



District of Columbia

REGISTER

HIGHLIGHTS

- D.C. Council passes Law 22-85, Relieve High Unemployment Tax Incentives Act of 2018
- D.C. Council reconvenes a public oversight roundtable on “Graduation Rate Accountability”
- Board of Elections publishes fictitious sample ballots for the June 19, 2018 Primary Election
- Department of Energy and Environment solicits public comments on the Fiscal Year 2019 Weatherization Assistance Program Draft State Plan
- Department of Health establishes civil fines for violations of the law governing the registration and operation of medical marijuana cultivation centers
- Department of Health announces funding availability for the DC Health Mini Grants program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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ADMINISTRATOR

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COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-69

"Lincoln Court Designation Act of 2017"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-336 on first and second readings November 7, 2017, and December 5, 2017, respectively. Following the signature of the Mayor on December 20, 2017, pursuant to Section 404(e) of the Charter, the bill became Act 22-217 and was published in the December 29, 2017 edition of the D.C. Register (Vol. 64, page 13440). Act 22-217 was transmitted to Congress on January 3, 2018 for a 60-day review, in accordance with Section 602(c)(2) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 60-day Congressional review period has ended, and Act 22-217 is now D.C. Law 22-69, effective March 30, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

January	3, 4, 5, 8, 9, 10, 11, 12, 16, 17, 18, 19, 22, 23, 24, 25, 26, 29, 30, 31
February	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-70

"Controlled Substance Testing Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-605 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-241 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1364). Act 22-241 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-241 is now D.C. Law 22-70, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-71

"Medical Necessity Review Criteria Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-622 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-242 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1366). Act 22-242 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-242 is now D.C. Law 22-71, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-72

"Personal Delivery Device Pilot Program Extension Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-625 on first and second readings December 12, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-243 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1368). Act 22-243 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-243 is now D.C. Law 22-72, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-73

"Homeless Shelter Replacement Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-634 on first and second readings December 19, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-244 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1370). Act 22-244 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-244 is now D.C. Law 22-73, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-74

"Master Development Plan Recognition Temporary Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-637 on first and second readings December 19, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-245 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1372). Act 22-245 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-245 is now D.C. Law 22-74, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-75

"Defending Access to Women's Health Care Services Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-106 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on January 31, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-246 and was published in the February 9, 2018 edition of the D.C. Register (Vol. 65, page 1374). Act 22-246 was transmitted to Congress on February 13, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-246 is now D.C. Law 22-75, effective March 28, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	13, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-76

**"National Community Reinvestment Coalition Real Property Tax Exemption
Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-521 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on February 5, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-247 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1551). Act 22-247 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-247 is now D.C. Law 22-76, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-77

"Bicycle and Pedestrian Safety Clarification Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-13 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on February 6, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-248 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1555). Act 22-248 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-248 is now D.C. Law 22-77, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-78

"Electric Vehicle Public Infrastructure Expansion Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-96 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on February 6, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-249 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1560). Act 22-249 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-249 is now D.C. Law 22-78, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-79

"Africare Real Property Tax Relief Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-147 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on February 6, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-250 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1563). Act 22-250 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-250 is now D.C. Law 22-79, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-80

**"General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2018-2023
Authorization Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-428 on first and second readings December 5, 2017, and January 9, 2018, respectively. Following the signature of the Mayor on February 6, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-251 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1565). Act 22-251 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-251 is now D.C. Law 22-80, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-81

"East End Commercial Real Property Tax Rate Reduction Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-43 on first and second readings December 5, 2017, and January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-252 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1582). Act 22-252 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-252 is now D.C. Law 22-81, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-82

"Jackson School Lease Renewal Authorization Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-148 on first and second readings December 5, 2017, and January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-253 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1584). Act 22-253 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-253 is now D.C. Law 22-82, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-83

"East End Grocery and Retail Incentive Tax Exemption Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-202 on first, and second readings December 5, 2017, and January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-254 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1586). Act 22-254 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-254 is now D.C. Law 22-83, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-84

**"Washington Metrorail Safety Commission Board of Directors Appointment
Amendment Act of 2018"**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-464 on first and second readings December 5, 2017, and January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-255 and was published in the February 16, 2018 edition of the D.C. Register (Vol. 65, page 1590). Act 22-255 was transmitted to Congress on February 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-255 is now D.C. Law 22-84, effective March 29, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

February	14, 15, 16, 20, 21, 22, 23, 26, 27, 28
March	1, 2, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-85

"Relieve High Unemployment Tax Incentives Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-218 on first and second readings December 5, 2017, and January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-257 and was published in the February 23, 2018 edition of the D.C. Register (Vol. 65, page 1805). Act 22-257 was transmitted to Congress on March 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-257 is now D.C. Law 22-85, effective April 25, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-86

"City Innovation Fund Re-Establishment Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-127 on first and second readings December 5, 2017, January 9, 2018, respectively, pursuant to Section 404(e) of the Charter, the bill became Act 22-258 and was published in the March 2, 2018 edition of the D.C. Register (Vol. 65, page 2102). Act 22-258 was transmitted to Congress on March 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-258 is now D.C. Law 22-86, effective April 25, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-87

"Office of Employee Appeals Hearing Examiner Classification Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-552 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on February 28, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-270 and was published in the March 9, 2018 edition of the D.C. Register (Vol. 65, page 2368). Act 22-270 was transmitted to Congress on March 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-270 is now D.C. Law 22-87, effective April 25, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-88

"Public Employee Relations Board Term Limit Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-553 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on February 28, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-271 and was published in the March 9, 2018 edition of the D.C. Register (Vol. 65, page 2370). Act 22-271 was transmitted to Congress on March 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-271 is now D.C. Law 22-88, effective April 25, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 22-89

"Extension of Time to Dispose of 8th & O Streets, N.W., Temporary Amendment Act of 2018"

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 22-652 on first and second readings January 9, 2018, and February 6, 2018, respectively. Following the signature of the Mayor on February 28, 2018, pursuant to Section 404(e) of the Charter, the bill became Act 22-272 and was published in the March 9, 2018 edition of the D.C. Register (Vol. 65, page 2372). Act 22-272 was transmitted to Congress on March 14, 2018 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 22-272 is now D.C. Law 22-89, effective April 25, 2018.



Phil Mendelson
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

March	14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30
April	2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24

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

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

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

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

PR22-848 Contract Appeals Board Marc D. Loud, Sr. Confirmation Resolution of 2018

Intro. 4-25-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole

PR22-849 Rental Housing Commission Michael Spencer Confirmation Resolution of 2018

Intro. 4-25-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Housing and Neighborhood Revitalization

PR22-852 27th-Minnesota Disposition Approval Resolution of 2018

Intro. 4-26-18 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Business and Economic Development

**Council of the District of Columbia
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004**

**COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON
COMMITTEE ON THE JUDICIARY & PUBLIC SAFETY**

ANNOUNCES A PUBLIC HEARING ON

**BILL 22-0571, THE “ABORTION PROVIDER NON-DISCRIMINATION
AMENDMENT ACT OF 2017”**

**BILL 22-0572, THE “WAGE GARNISHMENT FAIRNESS
AMENDMENT ACT OF 2017”**

**Thursday, June 7, 2018, 9:30 a.m.
Room 120, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

On Thursday, June 7, 2018, Councilmember Charles Allen, Chairperson of the Committee on the Judiciary and Public Safety, will hold a public hearing on Bill 22-0571, the “Abortion Provider Non-Discrimination Amendment Act of 2017”, and Bill 22-0572, the “Wage Garnishment Fairness Amendment Act of 2017”. The hearing will take place in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 9:30 a.m.

The stated purpose of Bill 22-0571, the “Abortion Provider Non-Discrimination Amendment Act of 2017”, is to amend the Human Rights Act of 1977 to prohibit discrimination against health care professionals by a health care provider, based on the professionals’ participation in, willingness to participate in, or support for abortion or sterilization procedures, or public statements related to abortion or sterilization procedures.

The stated purpose of Bill 22-0572, the “Wage Garnishment Fairness Amendment Act of 2017”, is to amend Chapter 5 of Title 16 of the District of Columbia Official Code to prevent wage garnishment from individuals making less than a living wage, to limit the amount that can be garnished from the wages of individuals with moderate incomes, and to require notice be provided to those whose wages will be garnished.

The Committee invites the public to testify or to submit written testimony. Anyone wishing to testify at the hearing should contact the Committee via email at judiciary@dccouncil.us or at

(202) 727-7808, and provide their name, telephone number, organizational affiliation, and title (if any), by **close of business Monday, June 1**. Representatives of organizations will be allowed a maximum of five minutes for oral testimony, and individuals will be allowed a maximum of three minutes. Witnesses should bring **twenty double-sided copies** of their written testimony and, if possible, also submit a copy of their testimony electronically in advance to judiciary@dccouncil.us.

For witnesses who are unable to testify at the hearing, written statements will be made part of the official record. Copies of written statements should be submitted to the Committee at judiciary@dccouncil.us. **The record will close at the end of the business day on June 21.**

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, NW, Washington, DC 20004

COUNCILMEMBER ANITA BONDS, CHAIRPERSON
COMMITTEE ON HOUSING AND NEIGHBORHOOD REVITALIZATION

ANNOUNCES A PUBLIC HEARING OF THE COMMITTEE

on

Bill 22-0739, “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”

Bill 22-0640, “Rental Housing Commission Independence Clarification Amendment Act of 2017”

and

Bill 22-0655, “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018”

on

Monday, May 21, 2018, at 11:00 AM
John A. Wilson Building, Room 500
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, May 21, 2018, Councilmember Anita Bonds, Chairperson of the Committee on Housing & Neighborhood Revitalization, will hold a public hearing on Bill 22-0739, “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”, Bill 22-0640, “Rental Housing Commission Independence Clarification Amendment Act of 2017”, and Bill 22-0655, “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018”. The hearing will take place in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., at 11:00 a.m.

B22-0739, the “TOPA Bankruptcy Tenant Displacement Prevention Amendment Act of 2018”, would amend the Tenant Opportunity to Purchase Act of 1980 to no longer exempt bankruptcy sales of housing accommodations from transfers subject to the act. An owner of a rental housing accommodation that was acquired pursuant to a court-ordered sale would be required to give tenants an opportunity to purchase the housing accommodation at 105% of the purchase price, plus reasonable out-of-pocket third-party and capital improvement costs.

Bill 22-0640, the “Rental Housing Commission Independence Clarification Amendment Act of 2017”, would clarify that the Rental Housing Commission is an independent agency within the executive branch of the District government.

Bill 22-0655, the “Housing Production Trust Fund Board Nominee Confirmation Clarification Amendment Act of 2018”, would clarify that a nominee for the Housing Production Trust Fund Board shall be deemed disapproved if the Council does not approve by resolution the nomination within the 90-day period of review.

