it without payment of a fee.

**Public pool** – any public pool or pools serving multi-family units, as classified and defined within this definition that are used for swimming or bathing and are operated by an owner, lessee, operator, licensee, or concessionaire, regardless of whether a fee is charged for use. Public pools shall be further classified and defined as follows:

- (a) Class A, Competition Pool – any pool intended for use for accredited competitive aquatic events such as Federation Internationale De Natation (FINA), USA Swimming, USA Diving, USA Synchronized Swimming, USA Water Polo, National Collegiate Athletic Association (NCAA), or National Federation of State High School Associations (NFHS). The use of the pool is not limited to competitive events.
- (b) Class B, Municipal Pool – any pool intended for public recreational use.

- (c) Class C, Semi-Public Pool – any pool operated solely for and in conjunction with lodgings such as hotels, motels, apartments, condominiums.
- (d) Class D-1, Wave Action Pool – a pool designed to simulate breaking or cyclic waves for purposes of general play or surfing.
- (e) Class D-2, Activity Pool – a pool designed for casual water play ranging from simple splashing activity to the use of attractions placed in the pool for recreation.
- (f) Class D-3, Catch Pool – a body of water located at the termination of a manufactured waterslide attraction. The body of water is provided for the purpose of terminating the slide action and providing a means for exit to a deck or walkway area.
- (g) Class D-4, Leisure River – a manufactured stream of water of near-constant depth in which the water is moved by pumps or other means of propulsion to provide a river-like flow that transports bathers over a defined path that may include water features and play devices.
- (h) Class D-5, Vortex Pool – a circular pool equipped with a method of transporting water in the pool for the purpose of propelling riders at speeds dictated by the velocity of the moving stream of water.
- (i) Class D-6, Interactive Play Attraction – a manufactured water play device or a combination of water-based play devices in which water flow volumes, pressures, or patterns can be varied by the bather without negatively influencing the hydraulic conditions for other connected devices. These attractions incorporate devices or activities such as slides, climbing and crawling structures, visual effects, user-actuated mechanical devices and other elements of bather-driven and bather-controlled play.
- (j) Class D-7, Amusement Park Attraction – an attraction or ride traditionally found in amusement parks that are designed to permit bather contact with water.
- (k) Class D-8, Natural Body of Water – a natural or man-made aquatic play area normally regarded as oceans, lakes, ponds, streams, quarries, or bodies of water that the local jurisdiction has designated as natural bodies of water.

- (l) Class E – pools used for instruction, play or therapy and with temperatures above eighty-six degrees Fahrenheit (86° F) or (thirty degrees Celsius (30.0 ° C). Public pools are either a diving or non-diving type. Diving types of public pools are classified into types as an indication of the suitability of a pool for use with diving equipment.
- (m) Type VI-IX – public pools suitable for the installation of diving equipment by type.
- (n) Type O – a non-diving public pool.

**Qualified lifeguards** – individuals who have successfully completed nationally recognized aquatic training organizations adopted and recognized by the D.C. Department of Health, hold current certificates for such training, have met the pre-service requirements, and are participating in continuing in-service training requirements of the aquatic facility.

**Quaternary ammonium (quats)** – a compound derived from ammonium with hydrogen atoms replaced by organic groups; used as surface-active agent and disinfectant.

**Recirculation system** – a system consisting of pumps, motors, piping, filters, inlets, outlets, disinfecting and other water conditioning equipment and necessary accessories.

**Return** – pool water that is going back into the filtration system and chemical feeding cycle, usually from the gutters, skimmer or return lines.

**Safety vacuum release system** – a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

**Sauna** – aquatic feature including but not limited to the application of water vapor from hot water facilities such as Jacuzzis, hot tubs and steam baths.

**Scum gutter** - overflow line along the sides of the swimming pool, spa pool, and sauna that takes water to the return lines in the filtration system.

**Shallow end of pool** – the portion of a pool where the water's depth is four feet (4 ft.) or less.

**Shepherd's hook** – a pole twelve (12) to sixteen (16) feet in length with a loop on the end to grasp a person in the water who is in distress without entering the water.

**Ship's ladder** – the entry and exit ladders found on the pool sides and ends.

**Showers** – baths where the bather's body is sprayed with a fine stream of water from small jets.

**Skimmer or surface skimmer** – overflow water line that traps debris in the weir basket and returns the water to the filtration system for treatment.

**Slip resistant** – having a textured surface which is not conducive to slipping under contact of bare feet unlike glazed tile or masonry terrazzo and non-textured plastic materials. Manufactured surface products shall be designed by the manufacturer as suitable for walking surfaces in wet areas. Minimum acceptable static coefficient of friction to determine slip resistance is 0.7 on horizontal wet walking surfaces in the pool and for the wet deck area.

**Spa pool** – a structure intended for either warm or cold water where prolonged exposure is not intended. Spa structures are intended to be used for bathing or other recreational uses and are not usually drained and refilled after each use. It may include, but is not limited to, hydrotherapy, air induction bubbles, and recirculation.

**Stationary diving platform** – used for diving and are constructed or located on site, and may be natural or artificial rocks, pedestals or other items.

**Super-chlorination** – the addition of large quantities of chlorine-based chemicals that kills algae, destroys odor, or improves the ability to maintain a disinfectant residual.

**Titrimetric** – one of four (4) test methods used to determine the unknown concentration of a chemical by using a standard concentration of a known reagent.

**Turbidimetric** – one of four (4) test methods used to measure the amount of solid particles that are suspended in water and that cause light rays shining through the water to scatter and appear cloudy.

**Turnover time** – the period of time (usually hours) required to circulate the complete volume of water in a pool through the recirculation system.

**Unblockable drain** – a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

**UL Standard** – a document published by UL, a global independent safety science company, detailing construction, performance, environmental, sustainability or other requirements utilized for certification.



**Vacuum breakers** – a plumbing device that prevents the pool’s recirculation pumps from being damaged by shutting the system down when there is a drop in air pressure.

**Water Ionizer** – an appliance that filters and converts water into ions; separates *water* into an alkaline fraction and an acid fraction by exploiting the *electric charge* of the *calcium* and *magnesium ions* present in nearly all sources of *drinking water*. In the case of water chemistry sodium hypochlorite (liquid bleach) is converted into hypochlorous acid (HClO), the active sanitizing agent in pool water.

**Water recreation attraction** – a facility with design and operational features that provide patron recreational activity and purposefully involves immersion of the body partially or totally in the water. Water recreation attractions include water slides, water activity pools, interactive water features, wave pools and any additional pool within the boundaries of the attraction.

**Water-safe** – a bather who is able to swim and capable of exercising proper judgment in taking action for self-preservation under emergency conditions.

**Water therapy facilities** – swimming pools, spa pools, or saunas used exclusively for water therapy to treat a diagnosed injury, illness, or medical condition, wherein the medical treatment or physical therapy is provided under the direct supervision of medical personnel licensed pursuant to the Health Occupations Revision Act of 1985 Amendment Act of 1994, effective March 23, 1995 (D.C. Law 10-247; D.C. Official Regulation § 3-1205.01 (2016 Repl.)); and the prescribing physician authorizes a plan of treatment justifying use of a pool for health care purposes.

**Weir** – baskets found at the skimmer line that trap and prevent debris from entering the filtration system in the return lines which could damage the pumps or obstruct the filters.

**Wet deck area** – the four foot wide unobstructed pool deck area around the outside of the pool water perimeter, curb, ladders, handrails, diving boards, diving towers, pool slides, waterfalls, water features, starting blocks, planters, or lifeguard chairs.

**Zones of patron surveillance** – when qualified lifeguards are used, the staffing plan shall include diagrammed “zones of patron surveillance” for each aquatic facility where:

- (a) A qualified lifeguard is capable of viewing the entire area of the assigned “zones of patron surveillance”;
- (b) A qualified lifeguard is able to reach the furthest extent of the assigned “zones of patron surveillance” within 20 seconds;
- (c) Identify whether a qualified lifeguard is in an elevated stand, walking, in-water and/or other approved position;
- (d) Identifying any additional responsibilities for each zone; and
- (e) All areas of each aquatic venue are assigned a “zones of patron surveillance”.

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 547, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black on (202) 442-5977 or email [Angli.Black@dc.gov](mailto:Angli.Black@dc.gov).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF COMMENT PERIOD EXTENSION**RM27-2017-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT,**

1. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file comments and reply comments in response to a Notice of Proposed Rulemaking ("NOPR") published January 20, 2017 in *D.C. Register*.<sup>1</sup> The proposed amendments in the NOPR require telecommunications service providers reporting telecommunications service outages to identify the most specific location of the service outage that the telecommunications service provider has available when the initial report is filed and the actual location of the service outage in the telecommunications service provider's network in the final report.

2. Through this Public Notice, the Commission extends the comment period from February 20, 2017, to March 21, 2017, and the reply comment period from March 6, 2017, to April 5, 2017.

3. All persons interested in filing comments and reply comments on the subject matter of the NOPR shall file these comments and reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, NW, Suite 800, Washington D.C. 20005. Copies of the NOPR may be obtained by visiting the Commission's website at [www.dcpsc.org](http://www.dcpsc.org) or at cost, by contacting the Commission Secretary at (202) 626-5150 or [PSC-CommissionSecretary@dc.gov](mailto:PSC-CommissionSecretary@dc.gov). After the comment period expires, the Commission will take final rulemaking action.

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<sup>1</sup> 64 *D.C. Reg.* 000548 (January 20, 2017).

## ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

**NOTICE OF PROPOSED RULEMAKING****Z.C. Case No. 14-11B****(Text Amendment – 11 DCMR)****(Subtitle B, Definitions; Subtitle D, Zones R-2, R-13, R-17, and R-20; Subtitle E, RF Zones; and Subtitle U, Use Permissions RF Zones)**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Rep1.), hereby gives notice of its intent to amend Subtitles B (Definitions, Rules of Measurement, and Use Categories); D (Residential House (R) Zones); E (Residential Flat (RF) Zones); and U (Use Permissions) of Title 11 (Zoning Regulations of 2016) of the District of Columbia Municipal Regulations (DCMR).

The proposed text amendments address concerns about excessively disproportionate rear extensions adjoining attached and semi-detached buildings in the R-2, R-3, R-13, R-17, R-20, and RF zones by adding language limiting a matter-of-right rear extension to such buildings, whether as an addition to an existing building or as new construction, from extending further than ten feet (10 ft.) beyond the farthest rear wall of an adjoining principal residential building on an adjoining property. The amendments allow a rear extension to extend further than ten feet (10 ft.) if approved as a special exception. The proposed limitation does not apply to detached buildings because a detached building, including any rear addition, would be subject to side yard requirements that provide separation from adjacent buildings.

Also proposed are amendments to the adopted text from Z.C. Case No. 14-11 regarding conversions to apartment houses in the RF zones that make clarifications requested by the Zoning Administrator. These amendments are identified and explained in Part II of the Office of Planning's setdown report for this case, which is Exhibit No. 1 in the record. Finally, the amendments would make clarifying changes to the rules prohibiting in an RF zone the removal or significant alteration of original rooftop architectural elements or the construction of an addition that would interfere within an existing solar energy system

Final rulemaking action shall be taken not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following amendments to Title 11 DCMR are proposed (additions are shown in **bold underlined** text and deletions are shown in ~~striktthrough~~ text):

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

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

The definition of “Boarding House” in § 100.2 of § 100, DEFINITIONS, is amended to read as follows:

Boarding House: A building or part thereof where, for compensation, lodging and meals are provided to three (3) or more guests on a monthly or longer basis-; a boarding house shall be considered a residential structure.

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

Chapter 3, RESIDENTIAL HOUSE ZONES – R-1-A, R-1-B, R-2, AND R-3, is amended as follows:

New §§ 306.3 and 306.4 are added to § 306, REAR YARD, to read as follows:

306.3            Notwithstanding Subtitle D §§ 306.1 and 306.2, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

306.4            A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

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

New §§ 706.3 and 706.4 are added to § 706, REAR YARD, to read as follows:

706.3            Notwithstanding Subtitle D §§ 706.1 and 706.2, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

706.4            A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Chapter 10, FOGGY BOTTOM RESIDENTIAL HOUSE ZONE - R-17, is amended as follows:

New §§ 1006.2 and 1006.3 are added to § 1006, REAR YARD, to read as follows:

**1006.2** Notwithstanding Subtitle D § 1006.1, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

**1006.3** A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

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

New §§ 1206.3 and 1206.4 are added to § 1206, REAR YARD, to read as follows:

**1206.3** Notwithstanding Subtitle D § 1206.2, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

**1206.4** In the R-20 zone a rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle D §§ 5201.3(a) through 5201.3(d) and §§ 5201.4 through 5201.6.

Title 11-E DCMR, RESIDENTIAL FLAT (RF) ZONES, is amended as follows:

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

New §§ 205.4 and 205.5 are added to § 205, REAR YARD, to read as follows:

**205.4** Notwithstanding §§ 205.1 through 205.3, a rear wall of an attached or semi-detached building shall not be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any adjoining principal residential building on an adjoining property.

**205.5** **A rear wall of an attached or semi-detached building may be constructed to extend farther than ten feet (10 ft.) beyond the farthest rear wall of any principal residential building on an adjoining property if approved as a special exception pursuant to Subtitle X, Chapter 9 and as evaluated against the criteria of Subtitle E §§ 5201.3 through 5201.6.**

Section 206, ROOF TOP OR UPPER FLOOR ADDITIONS, is amended to read as follows:

**206 ROOF TOP OR UPPER FLOOR ADDITIONS**

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

- (a) A roof top architectural element original to the building such as **cornices, porch roofs,** a turret, tower, or dormers, shall not be removed or significantly altered, including **shifting its location,** changing its shape or increasing its height, elevation, or size. **For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**
- (b) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent **compliant with any District of Columbia municipal code** on an adjacent property. ~~required by any municipal code;~~ **A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;** and
- (c) Any addition, including a roof structure or penthouse, shall not **significantly** interfere with the operation of an existing ~~or permitted~~ solar energy system **of at least 2kW** on an adjacent property, ~~as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator,~~ **unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph, the following quoted phrases shall have the associated meanings:**
- (1) **“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and**
- (2) **“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building**

permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:

(i) Legally permitted, installed and operating; or

(ii) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system.

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

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

**Chapter 3, USE PERMISSIONS RESIDENTIAL FLATS (RF) ZONES, is amended as follows:**

**Subsection 301.2 of § 301, MATTER-OF-RIGHT USES (RF), is amended to read as follows:**

301.2 Conversion of an existing non-residential building or structure ~~existing prior to May 12, 1958, to a residential building~~ an apartment house shall be permitted as a matter of right in an RF-1, RF-2, or RF-3 zone subject to the following conditions:

- (a) The building or structure to be converted is in existence ~~There is an existing non-residential building~~ on the property at the time of filing an application for a building permit;
- (b) The maximum height of any addition to the existing structure shall not exceed thirty-five feet (35 ft.);
- (c) There shall be a minimum of nine hundred square feet (900 sq. ft.) of land area per dwelling unit;
- (d) An addition shall not extend further than ten feet (10 ft.) past the furthest rear wall of any principal residential building on an adjacent property;



- (e) A roof top architectural element original to the structure such as **cornices, porch roofs,** a turret, tower, or dormers shall not be removed or significantly altered, including **shifting its location,** changing its shape or increasing its height, elevation, or size. **For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure's rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**
- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent **compliant with any District of Columbia municipal code** on an adjacent property, ~~required by any municipal code;~~ **A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;**
- (g) Any addition, including a roof structure or penthouse, shall not **significantly** interfere with the operation of an existing ~~or permitted~~ solar energy system **of at least 2kW** on an adjacent property, ~~as evidenced through a shadow, shade, or other reputable study acceptable to the Zoning Administrator;~~ and **unless agreed to by the owner of the adjacent solar energy system. For the purposes of this paragraph the following quoted phrases shall have the associated meaning:**
- (1) **“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five percent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and**
- (2) **“Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:**
- (i) **Legally permitted, installed and operating; or**
- (ii) **Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused**

solely by a utility company connecting to the solar energy system; and

- (h) An apartment house in an RF-1, RF-2, or RF-3 zone converted from a non-residential building prior to June 26, 2015, shall be considered a conforming use and structure, but shall not be permitted to expand, either structurally or through increasing the number of units, unless approved by the Board of Zoning Adjustment pursuant to Subtitle X, Chapter 9, and Subtitle U § 320.3.