Those who wish to testify are requested to telephone the Committee on Housing and Neighborhood Revitalization, at (202) 724-8198, or email omontiel@dccouncil.us, and provide their name, address, telephone number, organizational affiliation and title (if any), by close of business on May 18, 2018. Persons wishing to testify are encouraged to **submit 15 copies of written testimony**. Oral testimony should be limited to three minutes for individuals and five minutes for organizations.

If you are unable to testify at the public hearing, written statements are encouraged and will be made a part of the official record. Written statements should be submitted to the Committee on Housing and Neighborhood Revitalization, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 500, Washington, D.C. 20004. The record will close at 5:00 p.m. on June 04, 2018.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE**
1350 Pennsylvania Avenue, NW, Washington, DC 20004

**COUNCILMEMBER DAVID GROSSO
COMMITTEE ON EDUCATION
ANNOUNCES THE RECONVENING OF THE PUBLIC OVERSIGHT ROUNDTABLE**

on

Graduation Rate Accountability

on

**Wednesday, June 13, 2018
10:00 a.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David Grosso announces the reconvening of the public oversight roundtable of the Committee on Education on graduation standards in District of Columbia Public Schools and to account for how they are being met. Part I of the roundtable was held on Friday, December 15, 2017 in Hearing Room 500 of the John A. Wilson Building and Part II of the roundtable was held on February 8, 2018 in Hearing Room 412 of the John A. Wilson Building.

The purpose of Part III of the roundtable is to review the Office of the State Superintendent of Education’s (“OSSE”) latest report on the progress that D.C. Public Schools (“DCPS”) and Public Charter School Board’s (“PCSB”) have made in implementing Alvarez and Marsal’s recommendations on improving graduation accountability. OSSE’s report is expected to be released in the beginning of June.

While this hearing is limited to oral testimony from invited witnesses, written statements from the public will be made a part of the official record. Copies of written statements should be submitted by email to Ashley Strange, astrange@dccouncil.us, or by post to the Committee on Education, Council of the District of Columbia, Suite 116 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will remain open for an extended time and will close at a date to be determined later.

COUNCIL OF THE DISTRICT OF COLUMBIA
CONSIDERATION OF TEMPORARY LEGISLATION

B22-803, Commission on the Arts and Humanities Temporary Amendment Act of 2018 was adopted on first reading on May 1, 2018. This temporary measure was considered in accordance with Council Rule 413. A final reading on this measure will occur on June 5, 2018.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

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

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

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

Reprog. 22-122

Request to reprogram \$1,000,000 of Pay-As-You-Go (Paygo) capital funds budget authority and allotment from various agencies to the Reverse Pay-As-You-Go (Paygo) capital project and subsequently to the Department of Youth Rehabilitation Services (DYRS) was filed in the Office of the Secretary on April 30, 2018. This reprogramming is needed to support the purchase and installation of security cameras at the New Beginnings facility.

RECEIVED: 14 day review begins May 1, 2018

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-082981

License Class/Type: A / Retail - Liquor Store

Applicant: Yohannes A. Woldemichael

Trade Name: Capitol Fine Wine & Spirits

ANC: 6C04

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

415 H ST NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-102895

License Class/Type: A / Internet

Applicant: VC Imports, LLC

Trade Name: Vintage Cellars

ANC: 5D01

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

301 New York AVE NE

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-095926

License Class/Type: A / Retail - Liquor Store

Applicant: T Jiya Sohal Corporation

Trade Name: Sunset Wine & Spirit

ANC: 5E06

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

1627 1ST ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	12pm - 6pm	12pm - 6pm
Monday:	10am - 10pm	10am - 10pm
Tuesday:	10am - 10pm	10am - 10pm
Wednesday:	10am - 10pm	10am - 10pm
Thursday:	10am - 10pm	10am - 10pm
Friday:	10am - 11pm	10am - 11pm
Saturday:	10am - 11pm	10am - 11pm

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-095818

License Class/Type: A / Retail - Liquor Store

Applicant: Gallagher & Graham LLC

Trade Name: Gallagher & Graham Fine Spirits

ANC: 1B02

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

1939 12th ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-024868

License Class/Type: A / Retail - Liquor Store

Applicant: Starlight, Inc.

Trade Name: Kogod Liquors

ANC: 6C02

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

441 NEW JERSEY AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	11 am - 7 pm	11 am - 7 pm
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-109545

License Class/Type: A / Retail - Liquor Store

Applicant: Sunny Ventures, LLC

Trade Name: Best One Liquor

ANC: 5E06

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

322 FLORIDA AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-076393

License Class/Type: A / Retail - Liquor Store

Applicant: YDK, Inc.

Trade Name: Guilford Liquor

ANC: 6E02

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

446 RHODE ISLAND AVE NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

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

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-000434

License Class/Type: A / Retail - Liquor Store

Applicant: Sheldon Plotnick

Trade Name: Target Liquor

ANC: 4D01

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

500 KENNEDY ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

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

FOR FURTHER INFORMATION CALL: (202) 442-4423

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

****CORRECTION****

Placard Posting Date: April 27, 2018
Protest Petition Deadline: June 11, 2018
Roll Call Hearing Date: June 25, 2018
Protest Hearing Date: August 15, 2018

License No.: ABRA-109717
Licensee: Green & Co., Inc.
Trade Name: Coconut Club
License Class: Retail Class “CR”
Address: 540 Penn Street N.E.
Contact: Sidon Yohannes: (202) 686- 7600

WARD 5

ANC 5D

SMD 5D01

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 April 27, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009.** Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on **August 15**, 2018 at 4:30 p.m.**

NATURE OF OPERATION

New Class “C” Restaurant that will serve tropical small plates and tropical themed cocktails, with 80 seats and a Total Occupancy Load of 100. The licensee is requested an Entertainment Endorsement to include occasional Live Entertainment, with Cover Charge, and Dancing, and a ****Summer Garden**** with 20 seats.

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (PREMISES AND SUMMER GARDEN)

Sunday 10am- 12am

Monday- Thursday 11am- 2am

Friday-Saturday 10am-3am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday 6pm- 12 am

Monday- Thursday 6pm-2am

Friday- Saturday 6pm- 3am

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

Placard Posting Date: April 27, 2018
Protest Petition Deadline: June 11, 2018
Roll Call Hearing Date: June 25, 2018
Protest Hearing Date: August 15, 2018

License No.: ABRA-109717
Licensee: Green & Co., Inc.
Trade Name: Coconut Club
License Class: Retail Class “CR”
Address: 540 Penn Street N.E.
Contact: Sidon Yohannes: (202) 686- 7600

WARD 5

ANC 5D

SMD 5D01

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 April 27, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. **The Protest Hearing date is scheduled on **August 25**, 2018 at 4:30 p.m.**

NATURE OF OPERATION

New Class “C” Restaurant that will serve tropical small plates and tropical themed cocktails, with 80 seats and a Total Occupancy Load of 100. The licensee is requested an Entertainment Endorsement to include occasional Live Entertainment, with Cover Charge, and Dancing, and a ****Sidewalk Café**** with 20 seats.

PROPOSED HOURS OF OPERATION AND HOURS OF ALCOHOLIC BEVERAGE SALES, SERVICE, AND CONSUMPTION (PREMISES AND SIDEWALK CAFÉ)

Sunday 10am- 12am

Monday- Thursday 11am- 2am

Friday-Saturday 10am-3am

PROPOSED HOURS OF LIVE ENTERTAINMENT

Sunday 6pm- 12 am

Monday- Thursday 6pm-2am

Friday- Saturday 6pm- 3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 4, 2018
Protest Petition Deadline: June 18, 2018
Roll Call Hearing Date: July 2, 2018

License No.: ABRA-109538
Licensee: Domestique, LLC
Trade Name: Domestique
License Class: Retailer's Class "A" Liquor Store
Address: 10 Florida Avenue, N.W.
Contact: Angela Thomas: (202) 344-4785

WARD 5

ANC 5E

SMD 5E05

Notice is hereby given that this licensee has requested to transfer the license to a new location with Substantial Changes 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 July 2, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date.

NATURE OF OPERATION/SUBSTANTIAL CHANGES

Licensee requests to transfer license from 1447 Maryland Avenue, N.E., to a new location at 10 Florida Avenue, N.W. Nature of operation is a Retail Class A Liquor Store selling beer, wine, and spirits. Applicant is also requesting the following Substantial Changes to the license: Change in the hours of operation and alcoholic beverage sales and consumption.

CURRENT HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 7am to 12am

PROPOSED HOURS OF OPERATION/ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10am to 10pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Placard Posting Date: May 4, 2018
Protest Petition Deadline: June 18, 2018
Roll Call Hearing Date: July 2, 2018
Protest Hearing Date: August 15, 2018

License No.: ABRA-109484
Licensee: Rafsun & Rafi, LLC
Trade Name: Liquor Factory
License Class: Class “B” Beer & Wine Retailer
Address: 3109 Georgia Avenue, N.W.
Contact: Z.I. Russell: 646-533-1350

WARD 1

ANC 1A

SMD 1A10

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 July 2, 2018 at 10 a.m., 4th Floor, 2000 14th Street, N.W., Washington, DC 20009**. Petition and/or request to appear before the Board must be filed on or before the Petition Date. The **Protest Hearing date** is scheduled on **August 15, 2018 at 1:30 p.m.**

NATURE OF OPERATION

A new Retailer Class B Beer and Wine store.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES

Sunday through Saturday 10am – 12am

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

Placard Posting Date: May 4, 2018
Protest Petition Deadline: June 18, 2018
Roll Call Hearing Date: July 2, 2018

License No. ABRA-070310
Licensee: Sunami, LLC
Trade Name: Sportsman Wine and Liquors
License Class: Retailer's Class "A" Liquor Store
Address: 3249 Mt. Pleasant Street, N.W.

WARD: 1 ANC: 1D SMD: 1D04

The Alcoholic Beverage Regulation Administration (ABRA) provides Notice that the Licensee named above has filed a Petition to Amend or Terminate the Settlement Agreement(s) attached to its license.

The parties to the settlement agreement(s) are: Cadillac Enterprises, Inc. (former Licensee) t/a Sportsman Wine and Liquors, Advisory Neighborhood Commission 1E and the Mt. Pleasant Neighborhood Alliance (Protestant), dated November 20, 2001 and amendment to settlement agreement dated October 5, 2005.

A copy of the Petition may be obtained by contacting ABRA's Public Information Office at 202-442-4423.

Objectors are entitled to be heard before the granting of such a request on the Hearing Date, at 2000 14th Street, N.W., 400 South, Washington, D.C., 20002.