**Section 320, SPECIAL EXCEPTION USES (RF), is amended as follows:**

**Paragraphs (f) through (h) of § 320.2 are amended to read as follows:**

320.2 Conversion of an existing residential building existing prior to May 12, 1958, to an apartment house shall be permitted as a special exception in an RF-1, RF-2, or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the following conditions:

...<sup>1</sup>

- (f) Any addition, including a roof structure or penthouse, shall not block or impede the functioning of a chimney or other external vent **compliant with any District of Columbia municipal code** on an adjacent property; ~~required by any municipal code;~~ **A chimney or other external vent must be existing and operative at the date of the building permit application for the addition;**

- (g) Any addition, including a roof structure or penthouse, shall not **significantly** interfere with the operation of an existing ~~or permitted~~ solar energy system **of at least 2kW** on an adjacent property **unless agreed to by the owner of the adjacent solar energy system,** ~~as evidenced through a shadow, shade, or other reputable study acceptable to the Board of Zoning Adjustment;~~ **For the purposes of this paragraph the following quoted phrases shall have the associated meaning:**

- (1) **“Significantly interfere” shall mean an impact caused solely by the addition that decreases the energy produced by the adjacent solar energy system by more than five per cent (5%) on an annual basis, as demonstrated by a comparative solar shading study acceptable to the Zoning Administrator; and**

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

**(2) “Existing solar energy system” shall mean a solar energy system that is, at the time the application for the building permit for the adjacent addition is officially accepted as complete by the Department of Consumer and Regulatory Affairs or an application for zoning relief or approval for the adjacent addition is officially accepted as complete by the Office of Zoning, either:**

**(i) Legally permitted, installed and operating: or**

**(ii) Authorized by an issued permit; provided that the permitted solar energy system is operative within six (6) months after the issuance of the solar energy system permit not including grid interconnection delays caused solely by a utility company connecting to the solar energy system;**

(h) A roof top architectural element original to the house such as **cornices, porch roofs,** a turret, tower, or dormers shall not be removed or significantly altered, including **shifting its location,** changing its shape or increasing its height, elevation, or size. **For interior lots, not including through lots, the roof top architectural elements shall not include identified roof top architectural elements facing the structure’s rear lot line. For all other lots, the roof top architectural elements shall include identified rooftop architectural elements on all sides of the structure;**

...

**The first sentence of § 320.3 is amended to read as follows:**

320.3 Conversion of a non-residential building or other structure ~~existing prior to May 12, 1958,~~ to an apartment house and not meeting one (1) or more of the requirements of Subtitle U § 301.2, shall be permitted as a special exception in an RF-1, RF-2 or RF-3 zone if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to the following provisions:

...

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by mail to 441 4<sup>th</sup> Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to [zcsubmissions@dc.gov](mailto:zcsubmissions@dc.gov); or by fax to (202) 727-6072. Ms. Schellin may be contacted by telephone at (202) 727-6311 or by

email at [Sharon.Schellin@dc.gov](mailto:Sharon.Schellin@dc.gov). Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-023  
February 1, 2017

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

**ORIGINATING AGENCY:** Office of the Mayor


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

1. The following persons are reappointed to the Walter Reed Army Medical Center Site Reuse Advisory Committee, to serve at the pleasure of the Mayor:
  - a. **LEILA BATTIES**, as a community member, from the Shepherd Park community.
  - b. **MARGARET SINGLETON**, as a community member, from the Brightwood community.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2017-024  
February 1, 2017

**SUBJECT:** Appointments — Commission on Aging

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act of 1973, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 402 of the District of Columbia Act on the Aging, effective October 29, 1975, D.C. Law 1-24, D.C. Official Code § 7-504.02 (2012 Repl. and 2016 Supp.), it is hereby **ORDERED** that:

1. The following persons are appointed as public members of the Commission on Aging ("**Commission**") to serve for terms to end October 27, 2017 and for new terms to end October 27, 2020:
  - a. **SHEILA DEAN**, replacing Nathaniel Wilson.
  - b. **MARGUERITE PRIDGEN**, replacing Samuel McCoy.
2. **GULEFORD BOBO**, to serve as a public member of the Commission, replacing Robert Dorsey, for a term to end on October 27, 2019.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2017-025  
February 2, 2017

**SUBJECT:** Delegation — Authority to the Chief of the Fire and Emergency Medical Services Department

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(6) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. No. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2016 Repl.), and pursuant to new section 3c(b)(1) of the Public Access to Automated External Defibrillator Act of 2000, effective April 27, 2001 (D.C. Law 13-278; D.C. Official Code § 44-231 *et seq.*), as amended by the Public Safety Telecommunicator and District School CPR and AED Training Emergency Amendment Act of 2016, effective July 20, 2016, D.C. Act 21-463, 63 DCR 9897 (Act), it is hereby **ORDERED** that:

1. The Chief of the Fire and Emergency Medical Services Department (Fire Chief) is delegated the authority of the Mayor under the Act to: establish baseline requirements and guidelines for a cardiopulmonary resuscitation (CPR) program and automated external defibrillator (AED) program; approve each existing CPR and AED program that meets or exceeds the baseline requirements and guidelines for a CPR and AED program, and any new CPR and AED program; require each school to maintain a written record of the periodic testing, inspection and maintenance of each AED; require the successful completion of a CPR and AED program by each applicable school employee; and conduct the CPR and AED program by either a private or public entity.
2. The authority delegated to the Fire Chief by this Order may be further delegated by the Fire Chief to subordinates under his or her jurisdiction.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2017-026  
February 2, 2017

**SUBJECT:** Appointment – Metropolitan Washington Regional Ryan White Planning Council

**ORIGINATING AGENCY:** Office of the Mayor


By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(2) and (11) 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), (11) (2016 Repl.), pursuant to §§ 2602(a)(1) and (b)(1) of the Public Health Service Act, as amended by § 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, 42 U.S.C. 300ff-12(a)(1) and (b)(1), and pursuant to Mayor's Order 2016-001, dated January 8, 2016, it is hereby **ORDERED** that:

1. **RENATE NNOKO** is appointed as a public member of the Metropolitan Washington Regional Ryan White Planning Council for the following terms:
  - a. For a term to end November 5, 2017; and
  - b. For an additional term to end November 5, 2019.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.




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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 2017-027  
February 2, 2017

**SUBJECT:** Appointment — Mayor's Advisory Commission on Caribbean Community Affairs


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with Mayor's Order 2012-127, dated August 15, 2012, it is hereby **ORDERED** that:

1. **VALERIE LACARTE** is appointed as a member of the Mayor's Advisory Commission on Caribbean Community Affairs for the following terms:
  - a. Filling a vacant seat for a term to end September 25, 2017; and
  - b. For an additional term to end September 25, 2020.
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 2017-028  
February 3, 2017

**SUBJECT:** Appointment – Acting Director, Department of Employment 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.), it is hereby **ORDERED** that:

1. **ODIE DONALD** is appointed Acting Director, Department of Employment Services, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2015-135, dated May 7, 2015.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 25, 2017.




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MURIEL BOWSER  
MAYOR

ATTEST: 

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LAUREN C. VAUGHAN  
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2017-029  
February 3, 2017

**SUBJECT:** Appointment — Interim Executive Director, District of Columbia Workforce Investment Council

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) 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) and (11) (2016 Repl.), and the Workforce Innovation and Opportunity Act, approved July 24, 2014 (128 Stat. 1425; 29 U.S.C. 3101 *et seq.*), in accordance with the Workforce Investment Implementation Act of 2000 ("**Implementation Act**"), effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1601 *et seq.*) (2012 Repl.), and in accordance with Section V of Mayor's Order 2016-086, dated June 2, 2016, it is hereby **ORDERED** that:

1. **DIANE PABICH** is appointed as Interim Executive Director for the District of Columbia Workforce Investment Council, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes all previous Mayor's Orders to the extent that there is any inconsistency.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to January 25, 2017.



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 2017-030  
February 3, 2017

**SUBJECT:** Appointment – Chancellor, District of Columbia Public Schools


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to 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.), section 105 of the Public Education Reform Amendment Act of 2007, effective June 12, 2007, D.C. Law 17-9, D.C. Official Code § 38-174 (2012 Repl.), and in accordance to the Chancellor of the District of Columbia Public Schools Antwan Wilson Confirmation Resolution of 2016, effective December 20, 2016, Resolution 21-0709, it is hereby **ORDERED** that:

1. **ANTWAN WILSON** is appointed Chancellor of the District of Columbia Public Schools, replacing John Davis, and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2016-150, dated October 6, 2016.
3. **EFFECTIVE DATE:** This Order shall become effective on February 1, 2017.



MURIEL BOWSER  
MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor’s Order 2017-031  
February 2, 2017

**SUBJECT:** Appointment – Commission on Judicial Disabilities and Tenure


**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and in accordance with section 431(d) and (e) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 795, Pub. L. 93-198, D.C. Official Code § 1-204.31(d) and (e) (2016 Repl.), it is hereby **ORDERED** that:

1. **NIKKI DEJESUS SERTSU**, is appointed as a non-lawyer member of the Commission on Judicial Disabilities and Tenure, replacing Michael Fauntroy, for a term to end February 24, 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, FEBRUARY 15, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson  
Members: Nick Alberti, Mike Silverstein,  
James Short, Mafara Hobson, Jake Perry

- Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00130;** Kovaler, LLC, t/a The Commodore, 1100 P Street NW  
License #73443, Retailer CT, ANC 2F  
**Application to Renew the License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 17-PRO-00001;** Cuban Corner, LLC, t/a Barada, 2309 18th Street NW  
License #104712, Retailer CR, ANC 1C  
**Application for a New License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 16-PRO-00110;** Family, LLC, t/a MK Lounge & Restaurant, 1930 9th  
Street NW, License #88787, Retailer CT, ANC 1B  
**Application to Renew the License**
- Protest Hearing (Status)** **9:30 AM**  
**Case # 17-PRO-00002;** 2335, LLC, t/a To Be Determined, 2335 Bladensburg  
Road NE, License #104228, Retailer CT, ANC 5C  
**Application for a New License**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00669;** Fast Good, LLC, t/a Beefsteak, 1528 Connecticut Ave  
NW, License #98308, Retailer CR, ANC 2B  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-AUD-00083;** BL Restaurant Operation, LLC, t/a Bar Louie, 701 7th  
Street NW, License #84428, Retailer CR, ANC 2C  
**Failed to File Quarterly Statements**

Board's Calendar  
February 15, 2017

- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00531**, Bar Di Bari, LLC, t/a Red Light, 1401 R Street NW  
License #90488, Retailer CR, ANC 2F  
**No ABC Manager on Duty**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00672**; Fa Ren Chen, t/a China Hut, 7708 Georgia Ave NW  
License #74002, Retailer B, ANC 4A  
**Sold Go-Cups**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00550**; Dream Two Liquors, Inc., t/a Malcolm Liquors, 3845  
Minnesota Ave NE, License #94779, Retailer A, ANC 7F  
**Sold Go-Cups**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00332**; Fivefloors, LLC, t/a Garrison, 524 8th Street SE  
License #98736, Retailer CR, ANC 6B  
**Failed to Take Steps Necessary to Ensure Property is Free of Litter,  
Violation of Settlement Agreement (Two Counts)**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CC-00089**; GG Liquors and Wine, LLC, t/a Cavalier Wine and  
Liquors, 3515 14th Street NW, License #85968, Retailer A, ANC 1A  
**Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking  
Age**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 16-CMP-00527**; Restaurant Enterprises, Inc., t/a Smith Point, 1338  
Wisconsin Ave NW, License #60131, Retailer CT, ANC 2E  
**Noise Violation**
- Show Cause Hearing\*** **10:00 AM**  
**Case # 16-CC-00093**; M & K, Inc., t/a ABC Grocery, 1401 6th Street NW  
License #71204, Retailer A, ANC 6E  
**Sale to Minor Violation, Failed to Take Steps Necessary to Ascertain Legal  
Drinking Age, Failed to Post Correct Name, Class and License Number on  
the Front Window or Front Door, Failed to Post the License in a  
Conspicuous Place, Failed to Post Pregnancy S**

Board's Calendar  
February 15, 2017

**Public Hearing\***

MPD Reimbursable Detail Rulemaking

**11:30 AM**

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

**Fact Finding Hearing\***

Kiss, LLC, t/a Kiss Tavern, 637 T Street NW, License #104710, Retailer CT  
ANC 1B

**Temporary License Violations**

**1:30 PM**

**Protest Hearing\***

**Case # 16-PRO-00070;** Hilltop Hospitality, LLC, t/a Mission, 1606 20th Street  
NW, License #94290, Retailer CR, ANC 2B

**Application to Renew the License**

**2:30 PM**

**Protest Hearing\***

**Case # 16-PRO-00123;** Briceno, LLC, t/a Taqueria Rosticeria Frresca, 701 H  
Street NE, License #104296, Retailer CR, ANC 6C

**Application for a New License**

**4:30 PM**

**\*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, FEBRUARY 15, 2017  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

**On Wednesday, February 15, 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-CC-00009, Wagshal’s, 3201 New Mexico Avenue N.W., Retailer DR, License # ABRA-092731

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2. Case# 16-CMP-00619(M), William Roll, ABC Manager, ABRA-103446

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3. Case# 17-CC-00008, Open Door Market, 2160 California Street N.W., Retailer B, License # ABRA-086746

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4. Case# 17-251-00011, Cedar Hill Bar & Grill/Uniontown Bar & Grill, 2200 Martin Luther King Jr. Avenue S.E., Retailer CT, License # ABRA-091887

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5. Case# 17-CC-00007, Harris Teeter, 1350 Potomac Avenue S.E., Retailer B, License # ABRA-095181

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6. Case# 17-CC-00012, Georgetown Piano Bar, 3287 M Street N.W., Retailer CT, License # ABRA-095632

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7. Case# 17-CMP-00030(M), Katherine Reed, ABC Manager, ABRA-102874

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8. Case# 17-251-00013, Big Chief, 2002 Fenwick Avenue N.W., Retailer CT, License # ABRA-098902

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9. Case# 17-251-00012, Cobalt/30 Degrees/Level One, 1639-1641 R Street N.W., Retailer CT, License # ABRA-071833

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10. Case# 17-CC-00005, A & S Grocery, 4748 Sheriff Road N.E., Retailer B, License # ABRA-101367

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11. Case# 17-CMP-00032, La Tomate, 1703 Connecticut Avenue N.W., Retailer CR, License # ABRA-011228

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12. Case# 17-CMP-00031, The Washington Firehouse Restaurant, 1626 North Capital Street N.W., Retailer CT, License # ABRA-092685

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13. Case# 17-CC-00001, Barrel House Liquors, 1339 14<sup>th</sup> Street N.W., Retailer A, License # ABRA-023984

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14. Case# 17-CC-00004, Corner Market, 1447 Howard Road S.E., Retailer A, License # ABRA-086200

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15. Case# 17-CMP-00033, Chinese Disco, 3251 Prospect Street N.W., Retailer CR, License # ABRA-078058

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LICENSING AGENDA

WEDNESDAY, FEBRUARY 15, 2017 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Application for Class Change from Retailer C Restaurant to Retailer C Tavern. ANC 1B. SMD 1B12. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Red Lounge Hookah*, 2013 14<sup>th</sup> Street NW, Retailer CR, License No. 076011.
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2. Review Application for Class Change from Retailer D Restaurant to Retailer C Restaurant. ANC 2A. SMD 2A04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Campono*, 600 New Hampshire Avenue NW, Retailer DR, License No. 094362.
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3. Review Request for Change of Hours. *Approved Hours of Operation*: Sunday-Thursday 11am to 1am, Friday-Saturday 11am to 2am. *Approved Hours of Alcoholic Beverage Sales and Consumption*: Sunday- Saturday 11am to 1am. *Proposed Hours of Operation*: Sunday-Saturday 7am to 2am. *Proposed Hours of Alcoholic Beverage Sales and Consumption*: Sunday-Saturday 8am to 2am. ANC 3F. SMD 3F06. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Il Tesoro*, 4400 Connecticut Avenue NW, Retailer CR, License No. 060244.
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4. Review Application for Manager's License. *Christopher C. Gross*-ABRA 105387.
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**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

**CAPITAL CITY PUBLIC CHARTER SCHOOL**

**REQUEST FOR PROPOSALS**

**Security Cameras and Network Infrastructure Upgrades**

Capital City Public Charter School is soliciting for procurement of security cameras and network infrastructure upgrades. For a copy of the RFP, please contact [jsmythe@ccpcs.org](mailto:jsmythe@ccpcs.org). Proposals must be received no later than 5 pm on Friday, March 10, 2017.

**CESAR CHAVEZ PUBLIC CHARTER SCHOOL DC****REQUEST FOR PROPOSALS**

## School Improvement Support and Services

Description

The Cesar Chavez Public Charter Schools for Public Policy (“Chavez”) provides a high quality public school option for students residing in the District of Columbia. Chavez Schools prepare students for success in competitive colleges and empower scholars to use public policy to create a more just, free, and equal world. With campus locations in Capitol Hill, Columbia Heights, and Kenilworth communities, Chavez Schools currently serves approximately 1,300 students from grades 6-12. For additional information, visit [www.ChavezSchools.org](http://www.ChavezSchools.org).