Petitions or requests to appear before the Board must be filed on or before the Petition Date.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
5/4/2018

Notice is hereby given that:

License Number: ABRA-070310

License Class/Type: A Retail - Liquor Store

Applicant: Sunami, LLC

Trade Name: Sportsman Wine and Liquors

ANC: 1D04

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

3249 MT PLEASANT ST NW

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR
BEFORE:
6/18/2018

A HEARING WILL BE HELD ON:
7/2/2018

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

Days	Hours of Operation	Hours of Sales/Service
Sunday:	9 am - 12 am	9 am - 12 am
Monday:	9 am - 12 am	9 am - 12 am
Tuesday:	9 am - 12 am	9 am - 12 am
Wednesday:	9 am - 12 am	9 am - 12 am
Thursday:	9 am - 12 am	9 am - 12 am
Friday:	9 am - 12 am	9 am - 12 am
Saturday:	9 am - 12 am	9 am - 12 am

ENDORSEMENT(S): Tasting

FOR FURTHER INFORMATION CALL: (202) 442-4423

DEPARTMENT OF ENERGY AND ENVIRONMENT

NOTICE OF PUBLIC HEARING AND
SOLICITATION OF PUBLIC COMMENT**Fiscal Year 2019 Weatherization Assistance Program Draft State Plan**

The Department of Energy and Environment (the Department) invites the public to present its comments at a public hearing on the fiscal year (FY) 2019 Weatherization Assistance Program (WAP) Draft State Plan.

Public Hearing: Monday, June 4, 2018

HEARING DATE: Monday, June 4, 2018
TIME: 6:00 pm
PLACE: Department of Energy and Environment
1200 First Street, NE, Washington, DC 20002
5th Floor
NOMA Gallaudet (Red Line) Metro Stop

Beginning 05/03/18, the full text of the **FY 2019 WAP Draft State Plan** will be available online at the Department's website. A person may obtain a copy of the FY 2019 WAP Draft State Plan by any of the following means:

Download from the Department's website, <http://doee.dc.gov/service/weatherization-assistance-program>. Look for "FY19 WAP Draft State Plan" 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 WAPStatePlan@dc.gov with "Request copy of **FY 2019 WAP**" 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: Rasha Butler RE: **FY19 WAP Draft State Plan**" on the outside of the envelope.

The deadline for comments is 06/04/18 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 "FY19 WAP Draft State Plan", to WAPStatePlan@dc.gov. Comments clearly marked "FY19 WAP Draft State Plan" 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 Monday, June 4, 2018. The Department will consider all comments received in its final decision.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
WEDNESDAY, JUNE 13, 2018
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

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

TIME: 9:30 A.M.

WARD ONE

19759 **Application of Christopher Cassimus**, pursuant to 11 DCMR Subtitle X, ANC 1B Chapter 9, for special exceptions under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, and under Subtitle E §§ 206.2 and 5303 from the upper floor addition requirements of Subtitle E § 206.1, to construct a third-story and a two-story rear addition to an existing flat in the RF-1 Zone at premises 1307 S Street N.W. (Square 238, Lot 803).

WARD ONE

19769 **Application of MR 1700 Columbia Retail LLC**, pursuant to 11 DCMR Subtitle ANC 1C X, Chapter 9, for a special exception under the use requirements of Subtitle U § 513.1(l), to permit a veterinary hospital in the MU-5A Zone at premises 1700 Columbia Road N.W. (Square 2562, Lot 52).

WARD ONE

19771 **Application of Lee Wells and Malcolm Haith**, pursuant to 11 DCMR Subtitle ANC 1C X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy provisions of Subtitle E § 304.1, and the accessory building size restrictions of Subtitle § 5004.2, and under Subtitle E §§ 206.2 and 5203.3 from the roof top architectural element provisions of Subtitle E § 206.1, to construct an accessory building and remove an existing porch roof on the existing principal dwelling unit in the RF-1 Zone at premises 1834 Ontario Place N.W. (Square 2583, Lot 351).

WARD TWO

19772 **Application of 1729 T Street TF LLC**, pursuant to 11 DCMR Subtitle X, ANC 2B Chapter 10, for variances from the closed court requirements of Subtitle F § 202.1, the floor area ratio requirements of Subtitle F § 302.1, and the lot occupancy requirements of Subtitle F § 304.1, to construct a five-unit apartment house in the RA-2 Zone at premises 1729 T Street N.W. (Square 151, Lot 15).

BZA PUBLIC HEARING NOTICE
JUNE 13, 2018
PAGE NO. 2

PLEASE NOTE:

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

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

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

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

Do you need assistance to participate?

Amharic

ለመከተፍ ዕርዳታ ያስፈልግዎታል?

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

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

0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እነኚህ አገልግሎቶች የሚሰጡት በነጻ ነው።

Chinese

您需要有人帮助参加活动吗?

如果您需要特殊便利设施或语言协助服务（翻译或口译），请在见面之前提前五天与 Zee Hill 联系，电话号码 (202) 727-0312，电子邮件

Zelalem.Hill@dc.gov。这些是免费提供的服务。

French

Avez-vous besoin d’assistance pour pouvoir participer ? Si vous avez besoin d’aménagements spéciaux ou d’une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au

BZA PUBLIC HEARING NOTICE

JUNE 13, 2018

PAGE NO. 3

(202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

Korean

참여하시는데 도움이 필요하세요?

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

Spanish

¿Necesita ayuda para participar?

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

Vietnamese

Quý vị có cần trợ giúp gì để tham gia không?

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

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

**FREDERICK L. HILL, CHAIRPERSON
LESYLLEÉ M. WHITE, MEMBER
LORNA L. JOHN, MEMBER
CARLTON HART, VICE-CHAIRPERSON,
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**

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 104 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 § 2-1801.04 (2016 Repl.)); Mayor's Order 99-68, dated April 28, 1999; Sections 9 and 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.08(d) and 7-1671.13 (2012 Repl.)); Section 4902 of the Department of Health Functions Clarification Act of 2011, effective October 1, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731 (2012 Repl.)); and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 36 (Department of Health (DOH) Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The amendments prescribe civil fines for violations of the law governing the registration, general operation, advertising, record keeping, and reporting for medical marijuana cultivation centers, and for violations of the law with respect to the prohibited and restricted activities. The amendments will amend Subsection 3601.1, add new Sections 3670 through 3674 to Chapter 36 of Title 16 DCMR, and reserve Section 3675 of the same.

This rulemaking was published in the D.C. Register on February 2, 2018 at 65 DCR 952. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking.

Following the required period of Council review, the rules were deemed approved by the D.C. Council on March 9, 2018. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 36, DEPARTMENT OF HEALTH (DOH) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Section 3601, HEALTH PRACTICE INFRACTIONS, is amended as follows:

Subsection 3601.1 is amended to read as follows:

3601.1 Violation of the following provisions shall be a Class 1 infraction:

- (a) Section 501 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.01) (practicing a health occupation for which a license is required without the requisite license); and

- (b) Section 1002 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1210.02) (unless authorized to practice a health occupation under D.C. Official Code Title 3, Chapter 12, a person shall not represent to the public by title, description of services, methods, or procedures, or otherwise that the person is authorized to practice the health occupation in the District).

A new Section 3670, CULTIVATION CENTER REGISTRATION VIOLATIONS, is added to read as follows:

3670 CULTIVATION CENTER REGISTRATION VIOLATIONS

3670.1 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22-C DCMR § 5500.3 (A cultivation center registered under the Act shall not use or display a trade name, corporate name, or sign bearing the words “pharmacy,” “apothecary,” “drug store,” or other phrase that implies that the practice of any health profession occurs on the premises).

3670.2 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22-C DCMR § 100.2 (No person shall possess, use, administer, or dispense marijuana in any form for the purpose of a medical use unless the person is registered with the District of Columbia government under the Legalization of Marijuana for Medical Treatment Initiative of 1999 (the “Act”));
- (b) 22-C DCMR § 5103.2 (A cultivation center that has not timely renewed its registration shall not be permitted to sell medical marijuana with an expired registration);
- (c) 22-C DCMR § 5303.1 (A registration for a cultivation center shall be returned to the Director if the dispensary or cultivation center fails to open for business within one hundred twenty (120) days after the registration has been issued); and
- (d) 22-C DCMR § 5303.2 (A registration for cultivation center shall be returned to the Director if the cultivation center fails to operate for any reason for more than one hundred twenty (120) consecutive days after it has opened for business).

3670.3 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22-C DCMR § 5106.2 (Failure of manager to provide manager training certificate to the Department within thirty (30) days of registration);
- (b) 22-C DCMR § 5110.1 (All persons required to register with the Department

shall receive and wear a nontransferable uniform registration ID card from the Department on their person, while working in a restricted access area at a cultivation center);

- (c) 22-C DCMR § 5500.1 (Failure to obtain approval for change of corporate or trade name); and
- (d) 22-C DCMR § 5501 (Failure to notify Department of individual ownership, corporate and partnership changes).

A new Section 3671, CULTIVATION CENTER GENERAL OPERATION VIOLATIONS, is added to read as follows:

3671 CULTIVATION CENTER GENERAL OPERATION VIOLATIONS

3671.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 22-C DCMR § 5602.2 (A registered cultivation center shall not be open to the public);
- (b) 22-C DCMR § 5603.1 (A registered cultivation center shall keep all medical marijuana located on the premises in a separate storage area which is securely closed and locked during all hours when the establishment is prohibited from operating or is closed. The storage area shall have a volumetric intrusion detection device(s) installed and connected to the facility intrusion detection system);
- (c) 22-C DCMR § 5603.2 (A cultivation center shall be required to install and use a safe for overnight storage of any processed marijuana, transaction records, and cash on the registered premises);
- (d) 22-C DCMR § 5604.1 (In the absence of an owner, a cultivation center shall have a Department approved manager present at the registered premises during the hours that the cultivation center is open);
- (e) 22-C DCMR § 5605.1 (A cultivation center shall destroy or dispose of unused or surplus medical marijuana and its by-products by providing it to MPD for destruction);
- (f) 22-C DCMR § 5605.2 (All unused or surplus medical marijuana and its by-products shall be weighed and documented and submitted to MPD on a form provided by MPD prior to being delivered to MPD by the cultivation center for destruction);
- (g) 22-C DCMR § 5605.4 (A cultivation center shall report stolen or lost marijuana within twenty-four (24) hours of becoming aware by calling 911

or contacting Police in the cultivation center’s Police District);

- (h) 22-C DCMR § 5607.2 (All medical marijuana sold or otherwise distributed by a cultivation center shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana, specifies the amount of marijuana in the product, and that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any re-sale or re-distribution of the medical marijuana to a third person is prohibited);
- (i) 22-C DCMR § 5607.7 (The label shall not contain any of the following information: (a) Any false or misleading statement or design; or (b) Any seal, flag, crest, coat of arms, or other insignia likely to mislead the qualified patient to believe that the product has been endorsed, made, or used by the District government);
- (j) 22-C DCMR § 5607.10 (A cultivation center or dispensary shall not use the word(s) “candy” or “candies” on the product, packaging, or labeling of any medical marijuana product);
- (k) 22-C DCMR § 5607.11 (A cultivation center or dispensary shall not place any content, image, or labeling that specifically targets individuals under the age of twenty-one (21), including but not limited to, cartoon characters or similar images, on the product, packaging, or a container holding medical marijuana);
- (l) 22-C DCMR § 5607.12 (A cultivation center that produces edible marijuana products or marijuana-infused products shall ensure that all edible marijuana products or marijuana-infused products offered for sale: (a) Are labeled clearly and unambiguously as medical marijuana; (b) Are not presented in packaging or with labeling that is appealing to children; and (c) Have packaging designed or constructed to be significantly difficult for children under five (5) years of age to open, but not normally difficult for adults to use properly);
- (m) 22-C DCMR § 5607.13 (A cultivation center or dispensary shall not use or allow the use of any content, image, or labeling on a medical marijuana product that is offered for sale if the container does not precisely and clearly indicate the nature of the contents or that in any way may deceive a customer as to the nature, composition, quantity, age, or quality of the product);
- (n) 22-C DCMR § 5607.14 (Packaging of edible medical marijuana products or medical marijuana-infused products shall not bear any: (a) Resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good or beverage; (b) Statement, artwork or design that could reasonably mislead any person to believe that the package contains anything other than an edible medical

marijuana product or medical marijuana-infused products; or (c) Seal, flag, crest, coat of arms, or other insignia that could reasonably mislead any person to believe that the product has been endorsed, manufactured, or used by any state, county or municipality or any agency thereof);

- (o) 22-C DCMR § 5608.1 (The production of any ingestible product containing medical marijuana distributed by a dispensary shall be prepared at a cultivation center facility that meets all requirements of a retail food establishment, including any Department licensing and/or certification requirements; and shall comply with all District of Columbia health regulations relating to the production, preparation, and sale of prepared food items);
- (p) 22-C DCMR § 5608.3 (Marijuana-infused products that are especially appealing to children are prohibited);
- (q) 22-C DCMR § 5608.4 (Marijuana-infused edible products such as, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited);
- (r) 22-C DCMR § 5608.5 (A cultivation center shall not process or transfer a marijuana item that by its shape, design or flavor is likely to appeal to minors, including but not limited to products that are modeled after non-cannabis products primarily consumed by and marketed to children; or products in the shape of an animal, vehicle, person or character. Also, a cultivation center shall not process or transfer a marijuana item that is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items; or that contains dimethyl sulfoxide (DMSO));
- (s) 22-C DCMR § 5609.1 (Medical marijuana shall be subject to testing for quality assurance and safety purposes);
- (t) 22-C DCMR § 5610.1 (A cultivation center shall be required to operate and maintain in good working order a twenty-four (24) hour, seven (7) days a week, a closed circuit television (CCTV) surveillance system on the premises);
- (u) 22-C DCMR § 5610.2 (A cultivation center shall install, maintain, and use a professionally monitored robbery and burglary alarm system);
- (v) 22-C DCMR § 5617.1 (A cultivation center shall be required for security purposes to have sufficient lighting outside of the registered business each day between sunset and sunrise that adequately illuminates the cultivation center and its immediate surrounding area);
- (w) 22-C DCMR § 5619.1 (Medical marijuana shall only be handled in

designated limited access areas of the cultivation center. A cultivation center shall permit only those persons registered with the Department to enter limited access areas);

- (x) 22-C DCMR § 5619.2 (Limited access areas shall only be those areas identified on cultivation center application);
- (y) 22-C DCMR § 5619.5 (It shall be a violation for registered or non-registered persons to be in limited access areas without registration identification visually displayed); and
- (z) 22-C DCMR § 5621.2 (A cultivation center or its contracted agent shall not transport medical marijuana within the District of Columbia without an original transport permit. A cultivation center shall permit only an employee, director, officer, member, incorporator, or agent registered with the Department or its contracted agent to transport medical marijuana to a registered dispensary).

3671.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 22-C DCMR § 5604.7 (A registered cultivation center shall notify the Department within seven (7) calendar days of discovering any manager's arrest or conviction for any crime other than minor traffic violations);
- (b) 22-C DCMR § 5607.3 (The label shall include all ingredients contained in the product, in order from most abundant to least abundant. The label for ingestible items shall identify potential food allergy ingredients, including milk, eggs, fish, shellfish, tree nuts, peanuts, wheat and soybeans. The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging);
- (c) 22-C DCMR § 5607.4 (The label shall contain the following warning: "There may be health risks associated with the ingestion or use of this product. Please consult your physician if you have any questions or concerns.");
- (d) 22-C DCMR § 5607.5 (All medical marijuana shall be labeled with a list of all chemical additives);
- (e) 22-C DCMR § 5610.3 (A cultivation center shall notify the Department within twenty-four (24) hours of any incident triggering an alarm, and file a written report);
- (f) 22-C DCMR § 5617.2 (Outdoor lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Willful conduct demonstrated; for example, repeated occurrences));

- (g) 22-C DCMR § 5618.2 (A cultivation center shall be staffed with at least two (2) persons when employees are present inside of the cultivation center);
- (h) 22-C DCMR § 5620.1 (A cultivation center is forbidden from using any of the following substances or techniques: (a) Synthetic pesticides; (b) Fertilizer or composted plant and animal material that contains a substance prohibited by this section; (c) Sewage sludge; (d) Synthetic growth regulators; (e) Synthetic allopathic veterinary drugs; (f) Synthetic processing substances, aids and ingredients, and food additives and processing aids; (g) Equipment, packaging materials and storage containers, or bins that contain synthetic fungicide, preservative or fumigant; (h) Any pesticide, fungicide, fertilizer, rodenticides, or drugs banned by the Department of Agriculture or Food and Drug Administration; or (i) Any other substances or techniques deemed unlawful by the Department); and
- (i) 22-C DCMR § 5620.2 (A cultivation center shall not harvest medical marijuana before the plant is sixty (60) days old starting from the day the seed or clone is planted).

3671.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 22-C DCMR § 5608.2 (Marijuana-infused products that require cooking or baking by the consumer are prohibited);
- (b) 22-C DCMR § 5613.1 (A cultivation center shall surrender its registration within three (3) calendar days of discontinuing its operation);
- (c) 22-C DCMR § 5616.3 (A cultivation center shall post a sign provided by the Department at all areas of ingress and egress to limited access areas, which reads: “Access to this area is restricted to persons registered with the Department visibly displaying a registration identification card.”);
- (d) 22-C DCMR § 5619.3 (A dispensary shall post a sign provided by the Department at all areas of ingress and egress); and
- (e) 22-C DCMR § 5619.4 (Persons registered by the Department shall wear their registrations at all times while in limited access areas).

3671.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 22-C DCMR C § 5610.3 (A cultivation center shall maintain for three (3) years the reports of any incident triggering an alarm, and shall make those reports available during inspection).

3671.5 Violation of any of the following provisions shall be a Class 5 infraction:

- (a) 22-C DCMR § 5617.2 (Outdoor lighting shall be hooded or oriented so as to deflect light away from adjacent properties. (Single occurrence, with no evidence of willful conduct)).

A new Section 3672, CULTIVATION CENTER PROHIBITED AND RESTRICTED ACTIVITIES, is added to read as follows:

3672 CULTIVATION CENTER PROHIBITED AND RESTRICTED ACTIVITIES

3672.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 22-C DCMR § 5701.1 (A cultivation center shall not be permitted to sell medical marijuana to qualified patients or caregivers);
- (b) 22-C DCMR § 5701.2 (Unlawful for a cultivation center to sell or distribute medical marijuana to a person or entity other than a dispensary registered in the District of Columbia);
- (c) 22-C DCMR § 5701.3 (It shall be unlawful for a cultivation center to sell medical marijuana from plants not grown at a registered location in the District of Columbia);
- (d) 22-C DCMR § 5703.2 (A cultivation center shall not be permitted to deliver medical marijuana to any premises other than the specific registered premises of the dispensary where the medical marijuana is to be sold);
- (e) 22-C DCMR § 5704.1 (A cultivation center shall be permitted to possess and cultivate up to the number of living marijuana plants permitted under the Legalization of Marijuana for Medical Treatment Initiative of 1999 at any one (1) time for the sole purpose of producing medical marijuana in a form permitted under this subtitle);
- (f) 22-C DCMR § 5705.1 (A cultivation center shall not permit the consumption of medical marijuana at the registered premises in any form. The cultivation center shall dispense or distribute medical marijuana in a closed container that shall not be opened after sale, or the contents consumed, on the premises where sold);
- (g) 22-C DCMR § 5705.2 (It shall be a violation for a cultivation center to have on the registered premises any medical marijuana or marijuana paraphernalia that shows evidence of the medical marijuana having been consumed or partially consumed);
- (h) 22-C DCMR § 5708.1 (It shall be a violation of this subtitle for a cultivation

center, or a director, officer, member, incorporator, agent, or employee of a cultivation center to provide financial compensation, an office, or anything of value to an authorized practitioner who recommends the use of medical marijuana. (Single occurrence with evidence of willful conduct; or repeat occurrences demonstrating willful conduct)); and

- (i) 22-C DCMR § 5710.1 (A cultivation center shall not permit medical marijuana or paraphernalia to be visible from any public or other property not owned by the cultivation center).

3672.2 Violation of the following provision shall be a Class 2 infraction:

- (a) 22-C DCMR § 5702.1 (No driver of a commercial or public vehicle in the District of Columbia shall have in his or her possession, while in or on the vehicle, any opened or unsealed package containing medical marijuana);
- (b) 22-C DCMR § 5706.1 (A cultivation center shall not require, directly or indirectly, a dispensary to purchase any type of medical marijuana or other commodity in order to purchase any other medical marijuana product);
- (c) 22-C DCMR § 5707.2 (A person under twenty-one (21) years of age shall not be employed by a cultivation center to grow or cultivate medical marijuana); and
- (d) 22-C DCMR § 5708.1 (It shall be a violation of this subtitle for a cultivation center, or a director, officer, member, incorporator, agent, or employee of a cultivation center to provide financial compensation, an office, or anything of value to an authorized practitioner who recommends the use of medical marijuana. (Single occurrence, with no evidence of willful conduct)).

A new Section 3673, CULTIVATION CENTER ADVERTISING VIOLATIONS, is added to read as follows:

3673 CULTIVATION CENTER ADVERTISING VIOLATIONS

3673.1 Violation of any of the following provisions shall be a Class 2 violation:

- (a) 22-C DCMR § 5800.2 (Advertisements relating to medical marijuana shall not be displayed on the exterior of any window or on the exterior or interior of any door. (Willful conduct demonstrated; for example, repeated occurrences));
- (b) 22-C DCMR § 5800.3 (No sign advertising medical marijuana on the exterior or visible from the exterior of any registered establishment or elsewhere in the District shall be illuminated at any time. (Willful conduct demonstrated; for example, repeated occurrences));

- (c) 22-C DCMR § 5801.1 (A registered cultivation center shall not use any picture or illustration that depicts a child or immature person, or objects (such as toys), suggestive of the presence of a child, and any statement, design, device, picture, or illustration designed to be especially appealing to children or immature persons); and
- (d) 22-C DCMR C § 5801.2 (A statement that is known by the cultivation center to be false or misleading with respect to advertised price charged to the qualified patient, ingredients of medical marijuana, source of manufacturer, or statements as to health benefits, shall be prohibited).