Scope of Work

Chavez seeks strategic, technical, and operational support for the implementation of a school improvement plan. This support will focus on the following areas:

- a. Program model and goals: Identify and implement modifications to the current program model that will improve programmatic quality and enhance student outcomes. This includes 1) reviewing best practices in education to inform the further development of the academic programs, and 2) ensuring that charter goals and metrics align with the mission and purpose of the school and that they reflect our high expectations for all students.
- b. Instruction: Review the instructional delivery model and support the implementation of a plan to enhance curriculum, instruction, assessments and the use of data for continuous improvement.
- c. School culture: Identify and implement activities to strengthen a culture of high expectations, increase student attendance and retention, and reduce suspensions and expulsions. This includes a review and revision of the enrollment and student intake processes as well as the daily schedule and school calendar.
- d. Human capital development: Strengthen human capital capacity and systems. This includes 1) evaluating staff performance, 2) enhancing professional development and training, 3) improving staff recruitment and retention, and 4) providing ongoing performance management counsel to Board of Trustees.
- e. Operations: Identify and implement enhancements to systems, policies, and practices that support each of the areas above. This includes reviewing and enhancing all processes/systems that underlay each PMF element, including those specific to Chavez, in the categories of Student Progress, Student Achievement, Career/College Readiness, Leading Indicators of Attendance and Retention, and Mission Specific Goals. It also includes developing and implementing improved systems to track, measure and report on attainment of goals and academic expectations.

Required Proposal Terms

- a. The time period for this contract is March 2017 through June 2020. Up to two additional years may be included in the proposal as option years.
- b. Narrative proposal, describing the approach and strategies to complete the scope of work
- c. A proposed schedule of work
- d. Fees to be charged
- e. Qualifications and experience, including resumes of staff members who would be directly involved with the project, and detailed examples of comparable projects in Washington DC
- f. Draft contract, reflecting proposed terms, fee structure, and scope of service for the project. We reserve the right to negotiate any proposed terms before signing a final contract.
- g. At least three references with contact information

Submission and Evaluation Process

Please submit an electronic version of the proposal by FEBRUARY 24, 2017 at 5:00pm EST to [ChavezTrustees@chavezschools.org](mailto:ChavezTrustees@chavezschools.org).

**CITY ARTS & PREP PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS**

The City Arts & Prep Public Charter School, in compliance with Section 2204 (c) of the District of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest from Vendors or Consultants for the following tasks and services:

- HVAC Services

Please send an email to [bids@cityartspcs.org](mailto:bids@cityartspcs.org) to receive a full RFP offering more detail on scope of work and bidder requirements.

Proposals shall be received no later than 5:00 pm, Monday, February 20, 2017.

Prospective Firms shall submit one electronic submission via e-mail to the following address:

Bid Administrator  
[bids@cityartspcs.org](mailto:bids@cityartspcs.org)

**CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL****Request for Proposals 2016-2017****Marketing Services**

Creative Minds International Public Charter School (CMIPCS) is a District of Columbia public charter school that opened in August 2012. The school currently serves 341 students from preschool to 6th grade. CMIPCS, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals from all interested and qualified vendors for marketing services for SY2016-17.

**Requested Services**

CMIPCS is seeking a local strategic communications/marketing company with expertise in rebranding, strategic communication and marketing. The School recently developed a positioning strategy for current year enrollment, taking into account further progression into Middle School. Building on the approved positioning, the contractor shall make recommendations to the School in the following areas to better communicate its vision as the school expands into its next stage of growth:

- 1) Positioning Activation. The consultant shall expand and further activate the School's current communications and messaging processes to cultivate wider publicity in Washington D.C.
- 2) Creative Development. The consultant shall help facilitate advertising materials for all new media outlets. Prepare copy, scripts, layouts, and any other elements and materials to be used in advertising. Design, layout and produce finished articles as needed in print, digital and social media.
- 3) Media Planning. Make recommendations to the School to develop long-term promotion, a robust media plan, and assets/tools development to utilize in advertising its services.
- 4) Additional Services. Suggest strategies that can be employed by the School in the next 1-3 years, which takes into consideration the School's overall growth and population numbers.

**Assumptions and Agreements**

Proposals will not be returned. CMIPCS reserves the right to dismiss a proposal without providing a reason. CMIPCS reserves the right to terminate a contract at any time. CMIPCS reserves the right to renew a contract if mutually agreed by both parties.

**Basis for Award of Contract**

CMIPCS reserves the right to award a contract as it determines to be in the best interest of the school.

**Submission Information**

Bids must include evidence of experience in the field, qualifications and estimated fees. Questions and proposals please email [james.lafferty-furphy@creativemindspcs.org](mailto:james.lafferty-furphy@creativemindspcs.org). Proposals are due no later than 1:00 pm February 17th, 2017.



## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY

## FY 2017 Mathematics Science Partnerships Grant Program

## Request for Application Release Date: February 28, 2017

The District of Columbia's Office of the State Superintendent of Education (OSSE) announces funding availability through the Mathematics and Science Partnerships (MSP) Grant Program authorized through provisions of Title II, Part B of the Elementary and Secondary Education Act. Please note that pursuant to the December 10, 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), the FY 2017 grant cycle will be the last cycle for the Title II, Part B Math Science Partnership Grant. The purpose of this funding is to increase the academic achievement of students in mathematics and science by enhancing the content knowledge and teaching skills of classroom teachers. Partnerships between high-need Local Educational Agencies (LEAs) and the science, technology, engineering, and mathematics (STEM) faculty in institutions of higher education are at the core of these improvement efforts. Other partners may include public schools, private schools, business, and non-profit or for-profit organizations involved in mathematics and science education.

**Available Funding for Awards:** The total amount available for this award period is \$721,779.00

**Award Period:** The grant period will be from the date of award until September 30, 2018.

**Eligibility:** The Mathematics Science Partnerships grant is a partnership grant program which must include the following principal partners at a minimum:

- (1) a District of Columbia high-need<sup>1</sup> Local Educational Agency (LEA);
- (2) a science, technology, engineering and mathematics (STEM) department within an institution of higher education (IHE). The institution of higher education must:
  - a. be accredited by a regional accrediting body recognized by the United States Department of Education and;
  - b. provide services in the District of Columbia at the applicant's university or college, DC public, charter, or private school or other suitable facility approved by OSSE.

**State Application Priority:** OSSE has aligned local funding priorities with federal priorities of the MSP grant program. Grant applications must substantially address one or more of the following focus areas:

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<sup>1</sup> A high-need LEA is defined as an LEA: (1) (a) That serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) For which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and (2) For which more than 10 percent of teachers are not effective according to the LEA's Teacher Evaluation System.

1. **Professional development aimed at increasing the proportion of effective and highly effective STEM teachers at high need schools.** Applicants will identify a cadre of STEM teachers within a high need school, or a consortium of high need schools, with the intent of developing a corps of highly effective master educators who are proficient in using the State learning standards (e.g., Common Core State Standards, Next Generation Science Standards) and state level assessments to improve instructional practices and student achievement with the intent of helping other teachers become highly effective STEM teachers. The applicant is strongly encouraged to develop the program with an emphasis on ensuring that participants have opportunities for meaningful interactions with scientists, mathematicians, engineers, and other industry leaders who represent STEM fields. Programs designed under this option will be expected to share their practices and related artifacts in order to be used as a model for effective STEM instruction across the District of Columbia.
2. **In-service Collaboration with Industry Leaders.** Applicants will describe how they will establish and operate mathematics and science summer institutes with the intent of providing STEM teachers with the opportunity to interface directly with practicing scientists, mathematicians, and engineers in an effort to increase their subject matter expertise. Applicants seeking funding under this option will demonstrate how the proposed program intends to improve participants' instructional skills through the use of sophisticated tools and work space, computing facilities, libraries, and other resources that institutions of higher education are more readily able to provide. The design of the program will center on content knowledge, the principles of effective instruction, and student learning. Priority will be given to applications that demonstrate a plan to provide sustained learning opportunities after the summer institute. A promising model for this would be the establishment and operation of summer workshops or institutes with follow-up training, coaching, and other supports for classroom implementation.
3. **Professional development programs aimed at supporting LEA instruction to special populations specific to STEM subjects.** Applicants may consider using funding to better prepare administrators and teachers to instruct students with disabilities and/or English learners. Funding will target a majority of teachers who provide instruction to special populations in state learning standards (e.g., Common Core State Standards for Mathematics, Next Generation Science Standards). Prospective applicants may also consider forming a consortium of LEAs that will help other LEAs to successfully provide instruction to special populations through the provision of targeted professional development and by modeling best practices.

The Request for Applications (RFA) will be released Tuesday, February 28, 2017 through OSSE's Enterprise Grants Management System (EGMS). The online system and training videos may be accessed by visiting <http://grants.osse.dc.gov>.

A Pre-application informational webinar will be held on **Friday, Feb. 17 from 1-3 p.m.** and again on **Thursday, Feb. 23, 2017 from 1-3 p.m.** All sessions will cover the same content. You may RSVP by emailing Maya Garcia at [Maya.Garcia@dc.gov](mailto:Maya.Garcia@dc.gov). **It is strongly recommended that applying organizations participate in the pre-application webinar.** Applicants may email questions to Maya Garcia at [Maya.Garcia@dc.gov](mailto:Maya.Garcia@dc.gov).

## OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

## NOTICE OF FUNDING AVAILABILITY

## FY 2017 Teacher Quality Improvement Grant Program

## Request for Application Release Date: February 28, 2017

The District of Columbia Office of the State Superintendent of Education (OSSE) is soliciting applications for the fiscal year (FY) 2017 Title II, Part A – State Agency for Higher Education (SAHE) Teacher Quality Improvement (TQI) Grant Program competition. Please note that pursuant to the December 10, 2015 reauthorization of the Elementary and Secondary Education Act (ESEA), the FY 2017 grant cycle will be the last cycle for the Title II, Part A SAHE-TQI grant. OSSE is soliciting applications for the development and provision of professional development programs aimed at enhancing student achievement in eligible Local Educational Agencies (LEAs). The purpose of these professional development programs will be to ensure that teachers, highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the core academic subjects they teach, and build upon the skills necessary to help students master core academic subjects. The TQI Grant Program is authorized under Part A, Subpart 3 of Title II of the Elementary and Secondary Education Act of 1965 (ESEA), as amended prior to the Every Student Succeeds Act of 2015.

**Available Funding for Awards:** The amount available for this award period is approximately \$279,601.00.

**Anticipated Number and Amount of Awards:** Historically, OSSE has issued approximately two to three TQI Grant Awards, annually. Awards have ranged from approximately \$75,000 to \$175,000.

**Award Period:** The grant period will be from the date of award until September 30, 2018.

**Eligibility:** The TQI Grant Program is a partnership grant. An eligible application must include the following principal partners at a minimum:

- (1) A private or State institution of higher education and the division of the institution that prepares teachers and principals;
- (2) A school or college of arts and sciences at an institution of higher education; and
- (3) A high need LEA<sup>1</sup>.

**State Application Priority:** OSSE has aligned federal priorities of the TQI Grant Program within four areas of focus, identified as OSSE priorities for this grant funding opportunity. Grant applications that are awarded funding during the FY 2017 cycle will describe proposed programs which substantially address one or more of the following focus areas:

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<sup>1</sup> A high-need LEA is defined as an LEA: (1) (a) That serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) For which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and (2) For which more than 10 percent of teachers are not effective according to the LEA's Teacher Evaluation System.

1. **Professional development programs aimed at supporting the creation of high-quality induction systems for new teachers of core subject areas.** Prospective applicants may consider developing a corps of highly effective master educators with the intent of helping new teachers and other teachers not rated highly effective to become highly effective. Funding may also be used to support implementation or revision of already existing induction systems. These initiatives shall target a majority of teachers and/or principals rated as effective or minimally effective per the LEA's evaluation system, with professional development geared toward moving these teachers toward earning highly effective ratings.
2. **Professional development programs aimed at supporting training of teachers through IHE-LEA teacher residency partnerships.** Applicants may consider using funding to supplement existing teacher residency programs. Prospective applicants may consider forming a consortium of LEAs for residency placements and to provide broad supports for teacher residents.
3. **Professional development programs aimed at supporting LEA instruction to special populations.** Applicants may consider using funding to better prepare administrators and teachers to instruct students with disabilities and/or English learners. Funding will target a majority of teachers who provide instruction to special populations in state learning standards (e.g., Common Core State Standards, Next Generation Science Standards). Prospective applicants may also consider forming a consortium of LEAs that will help other LEAs to successfully provide instruction to special populations through the provision of targeted professional development and by modeling best practices.
4. **Professional development programs aimed at facilitating implementation of the Next Generation Science Standards (NGSS) in DC LEAs and schools.** Applicants will target a cadre of highly effective STEM teachers within the high need LEA, or a consortium of high-need LEAs to participate in NGSS-specific training, who will return to their schools and LEAs to lead NGSS-specific professional development to other STEM teachers. Applicants should demonstrate a strong intention to provide opportunities for participants to have direct contact with individuals and organizations that represent STEM fields such as scientists, mathematicians, engineers, etc. Programs designed under this option will demonstrate how they intend to be used as a model to support effective instruction across the District of Columbia.

The Request for Applications (RFA) will be released Tuesday, February 28, 2017 through OSSE's Enterprise Grants Management System (EGMS). The online system and training videos may be accessed by visiting <http://grants.osse.dc.gov>.

A Pre-application informational webinar will be held on **Friday, Feb. 17 from 1-3 p.m.** and again on **Thursday, Feb. 23, 2017 from 1-3 p.m.** All sessions will cover the same content. You may RSVP by emailing Annette Thacker-Bartlett at [Annette.Thacker@dc.gov](mailto:Annette.Thacker@dc.gov). **It is strongly recommended that applying organizations participate in the pre-application webinar.** Applicants may email questions to Annette Thacker-Bartlett at [Annette.Thacker@dc.gov](mailto:Annette.Thacker@dc.gov).

## DISTRICT OF COLUMBIA STATE BOARD OF EDUCATION

## 2017 Regular Public Meeting and Working Session Schedule

This notice outlines the schedule of the regular meetings of the DC State Board of Education (SBOE). The meetings are held in open session and the public is invited to attend. The meetings are held at 441 4<sup>th</sup> Street, NW, Washington, DC. An agenda for each meeting will be posted on the Housing Authority's website at [sboe.dc.gov](http://sboe.dc.gov). This Schedule is subject to change.

For further information, please contact the front desk at 202-741-0888.

Type of Meeting	Date	Time	Location in 441 4 <sup>th</sup> Street
Working Session	1/4/17	5:00 PM	Citywide Conference Center (11 <sup>th</sup> Floor)
Committee Meeting	1/11/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	1/18/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	2/1/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	2/8/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	2/15/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	3/1/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	3/8/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	3/15/17	5:30 PM	Old Council Chambers (Ground Floor)
Public Meeting	3/22/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	4/5/17	5:00 PM	Citywide Conference Center (11th Floor)

Committee Meeting	4/20/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	4/19/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	5/3/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	5/10/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	5/17/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	6/7/14	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	6/14/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	6/21/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	7/5/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	7/12/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	7/19/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	9/6/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	9/13/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	9/20/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	10/4/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	10/11/17	6:00 PM	Citywide Conference Center (11th Floor)

Public Meeting	10/18/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	11/1/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	11/8/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	11/15/17	5:30 PM	Old Council Chambers (Ground Floor)
Working Session	12/6/17	5:00 PM	Citywide Conference Center (11th Floor)
Committee Meeting	12/13/17	6:00 PM	Citywide Conference Center (11th Floor)
Public Meeting	12/20/17	5:30 PM	Old Council Chambers (Ground Floor)

## BOARD OF ELECTIONS

**CERTIFICATION OF ANC/SMD VACANCY**

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

**VACANT: 7B03, 7F07 and 8D05**

Petition Circulation Period: **Monday, February 13, 2017 thru Monday, March 6, 2017**

Petition Challenge Period: **Thursday, March 9, 2017 thru Wednesday, March 15, 2017**

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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 - 4<sup>th</sup> Street, NW, Room 250N  
Washington, DC 20001**

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



**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Solar for All DC Innovation and Expansion Grants - Low Income Single Family Homes,  
Small Business and Non-Profits**

The Department of Energy and Environment (the Department) seeks eligible entities to carry out projects that will install additional solar capacity, provide benefits to low-income residents, and develop solutions to Solar for All program challenges. The amount available for the project is approximately \$5,000,000.00. This amount is subject to availability of funding and approval by the appropriate agencies.