3673.2 Violation of any of the following provisions shall be a Class 4 violation:

- (a) 22-C DCMR § 5800.1 (Advertisements relating to the prices of medical marijuana shall not be displayed in the window of a registered establishment);
- (b) 22-C DCMR § 5800.2 (Advertisements relating to medical marijuana shall not be displayed on the exterior of any window or on the exterior or interior of any door. (Single occurrence, with no evidence of willful conduct)); and
- (c) 22-C DCMR § 5800.3 (No sign advertising medical marijuana on the exterior or visible from the exterior of any registered establishment or elsewhere in the District shall be illuminated at any time. (Single occurrence, with no evidence of willful conduct)).

A new Section 3674, CULTIVATION CENTER RECORDS AND REPORTING VIOLATIONS, is added to read as follows:

3674 CULTIVATION CENTER RECORDS AND REPORTING VIOLATIONS

3674.1 Violation of any of the following provisions shall be a Class 1 violation:

- (a) 22-C DCMR § 5900.1 (Each registered cultivation center shall keep and maintain upon the registered premises true, complete, legible, and current books and records. (Willful conduct demonstrated; for example, repeated occurrences));
- (b) 22-C DCMR § 5901.1 (With each sale of medical marijuana, the cultivation center shall cause to be made in duplicate an invoice of the sale. (Willful conduct demonstrated; for example, repeated occurrences));
- (c) 22-C DCMR § 5901.2 (With each sale, the invoice shall be prepared in duplicate, and shall be consecutively numbered. (Willful conduct

demonstrated; for example, repeated occurrences));

- (d) 22-C DCMR § 5901.3 (All invoices and delivery slips shall be systematically filed and maintained for a period of four (4) years from date of delivery. (Willful conduct demonstrated; for example, repeated occurrences));
- (e) 22-C DCMR § 5903.2 (Registration holders subject to this section shall, on or before the thirtieth (30th) day of July and January, furnish to the Department on a form to be prescribed by the Department a statement showing the required information. (Willful conduct demonstrated; for example, repeated occurrences));
- (f) 22-C DCMR § 5906.1 (The books and records referred to in this chapter, including the original and duplicate invoices, shall be open to inspection by the Department or its designated agent, and the OTR, during the establishment's approved hours of operation. (Willful conduct demonstrated; for example, repeated occurrences)); and
- (g) 22-C DCMR § 5906.2 (A cultivation center shall keep and maintain all books and records referred to in this chapter on the registered premises for a period of four (4) years after the latest transaction recorded in those books and records. (Willful conduct demonstrated; for example, repeated occurrences)).

3674.2

Violation of the following provisions shall be a Class 2 violation:

- (a) 22-C DCMR § 5900.1 (Each registered cultivation center shall keep and maintain upon the registered premises true, complete, legible, and current books and records. (Single occurrence, with no evidence of willful conduct));
- (b) 22-C DCMR § 5901.1 (With each sale of medical marijuana, the cultivation center shall cause to be made in duplicate an invoice of the sale. (Single occurrence, with no evidence of willful conduct));
- (c) 22-C DCMR § 5901.2 (With each sale, the invoice shall be prepared in duplicate, and shall be consecutively numbered. (Single occurrence, with no evidence of willful conduct));
- (d) 22-C DCMR § 5901.3 (All invoices and delivery slips shall be systematically filed and maintained for a period of four (4) years from date of delivery. (Single occurrence, with no evidence of willful conduct));
- (e) 22-C DCMR § 5903.2 (Registration holders subject to this section shall, on or before the thirtieth (30th) day of July and January, furnish to the

Department on a form to be prescribed by the Department a statement showing the required information. (Single occurrence, with no evidence of willful conduct));

- (f) 22-C DCMR § 5906.1 (The books and records referred to in this chapter, including the original and duplicate invoices, shall be open to inspection by the Department or its designated agent, and the OTR, during the establishment's approved hours of operation. (Single occurrence, with no evidence of willful conduct)); and
- (g) 22-C DCMR § 5906.2 (A cultivation center shall keep and maintain all books and records referred to in this chapter on the registered premises for a period of four (4) years after the latest transaction recorded in those books and records. (Single occurrence, with no evidence of willful conduct)).

3674.3 Violation of the following provision shall be a Class 4 violation:

- (a) 22-C DCMR § 5907.1 (A dispensary shall notify the Mayor within ten (10) days after a registered director, officer, member, incorporator, agent, employee, or manager ceases to work at, manage, own, or otherwise be associated with the operation. The director, officer, member, incorporator, agent, employee, or manager shall surrender his or her identification card to the Mayor within ten (10) days of ceasing to work at, manage, own, or otherwise be associated with the operation).

A new Section 3675 is added and RESERVED.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14) (2016 Repl.)), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-0095; 63 DCR 6502 (April 29, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 43 (Dental Hygiene) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to require dental hygienists to complete the following new continuing education requirements beginning with the renewal period ending December 31, 2019: two (2) hours of continuing education focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer (“LGBTQ”), or who question their sexual orientation or gender identity and expression, and one (1) hour of approved continuing education focusing on ethics.

This rulemaking was published in the D.C. Register on January 5, 2018 at 65 DCR 000052. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 43, DENTAL HYGIENE, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

Section 4306, CONTINUING EDUCATION REQUIREMENTS, is amended as follows:

Subsections 4306.4 – 4306.6 are amended to read as follows:

- 4306.4 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date the license expires, which shall include:
- (a) Current CPR certification for healthcare providers at the basic level;
 - (b) Two (2) hours of infection control training;
 - (c) One (1) hour of ethics in an approved continuing education program; and
 - (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression

(“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

4306.5 Beginning with the licensure period ending December 31, 2019, to qualify for a license, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11 (2016 Repl.), who submits an application to reactivate a license, shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date of the application for reactivation of that applicant’s license, and an additional eight (8) hours of approved continuing education credit for each additional year that the applicant was in inactive status beginning with the third (3rd) year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

4306.6 Beginning with the licensure period ending December 31, 2019, to qualify for a license an applicant for reinstatement of a license shall submit proof pursuant to § 4306.7 of having completed fifteen (15) hours of approved continuing education credit obtained within the two (2)-year period preceding the date of the application for reinstatement of the applicant’s license, and an additional eight (8) hours of approved continuing education credit for each additional year that the license was expired beginning with the third (3rd) year, which shall include:

- (a) Current CPR certification for healthcare providers at the basic level;
- (b) Two (2) hours of infection control training;
- (c) One (1) hour of ethics in an approved continuing education program; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

Section 4307, APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES, is amended as follows:

The existing Subsections 4307.4 through 4307.6 are renumbered as 4307.5 through 4307.7.

A new Subsection 4307.4 is added to read as follows:

- 4307.4 Continuing education credit will not be awarded for programs that do not relate to the theory or clinical application of theory pertaining to the practice of dental hygiene, including but not limited to:
- (a) Courses pertaining to business communications and operations;
 - (b) Courses solely pertaining to medical/dental coding terminology;
 - (c) Courses pertaining to personal self-improvement, financial gain, or career options;
 - (d) Courses designed for lay persons;
 - (e) Providing instruction to persons who are not licensed, registered, certified, or students in the field of dental hygiene or dental assisting, or for conducting research, or publications, or any preparation for same;
 - (f) On-the-job training;
 - (g) Orientation programs or staff meetings, including orientation to new policies, non-therapeutic procedures, equipment, forms, responsibilities, services, etc.;
 - (h) Presentations made by students; or
 - (i) Participation in or attendance at, not as a presenter, case conferences, grand rounds, or informal presentations.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health (Department), pursuant to the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)) (2012 Repl.), Mayor's Order 98-140, dated August 20, 1998, and the LGBTQ Cultural Competency Continuing Education Amendment Act of 2016, effective April 6, 2016 (D.C. Law 21-0095; 63 DCR 6502 (April 29, 2016)), hereby gives notice of the adoption of the following amendments to Chapter 90 (Dental Assistants) of Title 17 (Business, Occupations, and Professionals) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to require dental assistants to complete (2) hours of continuing education focusing on clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, (“LGBTQ”) or who question their sexual orientation or gender identify and expression, and (2) hours of continuing education focusing on infection control beginning with the renewal period ending December 31, 2019.

This rulemaking was published in the *D.C. Register* on November 10, 2017 at 64 DCR 11712. The Department did not receive any comments in response to the notice. No changes have been made to the rulemaking. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 90, DENTAL ASSISTANTS, of Title 17 DCMR, BUSINESS, OCCUPATIONS, AND PROFESSIONALS, is amended as follows:

A new Section 9007 is added to read as follows:

9007 CONTINUING EDUCATION REQUIREMENTS

- 9007.1 Except as provided in § 9007.2, this section shall apply to all applicants for the renewal, reactivation, or reinstatement of a dental assistant registration.
- 9007.2 This section shall not apply to applicants for the first renewal of a dental assistant registration.
- 9007.3 A continuing education credit shall be valid only if it is part of a program approved by the Board.
- 9007.4 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.
- 9007.5 A contact hour shall consist of at least sixty (60) minutes of instruction in an approved continuing education program and shall equal one-tenth (0.1) of a continuing education credit (“CEU”).

9007.6 Beginning with the renewal period ending December 31, 2019, an applicant for renewal of a dental assistant registration shall:

- (a) Have completed seven (7) hours of credit within the two-year (2) period preceding the date the registration expires, which shall include at least:
 - (1) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
 - (2) Two (2) hours of infection control in approved continuing education programs;
 - (3) One (1) hour of ethics in an approved continuing education programs; and
 - (4) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10(b)(5);
- (b) Attest to completion of the required continuing education credits on the renewal application form; and
- (c) Be subject to a random audit.

9007.7 Beginning with the renewal period ending December 31, 2019, to qualify for reinstatement or reactivation of a dental assistant registration, an applicant shall submit proof of having completed a minimum of seven (7) hours of credit within the year immediately preceding the date of the application, which shall include at least:

- (a) Current certification of having completed two (2) hours in basic life support (“BLS certification”);
- (b) Two (2) hours of infection control in approved continuing education programs;
- (c) One (1) hour of ethics in an approved continuing education programs; and
- (d) Two (2) hours of continuing education on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression

(“LGBTQ”) meeting the requirements of D.C. Official Code § 3-1205.10 (b)(5).

- 9007.8 Applicants for renewal of a registration shall only be required to prove completion of the required continuing education credits by submitting proof if requested to do so as part of the random audit, or if otherwise requested to do so by the Board.
- 9007.9 An applicant for renewal of a registration who fails to renew the registration by the date the registration expires may renew the registration for up to sixty (60) days after the date of expiration by completing the application, submitting the required supporting documents, and paying the required late fee. Upon renewal, the applicant shall be deemed to have possessed a valid registration during the period between the expiration of the registration and the renewal thereof.
- 9007.10 If an applicant for renewal of a registration fails to renew the registration and pay the late fee within sixty (60) days after the expiration of applicant's registration, the registration shall be considered to have lapsed on the date of expiration. The applicant shall thereafter be required to apply for reinstatement of an expired registration and meet all requirements and fees for reinstatement.
- 9007.11 The Board may, in its discretion, grant an extension of the sixty (60) day period, up to a maximum of one (1) year, to renew after expiration if the applicant's failure to renew was for good cause. As used in this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.
- 9007.12 An extension granted under this section shall not exempt the dental assistant from complying with the continuing education requirements for any other renewal period.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

AND

Z.C. ORDER NO. 17-24

Z.C. Case No. 17-24

(Zoning Map Amendment @ U.S. Reservation 421 from Unzoned to RA-1)

April 9, 2018

The Zoning Commission for the District of Columbia (Zoning Commission), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby amends the Zoning Map to rezone from unzoned to the RA-1 zone the area described in the metes and bounds description below entitled “Description Fort Greble Playground Part of US Reservation 421.”

A Notice of Proposed Rulemaking was published in the *D.C. Register* on March 2, 2018, at 65 DCR 002280. In response the Commission received no comments.

The Commission therefore took final action at a public meeting on April 9, 2018 to adopt the map amendment as proposed.

The Zoning Map of the District of Columbia is amended to rezone from unzoned to the RA-1 zone the area described in the metes and bounds description below entitled “Description Fort Greble Playground Part of US Reservation 421.”

Description**Fort Greble Playground
Part of US Reservation 421
November 30, 2017**

Being land know as Fort Greble Playground, as part of U.S. Reservation 421, District of Columbia, as shown on a Transfer of Jurisdiction, per plat thereof December 7, 1972, among the Records of the Office of the Surveyor of the District of Columbia in Recorded Book 158 at Page 140 said land being more particularly described as follow:

Commencing at the northwest corner of US Reservation 421, said point also being the intersection of the east line of Anacostia Freeway, SW (156' wide public street) and the south line of Chesapeake Street, SW (90' wide public street); thence on the south line of said Chesapeake Street, SW N 81°36'55" E 349.14 feet to the **Point of Beginning**; thence continuing on said south line

N 81°36'55" E 378.25 feet; thence departing south said line running in, through and over said US Reservation 421 the following courses and distances.

S 5°24'00" E 185.09 feet; thence

S 84°36'00" E 69.03 feet; thence

S 5°24'00" E 201.00 feet; thence

S 84°36'00" E 21.93 feet; thence

S 00°00'00" E 412.94 feet; thence

N 90°00'00" W 320.00 feet; thence

N 00°00'00" W 750.71 feet to the **Point of Beginning.**

Containing a recorded area of **6.01221 acres** or **261,892 square feet.**

On February 8, 2018, upon the motion of Commissioner May, as seconded by Commissioner Shapiro, the Zoning Commission took **PROPOSED ACTION** to **APPROVE** the petition at the conclusion of the public hearing by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

On April 9, 2018, upon the motion of Commissioner Turnbull, as seconded by Commissioner Shapiro, the Zoning Commission took **FINAL ACTION** to **APPROVE** the petition at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *DC Register*; that is on May 4, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKING

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY;

RM-09-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 9 — NET ENERGY METERING;

RM-13-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 13 — RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980;

RM-29-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 29 — RENEWABLE ENERGY PORTFOLIO STANDARD;

RM-36-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 36 — ELECTRICITY QUALITY OF SERVICE STANDARDS;

RM-40-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 40 — DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES;

RM-41-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 41 — THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES;

RM-42-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 42 — FUEL MIX AND EMISSIONS DISCLOSURE REPORTS; AND

RM-44-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 44 — SUBMETERING AND ENERGY ALLOCATION.

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice, pursuant to Section 34-802 of the District of Columbia Official Code (“D.C. Official Code”) and in accordance with Section 2-505 of the D.C. Official Code,¹ of its intent to amend the following provisions of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (“DCMR”): Chapter 9 (Net Energy Metering), Chapter 13 (Rules Implementing the Public Utilities Reimbursement Fee Act of 1980), Chapter 29 (Renewable Energy Portfolio Standard), Chapter 36 (Electricity Quality of Service Standards), Chapter 40 (District of Columbia Small Generator Interconnection Rules), Chapter 41 (The District of Columbia Standard Offer Service Rules), Chapter 42 (Fuel Mix and Emissions Disclosure Reports), and Chapter 44 (Submetering and Energy Allocation). All persons interested in commenting on content of this notice are invited to submit written comments no later than thirty (30) days after the publication in the *D.C. Register*.

2. On November 3, 2017, the Commission published a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (64 D.C. Reg. 11508-11514) amending Chapters 9, 13,

¹ D.C. Code § 34-802 (2012 Repl.); D.C. Code § 2-505 (2016 Repl.).

29, 36, 40, 41, 42 and 44. The following revisions have been made in response to comments received on the first NOPR: (1) the terms “battery” and “smart inverter” have been deleted; (2) the term “electric storage” has been revised to read “energy storage”; and (3) the definitions for “cogeneration facility” or “combined heat and power (CHP) facility,” “demand response,” “Distributed energy resource” have been revised. This NOPR supersedes the November 3, 2017, NOPR.

Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

The following chapters, sections, and subsections are amended as follows:

Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;

Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1; and

Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Subsection 4299.1:

The definition of “Electric Company” is amended to read as follows:

“**Electric company**” includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the District of Columbia to retail electric customers, excluding any person or entity distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer’s meter. In addition, the term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The term also excludes a Person or entity that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

The following chapters, sections, and subsections are amended as follows:

Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;

Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, Section 1399, DEFINITIONS, Subsection 1399.1;

Chapter 29, RENEWABLE ENERGY PORTFOLIO STANDARD, Section 2999, DEFINITIONS, Subsection 2999.1:

Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS, Section 3699, DEFINITIONS, Subsection 3699.1:

Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1;

Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Subsection 4299.1; and

Chapter 44, SUBMETERING AND ENERGY ALLOCATION, Section 4499, DEFINITIONS, Subsection 4499.1:

The definition for “electricity supplier” or “competitive electricity supplier” is amended as follows:

“**Electricity supplier**” or “**competitive electricity supplier**” means a person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity or electric generation services for sale to customers. The term excludes the following:

- a) building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;
- b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not: (i) Take title to electricity; (ii) Market electric services to the individually-metered tenants of his or her building; or (iii) Engage in the resale of electric services to others;
- d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- e) Consolidators;
- f) Community Renewable Energy Facilities (CREFs) as defined in Section 4199.1 and as described in Sections 4109.1 through 4109.3 of Title 15, pursuant to the Community Renewable Energy Amendment Act of 2013;
- g) An Electric Company;
- h) Nontraditional Marketers; and
- i) Any person or entity that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

The following chapters, sections, and subsections are amended as follows:

Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1;

Chapter 13, RULES IMPLEMENTING THE PUBLIC UTILITIES REIMBURSEMENT FEE ACT OF 1980, Section 1399, DEFINITIONS, Subsection 1399.1;

Chapter 36, ELECTRICITY QUALITY OF SERVICE STANDARDS, Section 3699, DEFINITIONS, Subsection 3699.1:

Chapter 41, THE DISTRICT OF COLUMBIA STANDARD OFFER SERVICE RULES, Section 4199, DEFINITIONS, Subsection 4199.1;

Chapter 42, FUEL MIX AND EMISSIONS DISCLOSURE REPORTS, Section 4299, DEFINITIONS, Subsection 4299.1; and

Chapter 44, SUBMETERING AND ENERGY ALLOCATION, Section 4499, DEFINITIONS, Subsection 4499.1:

The definition for “behind the meter generator” is added to clarify the meaning of “electricity supplier” as follows:

“**Behind-the-meter generator**” – an on-site generator that is located behind a retail customer’s meter such that no Electric Company-owned transmission or distribution facilities are used to deliver the energy from the generating unit to the on-site load.

The following chapters, sections, and subsections are amended as follows:

Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1; and

Chapter 40, DISTRICT OF COLUMBIA SMALL GENERATOR INTERCONNECTION RULES, Section 4099, DEFINITIONS, Subsection 4099.1:

The following definitions are added:

“**Back-up generation**” – Any electric generating facility, as defined in D.C. Code Section 34-205, which is connected to the electric distribution system in the District of Columbia and not subject to the Commission’s Small Generator Interconnection Rules because it does not operate parallel to the electric distribution system or operates in parallel less than 100 milliseconds.

“**Cogeneration facility**” or “**combined heat and power (CHP) facility**” – A system that produces both electric energy, steam, or other forms of useful energy (such as heat) that are used for industrial, commercial, residential, heating or cooling purposes.

“**Demand response**” – A reduction or modification in the consumption of electric energy by customers from their expected consumption in response to either an increase in the price of electric energy or to incentive payments, or behavioral signals designed to induce lower consumption of electric energy.

“Distributed energy resource” or “DER” – A resource sited close to the customer’s load that can provide all or some of the customer’s energy needs, can also be used by the system to either reduce demand (such as demand response) or increase supply to satisfy the energy, capacity, and/or ancillary service needs of the distribution or transmission system. Types of DER include, but are not limited to: photovoltaic solar, wind, cogeneration, energy storage, demand response, electric vehicles, microturbines, biomass, waste-to-energy, generating facilities, and energy efficiency.

“Distributed generation” – Any electric generating facility, as defined in D.C. Code Section 34-205, which is connected to the electric distribution system in the District of Columbia and subject to the Commission’s Small Generator Interconnection Rules.

“Electric vehicle” – A vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a non-electrical source of power designed to charge batteries and components thereof.

“Energy storage” – A resource capable of absorbing energy from the grid, from a behind-the-meter generator, or other DER, storing it for a period of time and thereafter dispatching the energy for use on-site or back to the grid, regardless of where the resource is located on the electric distribution system. These resources include all types of electric storage technologies, regardless of their size, storage medium (*e.g.*, batteries, flywheels, electric vehicles, compressed air), or operational purpose.

“Fly-wheel” – A device that is able to store electrical energy in the form of kinetic energy, and convert that energy into electricity.

“Fossil fuel generator” – Any electric generating facility that utilizes coal, natural gas, or any petroleum product as a fuel.

“Fuel cell” – A device that produces electricity through a chemical reaction between a source fuel and an oxidant.

“Microgrid” – A collection of interconnected loads, generation assets, and advanced control equipment, installed across a limited geographic area and within a defined electrical boundary that is capable of disconnecting from the larger electric distribution system. A microgrid may serve a single customer with several structures or serve multiple customers. A microgrid can connect and disconnect from the distribution and or transmission system to enable it to operate in both interconnected or island mode.

“Microturbine” – A small combustion turbine with an output of 25 kW to 500 kW.

Chapter 9, NET ENERGY METERING, Section 999, DEFINITIONS, Subsection 999.1, amends the definition of “eligible customer generator” to clarify that the term is synonymous with the term “net energy metering facility”:

“Eligible customer-generator” or “net energy metering facility” means a customer-generator whose net energy metering system for renewable resources, cogeneration, fuel cells, and or microturbines meets all applicable safety and performance standards.