Beginning 2/10/2017, the full text of the Request for Applications (RFA) will be available on the Department's website. A person may obtain a copy of this RFA by any of the following means:

**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [solarforallsingle2017@dc.gov](mailto:solarforallsingle2017@dc.gov) with "Request copy of RFA 2017-1714-EA" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Taresa Lawrence at (202) 671-3313 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Taresa Lawrence RE:2017-1714-EA" on the outside of the envelope.

**DOEE will hold a public information session on Tuesday, February 28, 2017, at 2:00pm at 1200 First Street, NE, 5<sup>th</sup> Floor, Washington, DC 20002. Call in toll-free to participate via telephone at (877) 784-3995. Use Participant Code 3127831. Attendance is not mandatory.**

**The deadline for application submissions is 3/31/2017, at 4:30 p.m.** Five hard copies must be submitted to the above address and a complete electronic copy must be e-mailed to [solarforallsingle2017@dc.gov](mailto:solarforallsingle2017@dc.gov).

**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [solarforallsingle2017@dc.gov](mailto:solarforallsingle2017@dc.gov).

**DEPARTMENT OF ENERGY AND ENVIRONMENT  
NOTICE OF FUNDING AVAILABILITY**

**Solar for All DC Innovation and Expansion Grants - Multi-Family, Commercial and Institutional Buildings and Non-Residential Surfaces and Spaces**

The Department of Energy and Environment (the Department) seeks eligible entities to carry out projects that will install additional solar capacity, provide benefits to low-income residents, and develop solutions to Solar for All program challenges. The amount available for the project is approximately \$8,000,000.00. This amount is subject to availability of funding and approval by the appropriate agencies.

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**Download** from the Department's website, [www.doe.dc.gov](http://www.doe.dc.gov). Select the *Resources* tab. Cursor over the pull-down list and select *Grants and Funding*. On the new page, cursor down to the announcement for this RFA. Click on *Read More* and download this RFA and related information from the *Attachments* section.

**Email** a request to [Solarforallmulti2017@dc.gov](mailto:Solarforallmulti2017@dc.gov) with "Request copy of RFA 2017-1715-EA" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call Taresa Lawrence at (202) 671-3313 and mention this RFA by name.

**Write** DOEE at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Taresa Lawrence RE:2017-1715-EA" on the outside of the envelope.

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**Eligibility:** All the checked institutions below may apply for these grants:

- Nonprofit organizations, including those with IRS 501(c)(3) or 501(c)(4) determinations;
- Faith-based organizations;
- Government agencies
- Universities/educational institutions; and
- Private Enterprises.

For additional information regarding this RFA, write to: [Solarforallmulti2017@dc.gov](mailto:Solarforallmulti2017@dc.gov).

**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit No. 7135 to Washington Center REIT, LLC to operate one 600 kWe diesel-fired emergency generator set powered by a 825 hp engine at 1001 G Street NW, Washington, DC 20001. The contact person for the facility is Dartanon Scott, Lead Engineer, at (202) 631-1688.

Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.14
Sulfur Dioxide (SO <sub>2</sub> )	1.67
Nitrogen Oxides (NO <sub>x</sub> )	4.95
Volatile Organic Compounds (VOC)	0.15
Carbon Monoxide (CO)	1.13

The proposed emission limits for the equipment are as follows:

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

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

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

**No comments or hearing requests submitted after March 13, 2017 will be accepted.**

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**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	1.92
Sulfur Dioxide (SO <sub>2</sub> )	1.52
Nitrogen Oxides (NO <sub>x</sub> )	4.50
Volatile Organic Compounds (VOC)	0.13
Carbon Monoxide (CO)	1.03

The proposed emission limits for the equipment are as follows:

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

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**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.13
Sulfur Dioxide (SO <sub>2</sub> )	0.12
Nitrogen Oxides (NO <sub>x</sub> )	1.82
Volatile Organic Compounds (VOC)	0.15
Carbon Monoxide (CO)	0.39

The proposed emission limits for the equipment are as follows:

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

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

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**DEPARTMENT OF ENERGY AND ENVIRONMENT**

**PUBLIC NOTICE**

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.024
Sulfur Dioxide (SO <sub>2</sub> )	0.237
Nitrogen Oxides (NO <sub>x</sub> )	0.664
Volatile Organic Compounds (VOC)	0.016
Carbon Monoxide (CO)	0.157

The proposed emission limits for the equipment are as follows:

- a. Emissions from the generator set shall not exceed those found in the following table as measured using the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO<sub>x</sub>, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.112(a)-(c)]

<b>Pollutant Emission Limits (g/kW-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
4.0	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from these generators, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
  - 1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;
  3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

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**DEPARTMENT OF ENERGY AND ENVIRONMENT****PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR §210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit No. 7139 to 2033 K LLC to operate a 150 kWe emergency generator set powered by a 226 hp diesel-fired engine at 2033 K Street NW, Washington, DC 20006. The contact person for the facility is James Morales, Lead Engineer, at (202) 631-1683.

Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.12
Sulfur Dioxide (SO <sub>2</sub> )	0.12
Nitrogen Oxides (NO <sub>x</sub> )	1.75
Volatile Organic Compounds (VOC)	0.14
Carbon Monoxide (CO)	0.38

The proposed emission limits for the equipment are as follows:

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

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

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.08
Sulfur Dioxide (SO <sub>2</sub> )	0.07
Nitrogen Oxides (NO <sub>x</sub> )	1.07
Volatile Organic Compounds (VOC)	0.09
Carbon Monoxide (CO)	0.23

The proposed emission limits for the equipment are as follows:

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

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.16
Sulfur Dioxide (SO <sub>2</sub> )	0.15
Nitrogen Oxides (NO <sub>x</sub> )	2.24
Volatile Organic Compounds (VOC)	0.18
Carbon Monoxide (CO)	0.48

The proposed emission limits for the equipment are as follows:

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

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Emissions:

Maximum emissions from the emergency generator set, assuming 500 hours per year of operation, are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.009
Sulfur Dioxide (SO <sub>2</sub> )	0.081
Nitrogen Oxides (NO <sub>x</sub> )	0.226
Volatile Organic Compounds (VOC)	0.012
Carbon Monoxide (CO)	0.072

The proposed overall emission limits for the equipment are as follows:

- a. Emissions from the generator set shall not exceed those found in the following table as measured using the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO<sub>x</sub>, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.112(a)-(c)]

<b>Pollutant Emission Limits (g/kW-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
4.0	5.0	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from these generators, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b), exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
  - 1. 20 percent during the acceleration mode;

2. 15 percent during the lugging mode;
  3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

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

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

**No comments or hearing requests submitted after March 13, 2017 will be accepted.**

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

**DEPARTMENT OF ENERGY AND ENVIRONMENT**

**PUBLIC NOTICE**

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, D.C. Official Code §2-505, and 20 DCMR § 210, the Air Quality Division (AQD) of the Department of Energy and Environment (DOEE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality Permit No. 7165 to Adams Morgan Hotel Owner LLC to construct and operate a 505 kWe emergency generator set powered by a 563 kWm diesel-fired engine at the property located at 1770 Euclid Street NW, Washington, DC 20009. The contact person for facility is Steve Harloe, Director, Development, at (703) 302-0057 or sharloe@sydellgroup.com.

Emissions:

Maximum emissions from the emergency generator set, operating five hundred (500) hours per year, are expected to be as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Total Particulate Matter (PM Total)	0.012
Sulfur Dioxide (SO <sub>2</sub> )	0.002
Nitrogen Oxides (NO <sub>x</sub> )	1.738
Volatile Organic Compounds (VOC)	0.037
Carbon Monoxide (CO)	0.186

The proposed emission limits for the equipment are as follows:

- a. Emissions from this unit shall not exceed those in the following table as measured according to the procedures set forth in 40 CFR 89, Subpart E for NMHC, NO<sub>x</sub>, and CO and 40 CFR 89.112(c) for PM. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)-(c)]:

<b>Pollutant Emission Limits (g/kW-hr)</b>		
NMHC+NO <sub>x</sub>	CO	PM
6.4	3.5	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. In addition to Condition II(b) exhaust opacity, measured and calculated as set forth in 40 CFR 86, Subpart I, shall not exceed [40 CFR 60.4205(b), 40 CFR 60.4202(a), and 40 CFR 89.113]:
  - 1. 20 percent during the acceleration mode;
  - 2. 15 percent during the lugging mode;

3. 40 percent during the peaks in either the acceleration or lugging modes. *Note that this condition is streamlined with the requirements of 20 DCMR 606.1.*
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

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

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

**No comments or hearing requests submitted after March 13, 2017 will be accepted.**

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

## DEPARTMENT OF ENERGY AND ENVIRONMENT

## NOTICE OF PUBLIC HEARING AND SOLICITATION OF PUBLIC COMMENT

## DCA Airplane Noise Assessment Public Hearing Notice

The Department of Energy and Environment (the Department) invites the public to present its comments at a public hearing on the DCA Airplane Noise Assessment study.

**Public Hearing: Wednesday, March 8, 2017**

**HEARING DATE:** Wednesday, March 8, 2017  
**TIME:** 7:00 pm  
**PLACE:** Rose L. Hardy Middle School  
1819 35<sup>th</sup> Street NW  
Washington, DC 20007

On 2/01/2017, the full text of the **Grant Award Notice: DCA Airplane Noise Assessment** study was posted online at the Department's website. A person may obtain a copy of the Grant Award Notice by any of the following means:

**Download** from the Department's website,  
<https://doee.dc.gov/release/dca-airplane-noise-assessment-project>.  
Look under Attachments near the bottom of the page. Follow the link to the page, where the document can be downloaded in a PDF format;

**Email** a request to [2016dcanoiserfa.grants@dc.gov](mailto:2016dcanoiserfa.grants@dc.gov) with "Request copy of **DCA Airplane Noise Assessment Grant Award Notice**" in the subject line.

**Pick up a copy in person** from the Department's reception desk, located at 1200 First Street NE, 5th Floor, Washington, DC 20002. To make an appointment, call the Department's reception at (202) 535-2600 and mention this Notice by name.

**Write** the Department at 1200 First Street NE, 5th Floor, Washington, DC 20002, "Attn: Mark Adams, Air Quality Division RE: **DCA Airplane Noise Assessment Grant Award Notice**" on the outside of the envelope.

**The deadline for comments is at the conclusion of the public hearing.** All persons present at the hearing who wish to be heard may testify in person. All presentations shall be limited to five minutes. Persons are urged to submit duplicate copies of their written statements.

Persons may also submit written testimony by email, with a subject line of "DCA Airplane Noise Assessment", to [2016dcanoiserfa.grants@dc.gov](mailto:2016dcanoiserfa.grants@dc.gov). Comments clearly marked "DCA Airplane Noise Assessment" may also be hand delivered or mailed to the Department's offices at the address listed above. All comments should be received no later than the conclusion of the public hearing on Wednesday, March 8, 2017.

## BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY

### Lobbyist Registration for Filing Year 2017

Registered Users	Client Name	Address	Email
1319 South Capitol Associates LLC		4416 East West Highway, Suite 300 Bethesda Maryland 20815	Rdpaul@ronalddpaulcos.com
AARP		601 E Street NW Washington DC 20049	bfisch@multistate.us
ABC of Metro Washington		6901 Muirkirk Meadows Drive, Suite F Beltsville Maryland 20705	ejones@abcmetrowashington.org
Accenture LLP		800 Connecticut Avenue NW Washington DC 20006	eric.sildon@stateandfed.com
Ace Cash Express		1231 Greenway Drive, Suite 600 Irving Texas 75038	enorrington@acecashexpress.com
Adams Investment Group, LLC		1228 31st Street, N.W., Second Floor Washington DC 20007	jholmes@adamsinvestment.com
Adapt Pharma, Inc.	Adapt Pharma, Inc.	c/o Politicom Law LLP, 28 Liberty Ship Way, Suite 2815 Sausalito California 94965	adapt@politicomlaw.com
AFLAC		1932 Wynnton Rd. Columbus Georgia 31999	john.mannion@skadden.com
Airbnb, Inc.		888 Brannan St. San Francisco California 94103	gene.lee@airbnb.com
Albers & Company	Benevis, LLC for Kool Smiles	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com

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Albers & Company	Intuit	1655 N. Fort Myer Dr., Suite 700 Arlington Virginia 22209	grohling@alberscom.com
Alexander & Cleaver, P.A.	MD DC Credit Union Association	54 State Circle Annapolis Maryland 21402	kshearod@alexander-cleaver.com
Altria Client Services Inc., and its Affiliates	Altria Client Services, LLC	6601 West Broad Street Richmond Virginia 23230	eric.a.barker@altria.com
Alzheimer's Association National Capital Area Chapter		8180 Greensboro Drive, Suite 400 McLean Virginia 22102	sahmad@alz.org
America's Health insurance Plans		601 Pennsylvania Ave., NW, South Bld., Ste 500 Washington DC 20004	jkeepes@ahip.org
American Beverage Assoc.	American Beverage Association	c/o 2350 Kerner Blvd., Ste. 250 San Rafael California 94901	aba@nmgovlaw.com
American Cancer Society Cancer Action Network		7500 Greenway Center Dr, Suite 300 Greenbelt Maryland 20770	bpennino@cancer.org
American Civil Liberties Union of the Nation's Capital	American Civil Liberties Union of the Nation's Capital (Self)	4301 Connecticut Avenue, NW, Suite 434 Washington DC 20008	nmoshiree@acludc.org
American Council of Life Insurers		101 Constitution Ave NW Suite 700 Washington DC 20001	JoannWaiters@acli.com
American Geophysical Union		2000 Florida Avenue, NW Washington DC 20009	cmcentee@agu.org

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American International Group		2919 Allen Parkway, L3-20 Houston Texas 70019	marcia.powell@aig.com
American Management Corporation	Enhanced Capital Partners	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	CareFirst BlueCross BlueShield	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	American Beverage Association	1455 Pennsylvania Ave NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	Chidrens National Health System	1455 Pennsylvania Avenue NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	Property Casualty Insurers	1455 Pennsylvania Ave NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Management Corporation	AmeriHealth Caritas	1455 Pennsylvania Ave NW, Suite 400 Washington DC 20004	bgreene@amermgmt.com
American Petroleum Institute		1220 L St NW Washington DC 20005	cobbsd@api.org
American University		4400 Massachusetts Ave., NW Washington DC 20016	largo@american.edu
Amgen	Amgen	601 13th St NW, 12th Floor Washington DC 20005	kfeegel@amgen.com
Anheuser-Busch Companies		1401 I Street, NW, Suite 200 Washington DC 20005	chris.ternet@anheuser-busch.com



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Arent Fox, LLP	DC United	1717 K Street, NW Washington DC 20006	jon.bouker@arentfox.com
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Arent Fox, LLP	Sunstone Hotels Investors Inc.	1717 K Street, NW Washington DC 20006	jon.bouker@arentfox.com
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Arent Fox, LLP	Shakespeare Theater	1717 K Street, NW Washington DC 20006	richard.newman@arentfox.com
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Arent Fox, LLP	Eagle Academy Public Charter School	1717 K Street, NW Washington DC 20006	richard.newman@arentfox.com
Arent Fox, LLP	American Geophysical Union	1717 K Street, NW Washington DC 20006	richard.newman@arentfox.com
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AT&T		1120 20th Street NW Suite 800 Washington DC 20036	denis.dunn@att.com
Bank of America Corporation		1100 North King Street DE5-001-02-07 Wilmington Delaware 19884	wendy.jamison@bankofamerica.com
BoehringerIngelheim Pharmaceuticals	Boehringer Ingelheim Pharmaceuticals, Inc.	900 Ridgebury Road Ridgefield Connecticut 06877	stacie.phan@boehringer-ingelheim.com
Branded Cities Network LLC	Branded Cities Network	2850 E. Camelback Road Phoenix Arizona 85016	cmccarver@brandedcities.com
BREOF Holdings LLC (f/k/a Brookfield Real Estate Opportunity Fund)		181 Bay St Toronto Ontario M5J2T3	seamus.foran@brookfield.com
Capital City Real Estate		1515 14th Street NW, Suit 201 Washington DC 20005	shelly@capcityre.com
car2go N.A. LLC		1717 West 6th Street Suite 425 Austin Texas 78703	mike.debonville@daimler.com
CarefirstBluecrossBlueshield		840 First Street, NE Washington DC 20065	colette.chichester@carefirst.com
Carmen Group Inc.	Crown Castle NG Atlantic LLC	901 F Street, NW Washington DC 20004	cricksa@carmengroup.com
Carmen Group Inc.	Branded Cities Network	901 F Street, NW Washington DC 20004	cricksa@carmengroup.com
Carmen Group Inc.	Providence Hospital	901 F Street, NW Washington DC 20004	cricksa@carmengroup.com
Carmen Group Inc.	Douglas Development Corporation	901 F Street, NW Washington DC 20004	cricksa@carmengroup.com