3. All persons interested in commenting on content of this NOPR are invited to submit written comments no later than thirty (30) days after the publication of this NOPR in the *D.C. Register*. Written comments should be filed with: Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005, submitted via email to psc-commissionsecretary@dc.gov, or through the Commission’s website at <http://edocket.dcpsc.org/comments/submitpubliccomments.asp>.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SECOND PROPOSED RULEMAKINGFORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY; ANDRM21-2017-01, IN THE MATTER OF 15 DCMR CHAPTER 21-PROVISIONS FOR CONSTRUCTION OF ELECTRIC GENERATING FACILITIES AND TRANSMISSION LINES

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under D.C. Official Code §§ 34-301, 34-302, 34-802, and 34-1516 (2012 Repl.) and in accordance with D.C. Code § 2-505 (2016 Repl.), hereby gives notice of its intent to amend Chapter 21, (Provisions for Construction of Electric Generating Facilities and Transmission Lines) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations. Written comments are due in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

2. On November 3, 2017, the Commission published a Notice of Proposed Rulemaking (NOPR) in the *D.C. Register* (64 *D.C. Reg.* 11515-11526) amending Chapter 21 to clarify the rules governing the construction of electric generating facilities in the District of Columbia. Section 2111.2 of this NOPR has been revised in response to internal review. This NOPR supersedes the November 3, 2017, NOPR.

Chapter 21, PROVISIONS FOR CONSTRUCTION OF ELECTRIC GENERATING FACILITIES AND TRANSMISSION LINES, of Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended as follows:

Section 2100, APPLICABILITY, is amended as follows:

Subsection 2100.1 is amended in its entirety to read as follows:

2100.1 This Chapter shall govern the construction of all electric generating facilities the electricity generated from which will be sold regardless of capacity, overhead transmission lines designed to carry sixty-nine thousand (69,000) volts or more, underground transmission lines in excess of sixty-nine thousand (69,000) volts as well as any substations connected to such lines.

Subsection 2100.2 is amended in its entirety to read as follows:

2100.2 No person shall construct an electric generating facility the electricity generated from which will be sold regardless of capacity, unless the Commission first determines, after notice and a hearing that the construction of the facility is in the public interest. Nor shall any person construct an overhead transmission line designed to carry sixty-nine thousand (69,000) volts or greater, or substation connected to such line, unless the project has been approved in accordance with this Chapter. Unless specifically required by law or other provision of this

Chapter, Commission approval shall not be required for the routine repair and replacement activities necessary to maintain an electric generating facility or transmission line.

Section 2101, APPLICATION FILING REQUIREMENTS, is amended as follows:

The title of Section 2101 is renamed as follows:

2101 APPLICATION FILING REQUIREMENTS FOR THE CONSTRUCTION OF FOSSIL FUEL, EXCEPT FOR MICROTURBINE, AND WASTE-TO-ENERGY ELECTRIC GENERATING FACILITIES. TRANSMISSION LINES, AND SUBSTATION CONNECTED TO TRANSMISSION LINE

Subsection 2101.1 is amended in its entirety to read as follows:

An application for approval of the construction of a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation covered under this Chapter shall include the following information:

- (a) The name and address of the principal place of business of the applicant;
- (b) The name, title, and address of the person authorized to receive notices and communications with respect to the application;
- (c) The location or locations where the public may inspect or obtain a copy of the application;
- (d) A list of each District of Columbia, state, or federal government agency having authority to approve or disapprove the construction or operation of the project and containing the following:
 - (1) A statement indicating whether the necessary approval from each agency has been obtained, with a copy of each approval or disapproval attached;
 - (2) A statement indicating the circumstances under which any necessary approval has not been obtained; and
 - (3) A statement indicating whether any waiver or variance has been requested, with a copy of each approval or disapproval attached.
- (e) A general description of the generating station under § 2102, or the transmission line under § 2104, and the alternatives considered under §§ 2103 and 2104, respectively;
- (f) The environmental information required under § 2108;
- (g) A statement of the engineering justifications for the project;

- (h) A statement of the safety considerations incorporated into the design, construction, and maintenance of the project;
- (i) A statement of the socioeconomic impact of the project;
- (j) A statement of contacts with community groups and the affected community;
- (k) A statement that the applicant has complied with all applicable environmental and zoning laws; and
- (l) A statement that the applicant has complied or will comply with the applicable PJM Interconnection, L.L.C. (PJM) tariff and requirements for the interconnection of new and expanded electric generating facilities within the PJM transmission system.

Section 2102, DESCRIPTION OF GENERATING FACILITY, is amended as follows:

The title of Section 2102 is renamed as follows:

2102 DESCRIPTION OF FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR SOLID WASTE ELECTRIC GENERATING FACILITY

Subsection 2102.1 is amended in its entirety to read as follows:

2102.1 The description of the fossil fuel (except for microturbine) or waste-to-energy generating facility shall include the following:

- (a) Location;
- (b) All important design and engineering features, including fuel requirements, heat rates, emission rates, space requirements, transportation facilities, water requirements, and transmission requirements;
- (c) Operational features, including operation and maintenance personnel and equipment;
- (d) The schedule for engineering, construction, and operation of the generating stations;
- (e) The impact of the proposed generating station on system operations, reliability, reserve margins, and capacity factors;
- (f) A statement of the reasons for the selection of the design and the site of the generating facility, including the location and identification of the following sites from which the project would be clearly visible:

- (1) Residential structures;
- (2) Historical structure and land sites;
- (3) Institutional land, including school hospitals, and pre-school facilities;
- (4) Recreational area;
- (5) Aesthetic;
- (6) Archaeological;
- (7) Wildlife management area; and
- (8) Park or forest.

Section 2103, ALTERNATIVE GENERATING FACILITY, is amended as follows:

The title of Section 2103 is renamed as follows:

2103 ALTERNATIVE FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY

Subsection 2103.1 is amended in its entirety to read as follows:

2103.1 The description of each alternative design or site considered for a fossil fuel (except for a microturbine) or waste-to-energy generating facility shall include the following:

The reasons for rejecting each alternative design or site.

Section 2106, PROJECT COORDINATING COMMITTEE, is amended as follows:

The title of Section 2106 is renamed as follows:

2106 PROJECT COORDINATING COMMITTEE FOR FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE APPLICANT

Subsection 2106.1 is amended in its entirety to read as follows:

2106.1 Once an application for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line has been properly filed, the applicant may request the formation of a project coordinating committee. If the request is approved, the Committee shall consist of the following members:

- (a) A chairperson, who shall be designated by the Commission;
- (b) A representative of the applicant;
- (c) A representative from the Office of the People’s Counsel, if a notice of intent to participate on the committee is filed within ten (10) days of the date of the filing of a request to form a project coordinating committee;
- (d) A representative from each District of Columbia agency that has as follows:
 - (1) Authority to issue a license, permit, or authorization before the construction or operation of the project; or
 - (2) A direct interest in the project.
- (e) Pepco, if Pepco is not the applicant.
- (f) A representative designated by the Executive Office of the Mayor; and
- (g) A representative of any federal agency or independent system operator that, in the Commission’s view, has an interest in the project.

Section 2107, COMMUNITY ADVISORY GROUP, is amended as follows:

Subsection 2107.1 is amended in its entirety to read as follows:

2107.1 In order to inform and educate the community regarding the construction and operation of any proposed fossil fuel or waste-to-energy project, the applicant shall convene a community advisory group.

Section 2108, ENVIRONMENTAL IMPACT STATEMENT, is amended as follows:

The title of Section 2108 is renamed as follows:

2108 ENVIRONMENTAL IMPACT STATEMENT FOR FOSSIL FUEL, EXCEPT FOR MICROTURBINE, OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE

Subsection 2108.1 is amended in its entirety to read as follows:

2108.1 The applicant for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line shall submit an Environmental Impact Statement (EIS). At a minimum, the EIS shall evaluate the following potential environmental impacts:

- (a) Air quality, National Ambient Air Quality Standards (NAAQS). The analysis of air quality shall include an analysis of the following six (6) criteria pollutants in the context of NAAQS:
 - (1) Sulfur dioxide;
 - (2) Nitrogen oxides;
 - (3) Carbon monoxide;
 - (4) Particulate matter (PM 2.5 and PM10);
 - (5) Ozone; and
 - (6) Lead.
- (b) Air Quality, other emissions: The analysis of air quality shall include all other emissions regulated for the utility industry under the Federal Clean Air Act;
- (c) Surface and ground water resources. The analysis of surface and ground water resources shall include the following:
 - (1) Water availability; and
 - (2) Water quality, including discharge, storm water runoff, and potential spill events.
- (d) Land use, socioeconomic, and aesthetic conditions: The analysis of these items shall evaluate, at a minimum, the following:
 - (1) Appropriate zoning and compatibility with adjacent land use;
 - (2) Impact on traffic;
 - (3) Impact on cultural and historical resources; and
 - (4) Visibility impacts in terms of air pollution effects and aesthetics.
- (e) Noise conditions: The analysis of noise shall include the following:
 - (1) A complete review of standards that will be met;
 - (2) The points of measurement for noise impacts;
 - (3) A comparison of the impact of the action to common outdoor sounds at that location; and

- (4) A complete explanation of the methodology used for the noise impact measurements.
- (f) Aquatic and terrestrial ecology resources: The analysis of aquatic and terrestrial ecology shall evaluate the impact upon the following:
 - (1) Fish;
 - (2) Wildlife;
 - (3) Vegetation; and
 - (4) Direct discharges into surface waters and impact on wetland habitats; and
- (g) Electric and magnetic fields (EMF): Until applicable laws governing EMF are enacted, the applicant shall submit the following information:
 - (1) An update of the general research on the health effects of EMF;
 - (2) The relationship of the proposed action to the increase or decrease of EMF, including any mitigating measures that could be employed to decrease EMF;
 - (3) The applicant’s efforts to measure and better understand background EMF in the communities affected by the proposed action; and
 - (4) If and when laws are enacted, then the EIS shall demonstrate compliance with all applicable laws.

Section 2109, PHASED PROCEEDINGS ON THE APPLICATION, is amended as follows:

The title of Section 2109 is renamed as follows:

2109 PHASED PROCEEDINGS ON THE APPLICATION FOR FOSSIL FUEL (EXCEPT FOR MICROTURBINE) OR WASTE-TO-ENERGY GENERATING FACILITY, TRANSMISSION LINE, OR SUBSTATION CONNECTED TO TRANSMISSION LINE

Subsection 2109.1 is amended to read as follows:

2109.1 The applicant for a fossil fuel (except for a microturbine) or waste-to-energy generating facility, transmission line, or substation connected to transmission line may request, or the Commission may on its own initiative direct, that the construction project be reviewed in two (2) or more phases.