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Casey Trees		3030 12th St NE Washington DC 20017	mhughes@caseytrees.org
Center for Science in the Public Interest		1220 L St NW Suite 300 Washington DC 20005	dallen@cspinet.org
Christian Science Committee on Publication for the DC		138 E Street SE Washington DC 20003	districtofcolumbia@compub.org
Christina Figueras	Trial Lawyers Association of Metropolitan DC	1100 Conn. Ave, NW, Suite 800 Washington DC 20036	cwf@tla-dc.org
Cigna Companies		900 Cottage Grove Road, B6LPA Bloomfield Connecticut 06002	cathie.barra@cigna.com
Citigroup Washington, Inc.		1101 Pennsylvania Ave. NW, Suite 1000 Washington DC 20004	dcadm@citi.com
Columbia Care		70 Industrial Avenue East Lowell Massachusetts 01852	bmayerson@col-care.com
Comcast of the District		900 Michigan Avenue NE Washington DC 20017	stacy_burnette@cable.comcast.com
Conduent, Inc. and its Affiliates		1800 M Street, NW North Tower, 5th Floor Washington DC 20036	tanya.donalty@conduent.com
Consumer Electronics Association		191 S Eads St Arlington Virginia 22202	aschumacher@ce.org
Contemporary Help Service		6525 Belcrest Road Suite G-40 Hyattsville Maryland 20782	jmonroejr@mac.com

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Covanta Energy LLC	Covanta	445 South Street Morristown New Jersey 07960	ERosenberg@covanta.com
Crown Captive Insurance Co. of DC		408 Florida Avenue NW Washington DC 20001	BSOLB@aol.com
Crown Castle NG Atlantic LLC		Carl Pfatteicher, 2000 Corporate Drive Canonsburg Pennsylvania 15317	carl.pfatteicher@crowncastle.com
CSX Corporation		500 Water St 15th Floor Jacksonville Florida 32202	STEPHEN_FLIPPIN@CSX.COM
CVS Caremark		1275 Pennsylvania Ave, NW, Suite 700 Washington DC 20004	robin.seeley@cvscaremark.com
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David Wilmot	Hotel Association of Washington	1455 Penn. Ave. NW Suite 400 Washington DC 20012	dwwdc1@gmail.com
David Wilmot	DC Association of Health Plans	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com

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David Wilmot	Citigroup Washington, Inc.	1455 Penn. Ave. NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DBA International		1050 Fulton Avenue, Suite 120, Sacramento California 95825	info@dbainternational.org
DC Association of Health Plans	DC Association of Health Plans	1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Association of Health Plans		1455 Pennsylvania Ave NW Suite 400 Washington DC 20004	dwwdc1@gmail.com
DC Chamber of Commerce		506 9th St NW Washington DC 20004	ewadlington@dcchamber.org
DC Hospital Association		1152 15th St NW Suite 900 Washington DC 20005	jpgalmer@dcha.org
DC United		RFK Stadium 2400 E. Capitol Street, SE Washington DC 20003	thunt@dcunited.com
DC Working Families Organization		1875 Connecticut Ave NW, 10th floor Washington DC 20009	mhanson@workingfamilies.org
DC09		55 M Street SE Washington DC 20003	emmanuel.bailey@dc09.us
District Distilling Company		1414 U St. NW Washington DC 20009	cyi@district-distilling.com
DC Athletic Trainer Association		PO Box 90215 Washington DC 20090	jennifer.rheeling@dc.gov

Registered Users	Client Name	Address	Email
DC Building Industry Association		455 Massachusetts Ave NW Suite 400 Washington DC 20001	lmallory@dcbia.org
DC Insurance Federation	Insurance Industry at large	PO Box 78160 Washington DC 20013	wmcowen@dcif.org
Drug Policy Alliance		1620 I St NW Suite 925 Washington DC 20006	kboecker@drugpolicy.org
Eagle Academy Public Charter School		475 School Street, SW Washington DC 20024	jsmith@eagleacademypcs.org
East Banc, Inc.		3307 M Street, NW, Suite 400 Washington DC 20007	alanier@eastbanc.com
Edgemoor Infrastructure and Real Estate		7th Floor, 7500 Old Georgetown Road Bethesda Maryland 20814	brian.dugan@edgemoordevelopment.com
Ellen Valentino-Benitez	American Petroleum Institute	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	MD-DE-DC Beverage Assn.	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Ellen Valentino-Benitez	MDDC Press Assn.	30 Pinkney St Annapolis Maryland 21401	evalentino@ellenvalentino.com
Encore Capital Group, Inc		3111 Camino del Rio North #1300 San Diego California 92108	tamar.yudenfreund@encorecapital.com
Enhanced Capitol Partners		201 St. Charles Ave. Suite 3700 New Orleans Louisiana 70170	progers@enhancedcap.com
Entertainment Software Association		575 7th Street, NW Suite 300 Washington DC 20004	smokey@theesa.com

Registered Users	Client Name	Address	Email
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Erb & Associates	Courtney's House	11321 Crescendo Place Silver Spring Maryland 20901	nate@nathanielerb.com
eSystems Inc.		4390 US Rt 1, Suite 301 Princeton New Jersey 08540	jmann@esystems-inc.com
Express Scripts Holding Co.		300 New Jersey Ave NW, #600 WASHINGTON DC 20001	DMDederichs@express-scripts.com
Feld Entertainment, Inc		8607 Westwood Center Drive Vienna Virginia 22182	lmoyers@feldinc.com
Frank Boston III	MillerCoors	2002 Clipper Park Road, Suite 108 Baltimore Maryland 21211	fdb3law@aol.com
Frank Boston III	Altria Client Services LLC and its Affiliates	2002 Clipper Park Road, Suite 108 Baltimore Maryland 21211	fdb3law@aol.com
Fresenius Medical Care		250 E. Day Road, Suite 300 Mishawaka Indiana 46545	keith.mentz@fmc-na.com
FWG Solutions		1725 I Street, NW, Suite 520 Washington DC 20006	nshokano.katabana@fwgsolutions.com
GCS, Inc.		1800 M Street, NW, Suite 1050S Washington DC 20036	msigal@gcs-dc.com
Genentech, Inc. A member of the Roche Group	Genentech, Inc., A Member of the Roche Group	2350 Kerner Blvd Suite 250 San Rafael California 94901	genentech@nmgovlaw.com
General Motors LLC	General Motors LLC	25 Massachusetts Avenue, NW, Suite 400 Washington DC 20001	bryan.roosa@stateandfed.com

Registered Users	Client Name	Address	Email
George Washington University Hospital		900 23rd Street NW Washington DC 20037	kimberly.russo@gwu-hospital.com
Georgetown University		3700 O Street, NW Washington DC 20057	heidi.tseu@georgetown.edu
Global Government and Industry Partners, LLC	Mid-City Financial Corporation	1515 Lawrence St NE Washington DC 20017-2914	Coreyg@2gip.com
Goldblatt, Martin, Pozen LLP	Mid-City Financial Corporation	1625 K Street NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	IPT LLC dba PayLock	1625 K St NW Ste 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	Google, Inc.	1625 K St NW Suite 700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt, Martin, Pozen LLP	AirBnB, Inc.	1625 K Street NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	Digi Outdoor Media, Inc.	1625 K St NW #700 Washington DC 20006	tpozen@gmpllp.com
Goldblatt, Martin, Pozen LLP	George Washington University Hospital	1625 K St NW Ste 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	CSX Corporation	1625 K St NW Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	International Spy Museum	1625 K St NW, Suite 700 Washington DC 20006	dgoldblatt@gmpllp.com
Goldblatt, Martin, Pozen LLP	DC Building Industry Association	1625 K St NW #700 Washington DC 20006	dgoldblatt@gmpllp.com



Registered Users	Client Name	Address	Email
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Gotham Urban Ventures LLC		4530 Connecticut Ave., NW #305 Washington DC 20008	DesaSealy@gotham-urban.com
Goulston & Storrs	Capital City Real Estate	1999 K Street NW, Suite 500 Washington DC 20006	dherndon@goulstonstorrs.com
Greenberg Traurig,LLP	Starship Technologies OU	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig,LLP	The Lab School of Washington	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig,LLP	Miller & Long DC	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenberg Traurig,LLP	Unity Health Care	2101 L Street, NW Washington DC 20037	longk@gtlaw.com
Greenstein Delorme & Luchs ,P.C.	Apartment and Office Building Association of Metropolitan Washington	1620 L St NW Suite 900 Washington DC 20036	vmp@gdllaw.com
Greenstein Delorme & Luchs ,P.C.		1620 L St NW Suite 900 Washington DC 20036	vmp@gdllaw.com
Greenstein Delorme & Luchs ,P.C.	District Distilling Company, Inc.	1620 L Street, NW #900 Washington DC 20036	lmb@gdllaw.com

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Group 360 LLC	Public Consulting Group	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	WGL Holdings	475 h street NW Washington DC 20001	max@group360.net
Group 360 LLC	Corrections Corp of America/CoreCivic	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	MTM	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	Zipcar	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	Lyft	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	Consumer Technology Association	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	Entertainment Software Association	475 H Street, NW Washington DC 20001	max@group360.net
Group 360 LLC	Ingleside at Rock Creek	475 h Street NW Washington DC 20001	max@group360.net
Group 360 LLC	Conduent Inc., and their Affiliates	475 H Street, NW Unit 2 Washington DC 20001	max@group360.net
Group 360 LLC		475 H Street, NW Unit 2 Washington DC 20001	max@group360.net

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HNTB Corporation	HNTB Corporation	c/o Politicom Law LLP, 28 Liberty Ship Way, Suite 2815 Sausalito California 94965	jskelton@politicomlaw.com
Hobsons Inc.		3033 Wilson Boulevard, Suite 500 Arlington Virginia 22201	John.plunkett@hobsons.com
Hoffman-Madison Waterfront LLC		690 Water Street SW Washington DC 20024	ccrosse@pnhoffman.com
Holland & Knight LLP	Jonathan Klein	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Legal Zoom	800 17th Street NW, Suite 1100 Washington DC 20006	janene.jackson@hklaw.com
Holland & Knight LLP	Ace Cash Express, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Adams Investment Group, LLC	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Columbia Care, LLC	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	CVS Health	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	East Banc Inc.	Holland & Knight, LLP, 800 17th Street, NW, Ste. 1100 Washington DC 20006	emille.robinson@hklaw.com

Registered Users	Client Name	Address	Email
Holland & Knight LLP	GCS, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	rod.woodson@hklaw.com
Holland & Knight LLP	Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	800 17th Street, NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	McDonald's Corp.	800 17th Street NW, Suite 1100 Washington DC 20006	Rod.woodson@hklaw.com
Holland & Knight LLP	Miller & Long Concrete Construction Company	800 17th Street NW, Suite 1100 Washington DC 20006	rod.woodson@hklaw.com
Holland & Knight LLP	Miller & Long - DC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Stay Alfred Vacation Rentals	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	T-Mobile	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	NBL Associates, LP	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	Providence Hospital	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Holland & Knight LLP	1319 South Capitol Associates, LLC	800 17th Street NW, Suite 1100 Washington DC 20006	emille.robinson@hklaw.com
Hotel Association of Washington DC	Members of the Hotel Association of Washington, D.C.	1225 New York Ave NW Suite 250 Washington DC 20005	beverly@hawdc.com

Registered Users	Client Name	Address	Email
IESI MD Corporation		3 Waterway Square Place, Suite 110 The Woodlands Texas 77380	andy.moss@wasteconnections.com
Ingleside		3050 Military Road Washington DC 20015	loconnor@inglesideonline.org
Institute for Justice		901 N. Glebe road, Suite 900 Arlington Virginia 22203	sarnold@wc-b.com
International Association of Firefighters, Local 36		2120 Bladensburg Rd #210 NE Washington DC 20018	Dabney.Hudson@iaff36.org
International Spy Museum		800 F Street NW Washington DC 20004	tchristian@spymuseum.org
Intuit		601 Pennsylvania Ave NW, Ste. 520 Washington DC 20004	Cristina_Munoz@intuit.com
Invidior PLC		10710 Midlothian Turnpike, Suite 430 Richmond Virginia 23235	bfisch@multistate.us
IPT LLC PayLock		205 West Main Street Somerville New Jersey 08876	msilverman@PayLock.com
James Nathanson		1625 16th St. NW, #501 Washington DC 20009	jm@nathansons.net
Johnson and Johnson		PO Box 5734 Columbia South Carolina 29250	jdarby1@its.jnj.com
Jonathan Klein		5416 Edgemoor Lane Bethesda Maryland 20814	jfklein18@gmai.com
Julyan&Julyan	Washington Parking Association	1100 G Street NW Washington DC 20005	dsjulyan@me.com

Registered Users	Client Name	Address	Email
Julyan&Julyan	Terrell Place Properties LLC	1100 G St NW Washington DC 20005	dsjulyan@me.com
Julyan&Julyan		1100 G St NW Washington DC 20005	dsjulyan@me.com
K & L Gates LLP		1601 K Street, NW Washington DC 20006	tamara.cheeseboro@klgates.com
Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.		2101 E Jefferson St Rockville Maryland 20852	Laurie.Kuiper@KP.org
Kimberly-Clark Corporation		801 Pennsylvania Avenue NW, Suite 230 Washington DC 20004	Brian.Heindl@kcc.com
Kool Smiles		1090 Northchase Parkway SE, Suite 150 Marietta Georgia 30067	aoreffice@benevis.com
Lawrence H. Mirel		8120 West Beach Drive, NW Washington DC 20012	lawrencemirel@gmail.com
LegalZoom		101 North Brand Avenue Glendale California 91203	kfriedman@legalzoom.com
Lilly USA Inc.		555 12th Street NW, Suite 650 Washington DC 20004	lydenti@lilly.com
lyft Inc.		2300 Harrison Street San Francisco California 94110	kkleinbort@lyft.com
Manatt,Phelps& Phillips LLP	Encore Capital Group, Inc.	1050 Connecticut Avenue, NW, Suite 600 Washington DC 20036	smurray@manatt.com
Marijuana Policy Project		2370 Champlain St. NW, Suite 12 Washington DC 20009	kbell@mpp.org

Registered Users	Client Name	Address	Email
MaryEvaCandon	Epic Pharmacies c/o MultiState Associates	2122 California St NW Washington DC 20008	candon@candonlaw.com
MaryEvaCandon	Altria Client Services	2122 California St NW Washington DC 20008	candon@candonlaw.com
McDonalds Corp.		4601 Six Forks Road, Suite 306 Raleigh North Carolina 27609	Susanne.Barham@us.mcd.com
MD-DE-DC Beverage Association		3 Church Circle #201 Annapolis Maryland 21401	evalentino@ellenvalentino.com
MDDC Press Association		60 West Street, Suite 107 Annapolis Maryland 21401	rsnyder@mddcpress.com
Medical Society of DC		1250 23rd Street, NW #270 Washington DC 20037	shanbacker@msdc.org
MedStar Health		5565 Sterrett Place 5th Floor Columbia Maryland 21044	ruby.price@medstar.net
Merck Sharp & Dohme Corp.	Merck Sharp & Dohme Corp.	c/o Nielsen Merksamer, et al., 2350 Kerner Blvd., Suite 250 San Rafael California 94901	merck@nmgovlaw.com
Metropolitan Washington Airports Authority	Metropolitan Washington Airports Authority	1 Aviation Circle Washington DC 20001	michael.cooper@mwa.com
MG Consulting, LLC	Feld Entertainment	1751 18th St. NW Washington DC 20009	michelle@mgconsultingllc.net
Mid-City Financial Corporation		7200 Wisconsin Avenue, Suite 903 Bethesda Maryland 20814	mmeers@midcityfinancial.com
Miller & Long-- DC		5151 Wisconsin Avenue NW, Suite 307 Washington DC 20016	brettmcmahon@millerandlong-dc.com

Registered Users	Client Name	Address	Email
Miller & Long-- DC		5151 Wisconsin Avenue, NW Washington DC 20016	longk@gtlaw.com
MillerCoors LLC		6 Concourse Parkway Atlanta Georgia 30328	rochelle.marte@millercoors.com
MTM Inc		16 Hawk Ridge Dr Lake St Louis Missouri 63367	pstalboerger@mtm.com
Mylan Inc.		700 6th Street NW, Suite 525 Washington DC 20001	bruce.lott@stateandfed.com
N William Jarvis	Washington Nationals Baseball Club	1701 K Street NW, Suite 1201 Washington DC 20006	wjarvis@thejarviscompany.com
N William Jarvis	DC09	1701 K Street NW, Suite 1201 Washington DC 20006	wjarvis@thejarviscompany.com
N William Jarvis	Comcast of the District LLC	1701 K Street NW, Suite 1201 Washington DC 20006	wjarvis@thejarviscompany.com
N William Jarvis		1500 South Capitol Street SE Washington DC 20003	gregory.mccarthy@nationals.com
National Restaurant Association		2055 L Street NW Washington DC 20036	mwhatley@restaurant.org
National Structured Settlements Trade Association		1100 New York Avenue, NW, Suite 750 West Washington DC 20005	evaughn@nssta.com
Nationwide Mutual Insurance		One Nationwide Plaza, P.O. Box 182171 Columbus Ohio 43215	saxona@nationwide.com



Registered Users	Client Name	Address	Email
Natural Resources Defense Council		40 West 20th St New York New York 10011	lcatapano@nrdc.org
NBL Associates, LP		6000 Executive Blvd, Suite 400 North Bethesda Maryland 20852	mlang@guardianrealty.com
Nelson Mullins Riley And Scarborough	SAS Institute Inc.	101 Consitution Avenue, NW, Suite 900 Washington DC 20001	kate.kuenzle@nelsonmullins.com
North American Millers' Association		1401 Eye Street N.W. Washington DC 20002	skaounas@mmmlaw.com
Novartis Pharmaceuticals Corp.	Novartis Services, Inc.	701 Pennsylvania Ave. N.W., Suite 725 Washington DC 20004	dan.casserly@novartis.com
Orexo US, Inc.		150 Headquarters Plaza, East Tower, 5th Floor Morristown New Jersey 07960	lee.marks@orexo.com
Otsuka America Pharmaceuticals Inc.	Otsuka America Pharmaceuticals Inc.	2440 Research Blvd. Rockville Maryland 20850	donna.erwin@otsuka-us.com
Patton Corporation		PO Box 8490 Avon Colorado 81620	dpatton1221@gmail.com
Pfizer Inc.	Pfizer Inc.	c/o Politicom Law LLP, 28 Liberty Ship Way, Suite 2815 Sausalito California 94965	jskelton@politicomlaw.com
Pharmaceutical Research and Manufacturers of America	Pharmaceutical Research and Manufacturers of America (PhRMA)	950 F St. NW, Suite 300 Washington DC 20004	kipp.snider@stateandfed.com
Podesta		1001 G Street NW, Suite 1000W Washington DC 20001	lobby@podesta.com

Registered Users	Client Name	Address	Email
Portfolio Recovery Associates		120 Corporate Boulevard, Suite 100 Norfolk Virginia 23502	Dwredmond@portfoliorecovery.com
Potomac Electric Power Company		701 Ninth Street, NW Washington DC 20068	jmbeasley@pepco.com
Premier Health Services		7600 Georgia Avenue NW Suite 323 Washington DC 20012	carungwa@phsdc.net
Projekt Echo OU (dba Starship Technologies)		8 Teaduspargi Street Tallinn 12618	longk@gtlaw.com
Property Casualty Insurers Assoc. of American (PCI)		8700 West Bryn Mawr Ave., Ste. 1200S Chicago Illinois 60631	compliance@pciaa.net
Providence Hospital		1150 Varnum Street, NE Washington DC 20017	tygressa.jones@provhosp.org
Public Citizen		1600 20th Street, NW Washington DC 20009	jstoshak@citizen.org
Public Consulting Group Inc.		148 State Street Boston Massachusetts 02109	bfisch@multistate.us
Pulse Advocacy LLC	AMERICA'S HEALTH INSURANCE PLANS	4410 MASSACHUSETTS AVE., NW, #150 WASHINGTON DC 20016	kevinwrege@gmail.com
Robert Willis	American International Group, Inc.	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Robert Willis	Aflac	1200 G Street, NW, Suite 800 Washington DC 20005	rmwillistar@msn.com
Roetzel & Andress	DC Athletic Trainers Association	221 9th Street, SE Washington DC 20003	dondinan@gmail.com

Registered Users	Client Name	Address	Email
Sanofi-Aventis	Sanofi US	55 Corporate Dr., MS 5A-500A Bridgewater New Jersey 08807	debbie.hayes@sanofi.com
SAS Institute Inc.		100 SAS Campus Drive Cary North Carolina 27513	brian.zuercher@stateandfed.com
Save the Children Federation, Inc.	Save the Children Federation, Inc.	899 North Capitol Street NE – 9th Floor Washington DC 20002	cwauters@savechildren.org
SEIU Local 32BJ		25 West 18th Street, 5th Floor New York New York 10011	dschmidt@seiu32bj.org
Shakespeare Theatre		516 8th St SE Washington DC 20003	cjennings@shakespearetheatre.org
State Farm Mutual Automobile Insurance Company		6 Hillman Drive, Ste 200 Chadds Ford Pennsylvania 19317	catherine.a.rankin.bk31@statefarm.com
Stay Alfred Vacation Rentals		P.O. Box 2722 Spokane Washington 99220	nancy@stayalfred.com
Sunovion Pharmaceuticals Inc.	Sunovion Pharmaceuticals Inc.	84 Waterford Drive Marlborough Massachusetts 01752	eric.rasmussen@stateandfed.com
Sunstone Hotels Investors Inc		120 Vantis #350 Aliso Viejo California 92656	okolpin@sunstonehotels.com
Target Corporation	Target Corporation	1000 Nicollet Mall, TPN-1101 Minneapolis Minnesota 55403	thad.hellman@stateandfed.com
Terrell Place Property LLC		1300 Wilson Blvd. #910 Arlington Virginia 22209	jkovach@beaconcapital.com
The College Board		1919 M street NW, Suite 300 Washington DC 20036	mvillafranca@collegeboard.org

Registered Users	Client Name	Address	Email
The George Washington University		2121 Eye St., NW Washington DC 20902	gwlegal@gwu.edu
The Lab School of Washington		4759 Reservoir Road, NW Washington DC 20007	pessimac@gtlaw.com
The Nature Conservancy		425 Barlow Place, Suite 100 Bethesda Maryland 20814	jkurtz@tnc.org
The Washington Post		1301 K Street, N.W. Washington DC 20071	naria.belay@washpost.com
Uber Technologies		1455 Market St 4th Floor San Francisco California 94103	bfisch@multistate.com
UFCW Local 400		8400 Corporate Drive Suite 200 Landover Maryland 20785	apate@local400.org
UFCW Local 400		8400 Corporate Drive Suite 200 Landover Maryland 20785	apate@local400.org
UNITE HERE Local 25		901 K St NW Ste 200 Washington DC 20001	sepps@local25now.org
Unity Health Care		1220 12th Street, SE Washington DC 20003	pessimac@gtlaw.com
USAA		One Constitution Ave., NE, Ste 200 Washington DC 20002	vicki.harris@usaa.com
Venable LLP	American Coatings Association, ATTN: Allison Keane	575 7th Street, N.W Washington DC 20005	whall@venable.com

Registered Users	Client Name	Address	Email
Verizon Washington DC		1300 I St NW Suite 400w Washington DC 20005	joseph.l.askew.jr@verizon.com
Wal-Mart Stores Inc.	Wal-Mart Stores, Inc.	708 SW 8th Street Bentonville Arkansas 72716	gerard.dehrmann@stateandfed.com
Warner Session,ESQ	Alliance for Construction Excellence (Contact: Mr. Andrew Porter)	1200 New Hampshire Avenue, NW, Suite 600 Washington DC 20036	whs@warnersession.com
Warner Session,ESQ	Retail Industry Leaders Association ("RILA") Contact: Mr. Joe Rinzel	1200 New Hampshire Avenue, NW Suite 600 Washington DC 20036	whs@warnersession.com
Washington Area New Automobile Dealers Association		5301 Wisconsin Avenue NW, Suite 210 Washington DC 20015	jod@wanada.org
Washington D.C. Assoc. of Realtors		500 New Jersey Avenue, Suite 310 Washington DC 20001	ekrauze@gcaar.com
Washington Drama Society. Inc. d/b/a Arena Stage		1101 6th St SW Washington DC 20024	edobie@arenastage.org
Washington Gas		101 Constitution Avenue, NW Washington DC 20001	vcourtney@washgas.com
WEM Assoc.	DC Insurance Federation	3413 Stoneybrae Drive Falls Church Virginia 22044	wemcowen@wemassociates.com
WeWork		115 W. 18th St., 4th Floor New York New York 10011	corey.owens@wework.com
Whiteboard Advisors LLC	Hobsons Inc.	100 M Street SE #500 Washington DC 20003	watsky@whiteboardadvisors.com
Zipcar		403 8th Street, NW Washington DC 20001	fneilson@zipcar.com

**DEPARTMENT OF HEALTH (DOH)  
HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA)**

**NOTICE OF FUNDING AVAILABILITY (NOFA)  
RFA # HAHSTA\_IDMV02.24.17**

**IMPACT DMV**

The District of Columbia, Department of Health (DOH) is soliciting applications from qualified organizations to provide services in the program areas described in this Notice of Funding Availability (NOFA). This announcement is to provide public notice of the Department of Health's intent to make funds available for the purpose described herein. The applicable Request for Applications (RFA) will be released under a separate announcement with guidelines for submitting the application, review criteria and DOH terms and conditions for applying for and receiving funding.

**General Information:**

Funding Opportunity Title:	IMPACT DMV
Funding Opportunity Number:	FO-HAHSTA-PG-00005-000
Program RFA ID#:	<b>RFA # HAHSTA_IDMV02.24.17</b>
Opportunity Category:	Competitive
DOH Administrative Unit:	HIV/AIDS, Hepatitis, STD and TB Administration (HAHSTA)
DOH Program Bureau	Capacity Building, Housing, & Community Partnerships Division
Program Contact:	Kenneth J. Pettigrew, Program Manager <a href="mailto:Kenneth.Pettigrew@dc.gov">Kenneth.Pettigrew@dc.gov</a> (202) 741-0797
Program Description:	The Government of the District of Columbia, Department of Health is soliciting proposals from organizations in the District of Columbia, Suburban Maryland and Northern Virginia to participate in the IMPACT DMV program. IMPACT DMV is a regional public, private, and health department collaborative demonstration project designed to provide a holistic health and wellness system of care and prevention that strengthens and supports Men who have Sex with Men of color and Transgender persons. This funding aims to increase the capacity and provision of services (system of care and prevention) to the focus populations in two program areas: 1. Expansion and Enhancement of Prevention and Care Programming 2. Capacity Building. The Project implementation is projected to begin April 1, 2017.

Eligible Applicants	Not- for profit, public and private organizations in the District of Columbia, Suburban Maryland and Northern Virginia licensed to do business in the District of Columbia..
Anticipated # of Awards:	15
Anticipated Amount Available:	\$800,000.00
Floor Award Amount:	\$20,000.00
Ceiling Award Amount:	\$75,000

**Funding Authorization**

Legislative Authorization	307, 317K2 PHSA,42USC241,247BK2,PL018
Associated CFDA#	93.940
Associated Federal Award ID#	NU62PS005036
Cost Sharing / Match Required?	No
RFA Release Date:	Friday, February 24, 2017
Pre-Application Meeting (Date)	Wednesday, March 1, 2017
Pre-Application Meeting (Time)	2:30pm – 4:00pm
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Washington, DC 20002 4 <sup>th</sup> Floor Conference Room (406-407)
Letter of Intent Due date:	Not applicable
Application Deadline Date:	Monday, March 13 <sup>th</sup> , 2017
Application Deadline Time:	6:00 p.m. PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse <a href="http://opgs.dc.gov/page/opgs-district-grants-clearinghouse">http://opgs.dc.gov/page/opgs-district-grants-clearinghouse</a> .  DOH EGMS <a href="https://dcdoh.force.com/GO_ApplicantLogin2">https://dcdoh.force.com/GO_ApplicantLogin2</a>

Notes:

1. DOH reserves the right to issue addenda and/or amendments subsequent to the issuance of the NOFA or RFA, or to rescind the NOFA or RFA.
2. Awards are contingent upon the availability of funds.
3. Individuals are not eligible for DOH grant funding.
4. Applicants must have a DUNS #, TaxID#, be registered in the federal Systems for Award Management (SAM) and the DOH Enterprise Grants Management System (EGMS)
5. Contact the program manager assigned to this funding opportunity for additional information.
6. DOH is located in a secured building. Government issued identification must be presented for entrance.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
PUBLIC EMPLOYEE RELATIONS BOARD**

**2017 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular Board meetings of the Public Employee Relations Board. The meetings are held in open session and the public is invited to attend. The meetings are held at 1100 4<sup>th</sup> Street, SW, Washington, D.C. A copy of the agenda for each meeting is posted in the reception area of our office and on our website. For further information, please contact the front desk at 202-727-1822. The schedule is subject to change.

<b>DATE</b>	<b>TIME</b>	<b>ROOM NUMBER</b>
Thursday, January 12, 2017	11:00 AM	Room E630
Thursday, February 23, 2017	11:00 AM	Room E630
Thursday, March 16, 2017	11:00 AM	Room E630
Thursday, April 20, 2017	11:00 AM	Room E630
Thursday, May 18, 2017	11:00 AM	Room E630
Thursday, June 15, 2017	11:00 AM	Room E630
Wednesday, July 20, 2017	11:00 AM	Room E630
Thursday, August 17, 2017	11:00 AM	Room E630
Thursday, September 21, 2017	11:00 AM	Room E630
Thursday, October 19, 2017	11:00 AM	Room E630
Thursday, November 16, 2017	11:00 AM	Room E630
Thursday, December 21, 2017	11:00 AM	Room E630



## DISTRICT OF COLUMBIA OFFICE OF PUBLIC-PRIVATE PARTNERSHIPS

**NOTICE OF INTENT TO ACCEPT UNSOLICITED PROPOSALS – MARCH 1, 2017  
TO MARCH 31, 2017**

The District of Columbia Office of Public-Private Partnerships (“DC OP3”), pursuant to the Public-Private Partnerships Act of 2014, effective March 11, 2015 (D.C. Law 20-228, D.C. Official Code § 2-271.01 *et seq.*) (“P3 Act”) and in accordance with the procedures set forth in Chapter 48 (Public-Private Partnerships) of Title 27 (Contracts and Procurement) of the District of Columbia Municipal Regulations (“P3 Rules”), hereby gives notice of its intent to accept unsolicited proposals for possible public-private partnership projects.

Interested parties should review the process for submitting unsolicited proposals, which are detailed in the DC OP3 Guidelines and Procedures (“P3 Guidelines”). The P3 Guidelines, along with several forms that must be included as part of an unsolicited proposal, are available at <http://op3.dc.gov/proposals>.

Unsolicited proposals will only be accepted between the hours of 9:00 a.m. EST and 4:00 p.m. EST on business days that the District of Columbia government is open beginning on **Wednesday, March 1, 2017** and ending on **Friday, March 31, 2017**. Unsolicited proposals must be delivered by hand, by U.S. Mail, or by a delivery service. Only proposals meeting all of the requirements stated in the P3 Rules and P3 Guidelines and submitted during the times listed above will be considered for review by DC OP3.

Interested parties are encouraged to meet with the DC OP3 before submitting an unsolicited proposal. For additional information, please contact DC OP3 at [op3@dc.gov](mailto:op3@dc.gov) or (202) 724-2128.

**PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA  
1325 G STREET, N.W., SUITE 800  
WASHINGTON, D.C. 20005  
PUBLIC NOTICE**

**February 2, 2017**

**FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO  
MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED  
SUSTAINABILITY**

The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice that the Commission will hold a Town Hall on Modernizing the Energy Delivery System for Increased Sustainability (“MEDSIS”).<sup>1</sup> The MEDSIS Town Hall will focus on garnering comments on Section VII (“Proposed MEDSIS Grant Funding Parameters & Proposed Demonstration Projects”) of the MEDSIS Staff Report which was released by the Commission on January 25, 2017, and which is publically available on the Commission’s website at [www.dcpssc.org/medsis](http://www.dcpssc.org/medsis).

The MEDSIS Town Hall will convene on Tuesday, February 28, 2017, from 5:30 p.m. to 8:30 p.m. in the Commission Hearing Room, 1325 G Street, N.W., Suite 800, Washington, DC 20005. The MEDSIS Town Hall is open to the public and the Commission encourages participation from interested Community Organizations as well as individual District ratepayers.

**BACKGROUND**

On June 12, 2015, the Commission issued Order No. 17912 which opened *Formal Case No. 1130* to identify technologies and policies that can be implemented in the District to modernize the distribution energy delivery system for increased sustainability; and, in the near-term, to make the distribution energy delivery system more reliable, efficient, cost effective, and interactive.<sup>2</sup> The Order also established a series of three workshops which were held between October 2015 and March 2016.

At the conclusion of the workshops, the Commission announced the development of a MEDSIS Staff Report which would incorporate information presented at the workshops and comments filed in the *Formal Case No. 1130* docket, provide guidance as to how the MEDSIS Initiative would proceed, as well as present Staff’s recommendations for achieving MEDSIS goals. Staff completed the MEDSIS Staff Report and submitted it to the Commission for consideration in January 2017. On January 25, 2017, the Commission released the MEDSIS Staff Report for

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<sup>1</sup> See generally, *Formal Case No. 1130, In the Matter of the Investigation into Modernizing the Energy Delivery System for Increased Sustainability* (“*Formal Case No. 1130*”).

<sup>2</sup> *Formal Case No. 1130*, Order No. 17912, rel. June 12, 2015.

public comment with extended comment and reply comment periods; initial comments on the entirety of the MEDSIS Staff Report are due by March 27, 2017, and reply comments are due 30 days thereafter.<sup>3</sup>

On January 25, 2017, the Commission also announced that a MEDSIS Town Hall would be held in the Commission's Hearing Room on February 28, 2017, to garner public comment on Section VII of the MEDSIS Staff Report which specifically addresses Staff's proposals on how to select District-specific pilot and demonstration projects and allocate funds from the \$21.55 million MEDSIS Pilot Project Fund Subaccount, that was created as a condition of the PHI-Exelon Merger approved by the Commission in Order No. 18148.<sup>4</sup>

### THE MEDSIS TOWN HALL

The purpose of the MEDSIS Town Hall is to garner broad public input on Section VII of the MEDSIS Staff Report ("Proposed MEDSIS Grant Funding Parameters & Proposed Demonstration Projects") which was released for public comment on January 25, 2017.

The MEDSIS Town Hall will convene on Tuesday, February 28, 2017, from 5:30 p.m. to 8:30 p.m. in the Commission Hearing Room, 1325 G Street, N.W., Washington, DC 20005.<sup>5</sup>

The Commission will allot ten (10) minutes to representatives from Community Organizations to give oral comments and five (5) minutes for individual District ratepayers to provide oral comments. In order to ensure that the MEDSIS Town Hall proceeds in an orderly and productive manner, those wishing to provide oral comments should submit their name and corresponding organization, if applicable, via email with "MEDSIS Town Hall" in the subject line, to the Office of the Commission Secretary ([psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov)) by 12 noon Monday, February 27, 2017. While walk-ins are welcome, priority to present oral comments will be given to those who have signed-up with the Commission Secretary's Office ahead of time.

General inquiries related to the MEDSIS Town Hall should be directed to Kellie Armstead Didigu, Media Relations Specialist, (202) 626-5124.

The MEDSIS Town Hall will be streamed live on the Commission's website, [www.dcpsc.org](http://www.dcpsc.org), and video archived at [www.dcpsc.org/medsis](http://www.dcpsc.org/medsis).

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<sup>3</sup> See *Formal Case No. 1130*, Order No. 18673, rel. January 25, 2017.

<sup>4</sup> *Formal Case No. 1119*, Order No. 18148, rel. March 23, 2016.

<sup>5</sup> The MEDSIS Town Hall may conclude before 8:30 p.m. if all attendants wishing to provide oral comments have been given the opportunity to do so and all presentations have been made.

**ADDITIONAL INFORMATION**

The MEDSIS Staff Report is publically accessible online through the MEDSIS webpage at [www.dcpssc.org/medsis](http://www.dcpssc.org/medsis). Copies of the MEDSIS Staff Report may be obtained by contacting the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Washington, DC 20005.

Any person desiring to submit written comments on the MEDSIS Staff Report, in whole or in part, shall file comments no later March 27, 2017, as directed in Order No. 18673. Written comments can be mailed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, sent via email to [psc-commissionsecretary@dc.gov](mailto:psc-commissionsecretary@dc.gov), or filed electronically through the Commission's website at [www.dcpssc.org](http://www.dcpssc.org).

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## NOTICE OF FINAL TARIFF

**PEPRADR 2016-01 - THE POTOMAC ELECTRIC POWER COMPANY'S RESIDENTIAL AID DISCOUNT COMPLIANCE REPORTS AND FILINGS<sup>1</sup>**

and

**FORMAL CASE NO. 1120, IN THE MATTER OF THE INVESTIGATION INTO THE STRUCTURE AND APPLICATION OF LOW INCOME ASSISTANCE FOR ELECTRICITY CUSTOMERS IN THE DISTRICT OF COLUMBIA**

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice, pursuant to section 2-505 under and in accordance with section 34-802 of the District of Columbia Code,<sup>2</sup> of its final rulemaking action to approve the Potomac Electric Power Company's (Pepco or Company) updated Rider "RADS" – Residential Aid Discount Surcharge (Rider Update).<sup>3</sup>

2. In Order No. 18059, the Commission adopted a new methodology for computing the RAD subsidy, the Residential Aid Credit ("RAC"), which now will serve as the form of the discount on the bills of eligible low-income customers in the District of Columbia.<sup>4</sup> The new methodology for calculating the RAD subsidy became effective June 1, 2016.<sup>5</sup> Under the new methodology, the monthly RAC is equal to the full Distribution Charge plus certain applicable

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<sup>1</sup> The Notice of Proposed Tariff was issued with the heading *PEPRADR 2015-01 - The Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings* ("PEPRADR 2015-01"). Because the Rider "RADS" – Residential Aid Discount Surcharge was filed in 2016, the heading for the Notice of Final Tariff should have been captioned for 2016 to reflect the year in which the Surcharge was filed. Accordingly, the above caption is amended to now read *PEPRADR 2016-01*.

<sup>2</sup> D.C. Code § 2-505 (2001 Ed.) and D.C. Code § 34-802 (2001 Ed.).

<sup>3</sup> *PEPRADR 2015-01 - The Potomac Electric Power Company's Residential Aid Discount Compliance Reports and Filings* and *Formal Case No. 1120, In the Matter of the Investigation into the Structure and Application of Low Income Assistance for Electricity Customers in the District of Columbia* ("Formal Case No. 1120"), Letter to Ms. Brinda Westbrook-Sedgwick, Commission Secretary, from Peter Meier, Vice President Legal Services, re: *Formal Case Nos. 945 and 813*, filed October 25, 2016 (hereinafter referred to as "Rider Update"). This filing revised and replaced the Pepco RAD Filing filed September 30, 2016, striking a portion of a sentence in the proposed tariff. The Commission's review analyzed the attachments filed with the September 30, 2016 RAD Filing as these were not included in the October 25, 2016 Rider Update. The September 30, 2016 RAD Filing replaced the May 27, 2016 Errata Filing, which, in turn, replaced the original May 13, 2016 Rider Filing.

<sup>4</sup> *Formal Case No. 1120, In the Matter of the Investigation into the Structure and Application of Low Income Assistance for Electricity Customers in the District of Columbia* ("Formal Case No. 1120"), Order No. 18059, rel. December 15, 2015.

<sup>5</sup> *Formal Case No. 1120*, Order No. 18059 at ¶ 35.

surcharges. In Order No. 18061, the Commission approved Pepco's requested adjustment of the Rider "RADS" from \$0.000294 to the current surcharge of \$0.000159.<sup>6</sup>

3. On October 25, 2016, pursuant to the Residential Aid Discount Subsidy Stabilization Amendment Act of 2010 ("the Act of 2010"),<sup>7</sup> and Order No. 18061,<sup>8</sup> Pepco filed its annual update to the Rider "RADS." In its Rider Update, the funding level for the restructured program is approximately \$4.898 million, up from \$3.54 million in the previous year.<sup>9</sup> This is an increase of \$1.358 million. One reason the program costs have increased is because the number of customers who qualify for assistance has increased since the March 2, 2015 RAD filing. To be more specific, the number of RAD customers increased from 17,118 to 18,964, from 2014 to 2015.<sup>10</sup> In addition, under the restructured program, the RAC is available for customers of competitive electric suppliers as well as for customers who receive standard offer service.<sup>11</sup> Pursuant to the Act of 2010,<sup>12</sup> Pepco seeks to recover the higher cost for the RAD program by proposing to increase the current surcharge level of \$0.000159 to a new surcharge level of \$0.000442.<sup>13</sup> In the Rider Update, Pepco proposes to amend the following tariff page:

**ELECTRIC-- P.S.C. of D.C. No. 1  
Fifth Revised Page No. R-46**

The amended tariff page, containing the proposed revisions, will read:

**ELECTRIC-- P.S.C. of D.C. No. 1**

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<sup>6</sup> *PEPRADR 2015-01 and Formal Case No. 1120*, Order No. 18061, rel. December 18, 2015.

<sup>7</sup> D.C. Law 18-195, Residential Aid Discount Subsidy Stabilization Amendment Act of 2010; D.C. Code § 8-1774.11 (2016).

<sup>8</sup> *PEPRADR 2015-01 and Formal Case No. 1120*, Order No. 18061, rel. December 18, 2015.

<sup>9</sup> *See PEPRADR 2015-01 and Formal Case No. 1120*, the September 30, 2016 RAD Filing, Attachment B; and the March 2, 2015 RAD filing.

<sup>10</sup> *See PEPEMMR 2016-01*, Pepco's Monthly Market Monitoring Report, filed November 15, 2016. Pepco's Monthly Market Monitoring Report also provides that average monthly number for RAD customers from January 2016 to October 2016 is 19,190, which is higher than the monthly average of 18,964 for 2015.

<sup>11</sup> *See PEPRADR 2015-01 and Formal Case No. 1120*, the September 30, 2016 Rider Filing. Pepco's proposed 2016 funding level of \$4.898 million (based on 18,964 RAD participants in 2015) exceeds the 2015 RAD program funding level of \$3.54 million (based on 17,118 RAD participants in 2014) provided in the March 2, 2015 RAD filing. This increase in required funding appears to be due to (i) an increase in the number of RAD customers and (ii) an increase in the effective subsidy applicable to RAD customers that switch to competitive electric suppliers. Under the previous RAD discount approach, shopping customers did not receive the generation portion of the RAD subsidy; *See also*, Order No. 18059 at ¶ 33.

<sup>12</sup> D.C. Law 18-195, Residential Aid Discount Subsidy Stabilization Amendment Act of 2010; D.C. Code § 8-1774.11 (2016).

<sup>13</sup> *See PEPRADR 2015-01 and Formal Case No. 1120*, the September 30, 2016 RAD Filing, Attachment B.

## Sixth Revised Page No. R-46

4. A Notice of Proposed Tariff (“NOPT”) was published in the *D.C. Register* on December 16, 2016, inviting public comment on the updated Rider RADS.<sup>14</sup> No comments were filed in response to the NOPT and the Commission is satisfied that the surcharge proposed by Pepco complies with Order Nos. 18059 and 18061 and D.C. Code Sections 8-1773 and 8-1774.<sup>15</sup> Accordingly, the Commission voted to approve the updated Rider RADS by official action taken at the February 1, 2017 open meeting. The updated Rider RADS surcharge is effective upon publication of this Notice in the *D.C. Register*.

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<sup>14</sup> 63 *D.C. Reg.* 15626-15628 (December 16, 2016).

<sup>15</sup> *Formal Case No. 1120*, Order No. 18059, rel. December 15, 2015; *PEPRADR 2015-01* and *Formal Case No. 1120*, Order No. 18061, rel. December 18, 2015; D.C. Code §§ 8-1773 and 8-1774 .

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

The Commission meeting will be held on Tuesday, February 7, 2017 at 5:00 p.m. The meeting will be held at 441 4<sup>th</sup> 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 [mia.hebb@dc.gov](mailto:mia.hebb@dc.gov)

**Meeting Agenda**

1. Review and Approval of the Meeting Minutes from January 5, 2017 Meeting - Action Item, Judge Weisberg.
2. Director's Update
  - a. FY 2018 Agency Budget Request
  - b. FY 2018 Capital Budget Request
  - c. D.C. Council Sentencing Roundtable
  - d. Agency Performance Hearing
3. Discussion and Final Action on the Guideline Evaluation Study – Action Item, Judge Weisberg and Barbara Tombs-Souvey.
4. Guideline Related Issues - Informational Item, Linden Fry
  - a. 2017 Sentencing Guideline Manual Revisions
  - b. Inquiry - Does Answering Guideline Questions Constitutes the Practice of Law?
  - c. Imposing Compliant Split Sentences
5. Schedule Next Meeting.
6. Adjourn.



**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL****NOTICE OF INTENT TO ENTER A SOLE SOURCE CONTRACT****Urban Teachers**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school—intends to enter into a sole source arrangement with Urban Teachers (formerly named Urban Teacher Center) for recruitment and training of teaching fellows.

- In preparation for opening a new campus, Thurgood Marshall Academy needs to recruit and train teachers highly qualified for urban teaching. Since funds supporting full salaries will not be available until the new campus opens, and since the school must prepare in advance a workforce proficient in both urban teaching and the school's methods, resident teaching fellows constitute an essential element of the school's talent strategy.
- The school expects the costs of the contract to fall in the \$25,000 - \$50,000 range.
- A sole-source arrangement is justified because Thurgood Marshall Academy has identified only one responsible source for recruitment *and* training of urban teaching fellows. Urban Teachers is the single source serving Washington, DC, that both recruits qualified candidates and provides (through partnership with The Johns Hopkins University) educational services culminating in a Master's degree for fellows who complete the program.

**Contact:** For further information regarding this Notice contact **David Schlossman, 202-276-4722, [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org)** no later than **Wednesday, February 22, 2017**. Further information about Thurgood Marshall Academy—including our nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org). Responses to this notice will be subject to the school's General Conditions Statement found on the website.

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, February 14, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dcwater.com](mailto:lmanley@dcwater.com).

**DRAFT AGENDA**

- |    |   |                  |
|----|---|------------------|
| 1. | Call to Order   | Chairman         |
| 2. | Summary of Internal Audit Activity -<br>Internal Audit Status | Internal Auditor |
| 3. | Executive Session   | Chairman         |
| 4. | Adjournment   | Chairman         |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, February 16, 2017 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

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

**DRAFT AGENDA**

- |    |                               |  |
|----|-------------------------------|--|
| 1. | Call to Order                 | Committee Chairperson                          |
| 2. | AWTP Status Updates           | Assistant General Manager,<br>Plant Operations |
|    | 1. BPAWTP Performance         |  |
| 3. | Status Updates                | Chief Engineer                                 |
| 4. | Project Status Updates        | Director, Engineering &<br>Technical Services  |
| 5. | Action Items                  | Chief Engineer                                 |
|    | - Joint Use                   |  |
|    | - Non-Joint Use               |  |
| 6. | Emerging Items/Other Business |  |
| 7. | Executive Session             |  |
| 8. | Adjournment                   | Committee Chairperson                          |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY****BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Water Quality and Water Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, February 16, 2017 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

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

**DRAFT AGENDA**

- |    |                                |  |
|----|--------------------------------|--|
| 1. | Call to Order                  | Committee Chairperson                    |
| 2. | Water Quality Monitoring       | Assistant General Manager, Consumer Ser. |
| 3. | Action Items                   | Assistant General Manager, Consumer Ser. |
| 4. | Emerging Issues/Other Business | Assistant General Manager, Consumer Ser  |
| 5. | Executive Session              |  |
| 6. | Adjournment                    | Committee Chairperson                    |

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

**Application No. 18916-B of 49<sup>th</sup> Street Developer LLC**, pursuant to 11 DCMR Subtitle Y § 705<sup>1</sup>, for a two-year extension of BZA Order No. 18916.

The original application was pursuant to 11 DCMR § 3104.1, for a special exception from the new residential developments requirements under § 353, to construct a new affordable multi-family residential development for seniors and 21 affordable one-family dwellings in the R-5-A District<sup>2</sup> on undeveloped land at the intersection of East Capitol Street, S.E. and 47th Street, S.E. (Square 5348, Lots 1-8).

<b>HEARING DATE (Original Application):</b>	February 10, 2015
<b>DECISION DATE (Original Application):</b>	February 10, 2015
<b>FINAL ORDER ISSUANCE DATE (Order No. 18916):</b>	February 12, 2015
<b>TIME EXTENSION FILED<sup>3</sup></b>	December 8, 2016
<b>TIME EXTENSION DECISION DATE:</b>	January 18, 2017

**SUMMARY ORDER ON MOTION TO EXTEND  
THE VALIDITY OF BZA ORDER NO. 18916**

The Underlying BZA Order

On February 10, 2015, the Board of Zoning Adjustment (the "Board") approved the Applicant's request for a special exception from the new residential developments requirements under § 353, to construct a new affordable multi-family residential development for seniors and 21 affordable one-family dwellings in the R-5-A District on undeveloped land at the intersection of East Capitol Street, S.E. and 47th Street, S.E. (Square 5348, Lots 1-8). The Board issued its written

<sup>1</sup> 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 of Title 11, DCMR (the "2016 Regulations"). Other than the description of the original application and its caption, the other references in this Order to provisions contained in Title 11 DCMR are to the 2016 Regulations. The repeal of the 1958 Zoning Regulations and their replacement with the 2016 Regulations has no effect on the vesting and validity of the original application.

<sup>2</sup> The zone districts were renamed in the 2016 Zoning Regulations. Thus, the R-5-A District is the RA-1 District under the 2016 Regulations. This is reflected on the Zoning Map. This change in nomenclature has no effect on the vesting or validity of the original application.

<sup>3</sup> On April 28, 2016, the Applicant and Contract Purchaser filed an initial request for a two-year time extension but later, on May 16, 2016, withdrew that request. The Board accepted the withdrawal of that time extension request. (Exhibits 1, 8, and 9, Case No. 18916-A.) No order was issued for Case No. 18916A and no time extension had been given.

order ("Order") on February 12, 2015. Pursuant to 11 DCMR Subtitle Y §§ 604.11, the Order became final on February 12, 2015 and took effect 10 days later.

Under the Order and pursuant to Subtitle Y § 702.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued -- until February 12, 2017. (Exhibit 1.)

#### Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On December 8, 2016, the Applicant sent a letter requesting that the Board grant a two-year extension of Order No. 18916. This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations, which permits the Board to extend the time periods in Subtitle Y § 702.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval.

#### Criteria for Evaluating Motion to Extend

Pursuant to Subtitle Y § 705.1(a), the Applicant shall serve on all parties to the application and all parties shall be allowed 30 days to respond. The record reflects that the Applicant served all parties at least 30 days in advance of the public meeting. The parties to the original application included the affected Advisory Neighborhood Commission ("ANC") which is ANC 7E. The extension request also was submitted to the Office of Planning ("OP") and the Department of Transportation ("DDOT"). (Exhibit 1.)

Pursuant to Subtitle Y § 705.1(b), the Applicant indicated in its request that there has been no substantial change in any of the material facts upon which the Board based its original approval of the application. (Exhibit 1.)

Under Subtitle Y § 705.1(c), good cause for the extension must be demonstrated with substantial evidence of one or more of the following criteria: (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control; (2) an inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or (3) the existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

To demonstrate good cause, the Applicant submitted a letter arguing that it has encountered difficulties in securing District of Columbia funding for the project. Without District funding, the Applicant noted, the project cannot move forward and be constructed. Although the Applicant has duly applied for District funding, the project was not funded by the Department of Housing and Community Development ("DHCD") in either the 2015 and 2016 funding round, which has caused a delay in the project. After not getting funded in the 2015 funding round, the Applicant resubmitted their application to DHCD in the 2016 funding round which was due on June 6, 2016. The Applicant stated that the project again was not selected by DHCD as recently announced by the Mayor.

The Applicant now requests a two-year extension of Order No. 18916 for the following reasons: (a) the project cannot move forward to the permitting stage until the requisite funding is authorized and awarded for the project; (b) at present, funding is not finalized for the project with respect to the proposed Fiscal Year 2017 budget; and (c) the Applicant is working with the Deputy Mayor for Planning and Economic Development ("DMPED") on an effort to identify funding sufficient to move the project forward and those discussions are on-going. In addition to its statement documenting its difficulties in securing funding, the Applicant shared a letter of support from ANC 7E's Chair addressed to DHCD's Director. In this letter, dated April 12, 2016, the Chair of the ANC restates the ANC's support for the project approved by the Board and also expresses support for the Applicant's request for a time extension of the zoning approval. (Exhibit 1.)

*The Merits of the Request to Extend the Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1*

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. To meet the requirements of Subtitle Y § 705.1(a), the record reflects that the Applicant served the parties to the application and all parties were allowed at least 30 days to respond. While not technically in response to this request for a time extension, the letter from the Chair of ANC 7E, which was the only other party to the proceeding, that was submitted to the record did restate the ANC's support for the project approved by the Board and also expressed the ANC's support for a time extension of the zoning approval. (Exhibit 1.) No party to the application objected to an extension of the Order.

As required by Subtitle Y § 705(b), the Applicant demonstrated that there is no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18916. There have also been no changes to the Zone District classification applicable to the Site or to the Comprehensive Plan affecting the Site since the issuance of the Board's order that would affect the approval.

To meet the burden of proof for "good cause" required under Subtitle Y § 705.1(c), the Applicant provided information regarding its efforts to secure the necessary funding for the project. The project consists of two affordable housing components: a three-story, 178-unit rental apartment building for seniors and 21 for-sale row houses. The request affects both components of the project. The project received the Board's approval in February 2015. However, the project was not funded by the Department of Housing and Community Development ("DHCD") in the 2015 and 2016 funding round, resulting in a delay in the project. After not getting funded in the 2015 funding round, and at DHCD's urging, the Applicant resubmitted their application to DHCD in the 2016 funding round which was due on June 6, 2016. The project again was not selected by DHCD. The Applicant indicated that it has been working diligently with DMPED and DHCD to obtain the necessary funding for the project. The costs of construction of affordable housing are such that the project cannot be constructed without such funding.

In evaluating the extension request, the Board considered the Applicant's good faith and diligent efforts to move forward with development on the Property. The Applicant indicated that it has every intention of proceeding with this substantial affordable housing project, and it has been working to subdivide the Property into buildable lots pending approval of funding. (Exhibit 1.) Given the totality of the conditions and circumstances described above and in the information that was provided, the Board finds that the Applicant satisfied the "good cause" requirement under Subtitle Y § 705.1(c), specifically meeting the criteria for Subtitle Y §§ 705.1(c)(1) and 705.1(c)(2). The Board finds that the delay in securing the public funding is beyond the Applicant's reasonable control and that the Applicant demonstrated that it has acted diligently, prudently, and in good faith to proceed towards the implementation of the Order.

OP expressed its support for the project and recommended approval of the requested time extension. OP, in its report dated January 9, 2017, reviewed the application for the extension of the Order for "good cause" pursuant to 11 DCMR Subtitle Y § 705.1, and noted that the Applicant had demonstrated that: (a) the application had been served on ANC 7E with time for the ANC to respond; (b) there had been no change in the Zoning Regulations that would impact the material facts upon which the Board based its original approval; and (c) there have been no recorded changes or significant development project in the square or its immediate surroundings that would impact the Board's original approval. Further, OP noted that the Applicant needed the time extension of the Board's previous approval because the Applicant has not been able to obtain the anticipated project funding. At the time of the original approval, it was anticipated that the project would be financed in part by DHCD which only issues funding for various projects on a yearly basis. However, when the project was approved in April 2014, the Applicant was unable to meet the deadline for the application for funding submissions on May, 9, 2014. Thus, the application for funding was first submitted in 2015; and although it was not selected, DHCD encouraged resubmission of the proposal the following year. Thus, the Applicant resubmitted their proposal to DHCD on June 6, 2016, but the project again was not selected. The Applicant has stated that they will continue to work with DHCD to secure funding. OP expressed its support for the project, which includes extensive affordable housing, and recommended "approval of the requested time extension for BZA Order 18916 ... to allow the applicant additional time to pursue funding for the project." (Exhibit 2.) The Board concludes that extension of the approved relief is appropriate under the current circumstances and that the Applicant has met the burden of proof for a time extension under Subtitle Y § 705.1.

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.

Pursuant to 11 DCMR Subtitle Y § 702, the Board of Zoning Adjustment hereby **ORDERS APPROVAL** of Case No. 18916-B for a two-year time extension of Order No. 18916, which Order shall be valid until **February 12, 2019**, within which time the Applicant must file plans for the proposed project with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit.

**BZA APPLICATION NO. 18916-B  
PAGE NO. 4**



**VOTE: 3-0-2** (Frederick L. Hill, Carlton E. Hart, and Michael G. Turnbull, to APPROVE; two Board seats 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:** February 1, 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. 18916-B  
PAGE NO. 5**

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

**Application No. 19401 of 3645 Warder LLC**, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the RF-use requirements of Subtitle U § 320.2,<sup>1</sup> to permit the conversion of an existing one-family dwelling into a three-unit apartment house in the RF-1 Zone at premises 3645 Warder Street N.W. (Square 3034, Lot 279).

**HEARING DATE:** January 11, 2017<sup>2</sup>  
**DECISION DATE:** January 18, 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") 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 November 9, 2016, at which a quorum was present, the ANC voted 9-0-0 on a resolution to support the application. (Exhibit 32.)

The Office of Planning ("OP") submitted a timely report, dated December 30, 2016 (Exhibit 36), and testified at the hearing in support of the application. The District Department of Transportation ("DDOT") submitted a timely report, dated December 20, 2016, expressing no objection to the approval of the application. (Exhibit 35.)

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<sup>1</sup> The approved relief included a waiver from the rooftop architectural element requirements under Subtitle U § 320.2(h).

<sup>2</sup> The Board heard the case on January 11, 2017, when it completed its hearing procedures and closed the record, other than to request: (1) revised plans, per the Office of Planning's request; and (2) a letter from the adjacent neighbor pertaining to an infill issue. The Board put the case on its meeting agenda for January 18, 2017.

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 the RF-use requirements of Subtitle U § 320.2, to permit the conversion of an existing one-family dwelling into a three-unit apartment house in the RF-1 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 U § 320.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 40A1-40A3.**

**VOTE:**     **3-0-2**       (Carlton E. Hart, Frederick L. Hill, and Robert E. Miller to APPROVE; two Board seats 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:** January 26, 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

**BZA APPLICATION NO. 19401**

**PAGE NO. 2**

§ 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. 19405 of Hampstead Jefferson Partners, L.P.**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and the addition to a nonconforming structure provision of Subtitle C § 202.2, to allow the location of new mechanical equipment in the rear yard of an existing three-story apartment building in the RF-1 Zone at premises 812 Jefferson Street, N.W. (Square 2999, Lot 803).

**HEARING DATE:** January 18, 2017

**DECISION DATE:** January 18, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 4 – original, Exhibit 35 - 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") 4D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4D, which is automatically a party to this application. The ANC did not submit a report related to the application. However, there was an email message submitted into the record dated November 22, 2016 from the Single Member District ("SMD") Commissioner for SMD 4D04 expressing community support for the application. The Commissioner noted that the full ANC would not likely have a meeting with a quorum prior to the BZA hearing. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report of support for the application, dated January 6, 2017, and testified at the hearing. In its report, OP recommended that in addition to the relief already requested, the Applicant also needed special exception relief from Subtitle C § 202.2, to allow an addition to a nonconforming structure given that the proposed chiller will

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<sup>1</sup> At the public hearing, the Applicant agreed to amend the application, as recommended by the Office of Planning, by including special exception relief from Subtitle C § 202.2 to allow an addition to a nonconforming structure. (See revised Self-certification form at Exhibit 35.) The caption has been amended accordingly.

occupy a portion of the existing 10-foot rear yard, where a 20-foot rear yard is required. (Exhibit 33.) As noted in footnote 1 of this Order, the Applicant revised the application by adding a request for a special exception under Subtitle C § 202.2. OP recommended approval of the amended application.

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 32.)

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 E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and the addition to non-conforming structure requirements of Subtitle C § 202.2. The only parties to this application 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle E §§ 5201, 304.1, and 306.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

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

**VOTE: 3-0-2** (Carlton E. Hart, Frederick L. Hill, and Michael G. Turnbull to APPROVE; two Board seats 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:** February 2, 2017

BZA APPLICATION NO. 19405

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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.

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

**Application No. 19406 of Paige Reffe**, as amended<sup>1</sup>, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201, from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.1, and the nonconforming structures requirements of Subtitle C § 202.2, to allow a two-story addition to an existing one-family dwelling in the R-1-B Zone at premises 3300 Lowell Street, N.W. (Square 2091, Lot 28).

**HEARING DATE:** January 11, 2017  
**DECISION DATE:** January 11, 2017

**SUMMARY ORDER**

**SELF-CERTIFICATION**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 37.) 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.<sup>2</sup>

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") 3C and to owners of property located within 200 feet of the site. The site of this application is

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<sup>1</sup> The Applicant amended the application by revising the plans and removing from the original request a special exception under Subtitle D § 308.1 – the pervious surface requirements. The Office of Planning ("OP") had encouraged the Applicant "to consider using permeable material so that pervious surface relief would not be needed. Prior to the hearing, the Applicant "decided to replace the proposed patio with a raised deck that has spacing between deck materials", thus obviating the need to meet the pervious surface requirements. (See Exhibit 33 - OP Report, p. 2; Exhibit 32 - revised plans; Exhibit 36 – revised site plan.) At the public hearing, the Applicant's representative agreed to further amend the application as recommended by OP, by including special exception relief from Subtitle C § 202.2 to allow an addition to a nonconforming structure. (See self-certification form at Exhibit 37.) The caption has been amended to reflect the relief as requested.

<sup>2</sup> The application was initially accompanied by a memorandum, dated October 14, 2016, from the Zoning Administrator, certifying the required relief. (Exhibit 7.) Because the Applicant's plans were revised so that rather than requesting a proposed patio, the Applicant now is requesting a raised deck that has spacing between the decking materials; thus, the Applicant amended the application by removing from the original request a special exception under Subtitle D § 308.1 – the pervious surface requirements. Additionally, at the public hearing, the Applicant's representative agreed to amend the application as recommended by OP, to include special exception relief from Subtitle C § 202.2 to allow an addition to a nonconforming structure, and submitted a self-certification form at Exhibit 37 with all of the relief now requested.



located within the jurisdiction of ANC 3C, which is automatically a party to this application. The ANC did not submit an official report to the Board related to the application. However, the Applicant's representative filed an email expressing ANC 3C's favorable review of the project when presented before the Historic Preservation Review Board ("HPRB"). (Exhibit 9.)

The Office of Planning ("OP") submitted a timely report dated December 30, 2016, recommending approval of the special exception relief for lot occupancy and rear yard but suggested that the requested relief be amended to include special exception relief under Subtitle C, § 202.2 – the nonconforming structures provision. In its report OP also noted that the originally sought special exception relief for pervious surfaces was no longer needed due to the revisions in the Applicant's plans. The Applicant's representative amended the application at the hearing to add the nonconforming structures relief (see footnotes 1 and 2) and OP recommended approval of the application, as amended. (Exhibit 33.)

The District Department of Transportation ("DDOT") submitted a timely report dated December 20, 2016, indicating that it had no objection to the grant of the application. (Exhibit 31.)

The Applicant submitted a petition which contained eight signatures from neighbors in support of the application, and a separate support letter from the neighbors immediately to the rear of the subject property. (Exhibit 12.)

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 D § 5201, from the lot occupancy requirements of Subtitle D § 304.1, the rear yard requirements of Subtitle D § 306.1, and the nonconforming structures requirements of Subtitle C § 202.2. 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 report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2, Subtitle D §§ 5201, 304.1, and 306.1, and Subtitle C § 202.2, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5, AS REVISED BY EXHIBIT 32 - ARCHITECTURAL PLANS.**

**VOTE: 3-0-2** (Frederick L. Hill, Robert E. Miller, and Carlton E. Hart to APPROVE; two Board seats 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:** January 27, 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

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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. 05-28Q**

**(Parkside Residential, LLC – 2<sup>nd</sup>-Stage PUD and Modification to 1<sup>st</sup>-Stage PUD @  
Squares 5041 and 5056 – Block F, Parcel 9)**

**February 2, 2017**

**THIS CASE IS OF INTEREST TO ANC 7D**

On January 17, 2017, the Office of Zoning received an application Parkside Residential, LLC (the “Applicant”) for approval of a second-stage PUD and modification to a previously approved first-stage PUD for the above-referenced property.

The property that is the subject of this application consists of Lot 806 in Square 5041 and Lots 809 and 813 in Square 5056 in northeast Washington, D.C. (Ward 7), for property bounded by Kenilworth Terrace, N.E. (southeast), Grant Place, N.E. (southwest), Parkside Place, N.E. (northwest), and Burnham Place, N.E. (northeast). The property was rezoned from R-5-A to the C-3-A, for the purposes of this project, as part of the first-stage PUD. Pursuant to Condition No. 1 of Z.C. Order No. 05-28, the Applicant has included an application for a map amendment with their second-stage PUD submission in order to specify the property involved in this application.

The Applicant proposes to construct two buildings containing a mix of retail, residential, and office uses with below-grade parking. The two buildings will include approximately 202,175 square feet of gross floor area plus approximately 151 parking spaces shared among the uses on the property. The density will be approximately 3.17 floor area ratio (“FAR”), with approximately 73 residential units (including 20% workforce housing), 16,704 square feet of retail space, and 112,595 square feet of office space.

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

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