The previous Section 2111, UNDERGROUND TRANSMISSION LINES IN EXCESS OF SIXTY-NINE THOUSAND VOLTS AND SUBSTATIONS CONNECTED TO SUCH LINES, is renumbered Section 2110

Add a new Section 2111, APPLICATION FILING REQUIREMENTS FOR THE CONSTRUCTION OF RENEWABLE ENERGY, MICROTURBINE, COMBINED HEAT AND POWER, AND FUEL CELL ELECTRIC GENERATING FACILITIES, to read as follows:

2111.1 An application for approval of the construction of a renewable energy, microturbine, combined heat and power, or fuel cell electric generating facility covered under this Chapter shall include the following information:

- (a) The name, if any, and address of the facility;
- (b) The name and address of the owner of the facility;
- (c) The name and address of the operator of the facility;
- (d) The name and address of the contact person;
- (e) Fuel types:
 - (1) Solar energy, describe the system (photovoltaic or thermal; manufacturer/supplier; model name/number; system orientation, tilt and azimuth; and type of meter, including model number and name);
 - (2) Wind;
 - (3) Qualifying biomass;
 - (4) Methane from the anaerobic decomposition of organic materials in a landfill or wastewater treatment plant;
 - (5) Geothermal;
 - (6) Ocean, including energy from waves, tides, currents, and thermal differences;
 - (7) Fuel cells (identify source fuel);
 - (8) Fossil fuel type (for microturbine only);
 - (9) Hydroelectric power other than pumped storage;
 - (10) Liquid biofuels, including ethanol, biodiesel (vegetable oils and liquid animal fats), green diesel (derived from algae, grass, and

other plant sources), and biogas (methane derived from animal manure and other digested organic material).

- (f) Rated capacity in MW, to one decimal place, or in KW;
- (g) Operational start date or date of approved interconnection with Pepco; and
- (h) Whether the facility is a behind-the-meter generator.

2111.2 Unless an objection is filed in response to an application under this subsection or the Commission issues a procedure schedule to further consider the application within twenty (20) business days, an application shall be deemed approved. Consistent with the provisions of D.C. Official Code § 34-1516 (2012 Repl.), in the event an objection is filed or the Commission issues a procedural schedule in response to an application that has been filed with the Commission, the Commission will provide for a notice and hearing in considering whether to grant that application under this subsection.

The previous Section 2110, ANNUAL REPORT ON SMALLER SCALE CONSTRUCTION, is renumbered Section 2112

The previous Section 2112, WAIVERS AND MODIFICATIONS, is renumbered Section 2113

2199 DEFINITIONS

The following definitions are added to Subsection 2199.1:

“Brush” means shrubs and stands of short, scrubby trees that do not reach merchantable size.

“Combined heat and power facility” means a system that produces both electric energy and steam or forms of useful energy (such as heat) that are used for industrial, commercial, heating, or cooling purposes.

“Dunnage” means loose materials or padding used to support or protect cargo within shipping containers.

“Electric generating facility” means all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for the generation of electricity. The term includes all buildings, easements, real estate, mains, pipes, conduits, fixtures, meters, wires, poles, lamps, devices, and materials of any kind operated, owned, used, or to be used by a person for cogeneration of electricity.

“Fuel cell” means a device that produces electricity through a chemical reaction between a source fuel and an oxidant.

“**Microturbine**” means a small combustion turbine with an output of 25 kW to 500 kW.

“**Qualifying biomass**” means a solid, non-hazardous, cellulosic waste material that is segregated from other waste materials, and is derived from any of the following forest- related resources, with the exception of old growth timber, unsegregated solid waste, or post-consumer wastepaper:

- (a) Mill residue;
- (b) Precommercial soft wood thinning;
- (c) Slash;
- (d) Brush;
- (e) Yard waste;
- (f) A waste pallet, crate, or dunnage;
- (g) Agricultural sources, including tree crops, vineyard materials, grain, legumes, sugar, and other crop by products or residues; or
- (h) Cofired biomass.

“**Slash**” means:

- (a) Tree tops, branches, bark, or other residue left on the ground after logging or other forestry operations; or
- (b) Tree debris left after a natural catastrophe.

“**Solar energy**” means radiant energy, direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

“**Waste-to-energy**” means waste treatment, including the use of a licensed facility that burns waste resources in high-efficiency furnaces/boilers, to produce electricity. Such resources include municipal solid waste and non-qualifying biomass but exclude waste coal.

3. Any person interested in commenting on the subject matter of this NOPR may submit written comments thirty (30) days after the publication of this notice in *D.C. Register*. Comments are to be addressed 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, via email to psc-commissionsecretary@dc.gov, or through the Commission’s website at <http://edocket.dcpsc.org/comments/submitpubliccomments.asp>. After the comment period expires, the Commission will take final rulemaking action.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF FIFTH PROPOSED RULEMAKING

GT96-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY, DISTRICT OF COLUMBIA DIVISION, FOR THE AUTHORITY TO ESTABLISH A NEW RATE SCHEDULE NO. 1A;

RM47-2017-01-G, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION'S RULES GOVERNING THE LICENSURE AND BONDING OF NATURAL GAS SUPPLIERS AND NATURAL GAS CONSUMER PROTECTION STANDARDS IN THE DISTRICT OF COLUMBIA;

AND

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY

1. The Public Service Commission of the District of Columbia (Commission), pursuant to its authority under the Retail Natural Gas Licensing and Consumer Protection Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code §§ 34-1671.01 *et seq.* (2016 Repl.)) (Act), hereby gives notice of its intent to adopt a new Chapter 47 (Licensure of Natural Gas Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking (Notice or NOPR) in the *D.C. Register*.

2. Currently, the requirements for licensing and bonding of Natural Gas Suppliers are set forth in Orders Nos. 12709 and 12903 in Gas Tariff 96-3. Standardized forms referenced throughout the proposed rules below, such as the Supplier Application Form, the Customer Payment Bond Form, the Integrity Bond Form for Natural Gas Suppliers and Marketers, and the Integrity Bond Form for Aggregators and Brokers, shall all be made available on the Commission's website following the final publication of these rules in a prospective Notice of Final Rulemaking. The Commission previously published NOPRs for Chapter 47 on May 26, 2017 (64 DCR 004997); August 18, 2017 (64 DCR 008291); November 3, 2017 (64 DCR 011582); and February 2, 2018 (65 DCR 001029). The instant NOPR supersedes the February 2, 2018, NOPR.

Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to add a new Chapter 47 as follows:

CHAPTER 47 LICENSURE OF NATURAL GAS SUPPLIERS

4700 APPLICABILITY

4701 LICENSING REQUIREMENTS

4702 LICENSING PROCEDURES

4703 NATURAL GAS SUPPLIER EDUCATION WORKSHOP

4704 BOND REQUIREMENTS FOR NATURAL GAS SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS (“CUSTOMER PAYMENTS BOND”)

4705 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)

4706 PRIVACY PROTECTION POLICY

4707 COMMISSION REPORTING REQUIREMENTS

4708 COMMISSION ACTION REGARDING A LICENSEE

4709 SANCTIONS AND ENFORCEMENT

4710 COMMISSION ASSESSMENT AND FEES

4799 DEFINITIONS

4700 APPLICABILITY

4700.1 **Application.** These rules apply to a Person who engages in the business of a Natural Gas Supplier in the District of Columbia.

4700.2 **Purpose.** These rules provide uniform requirements for obtaining any form of a Natural Gas Supplier License in the District of Columbia, describe the administrative procedures available to the Applicants and Licensees, outline the grounds for Commission action regarding a Licensee, and describe the sanctions that may be imposed by the Commission.

4700.3 **Restrictions.** No Person shall present itself as a Natural Gas Supplier, perform the duties of a Natural Gas Supplier, accept Deposits or prepayments from retail Customers, contract with retail Customers or arrange for contracts for retail Customers, prior to receipt of a license from the Commission.

4701 LICENSING REQUIREMENTS

4701.1 **Persons Subject to Licensing Requirements.** Any Person who engages in the business of a Natural Gas Supplier in the District of Columbia shall hold a Natural Gas Supplier License.

4701.2 **Application Information Requirements for Natural Gas Suppliers.** An Application for a Natural Gas Supplier License and an Application for renewal of a Natural Gas Supplier License shall include the following information, in a manner and form specified by the Commission:

- (a) Proof of technical and managerial competence;
- (b) Proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any Natural Gas Transmission or Pipeline Company to be used by the Applicant;
- (c) A sworn verification that the Applicant is currently in compliance with, and will comply with, all applicable federal and District of Columbia environmental laws and regulations;
- (d) Proof of compliance with the Bonding Requirements set forth in §§ 4704 and 4705;
- (e) Proof that the Applicant has registered with the District of Columbia Department of Consumer and Regulatory Affairs and the District of Columbia Department of Tax and Revenue to do business in the District of Columbia;
- (f) A sworn verification that the Applicant is currently in compliance with, and will comply with, all applicable taxes;
- (g) A sworn verification that the Applicant is currently in compliance with, and will comply with all of the requirements of the Retail Natural Gas Licensing and Consumer Protection Act of 2004 (Act) and all orders and regulations of the Commission issued under the Act;
- (h) Applicant's website address;
- (i) The name and contact information for the Natural Gas Supplier's designated contact Person for Customer Complaints;
- (j) The Trade name(s) or d/b/a (doing business as name(s)) if the Applicant will be using either while doing business as a Natural Gas Supplier in the District of Columbia;
- (k) If the Applicant was a previously licensed Natural Gas Supplier in the District of Columbia but has surrendered that license under a former name or in this current Applicant's name, the Applicant must submit a sworn verification that it has paid all previously outstanding Commission and Office of the People's Counsel (OPC) imposed assessments and penalties. If prior assessments and penalties remain unpaid, submit a date certain when those assessments and any penalties will be paid;

- (l) A sample copy each of the Natural Gas Supplier’s natural gas supply Customer contracts (*e.g.*, fixed, variable) and a sample bill; and
- (m) Any other information required by the Commission.

4701.3 **Proprietary and Confidential Information.** Pursuant to 15 DCMR § 150, the Applicant may request certain information be treated as confidential.

4702 LICENSING PROCEDURES

4702.1 **Scope.** These procedures apply to an Application for a Natural Gas Supplier License or the renewal of a Natural Gas Supplier License before the Commission. Renewal Applications may not be approved if the Licensee owes any outstanding assessment to the Commission, OPC, or both.

4702.2 **Form.** An Application for a Natural Gas Supplier License shall be made to the Commission in writing on the applicable form(s) provided by the Commission; be verified by oath or affirmation; and be accompanied by an Application fee of Four Hundred dollars (\$400.00).

4702.3 **Number of copies.** Each Applicant shall file a signed and verified original and an electronic version of the Application and forms specified by the Commission.

4702.4 **Change in Application Information.** The Applicant shall immediately inform the Commission of any change in the information provided in the Application during the pendency of the Application and changes to an approved Application pursuant to § 4707.1.

4702.5 **Notice of Incomplete Application (Deficiency Letter).** The Commission shall review the submitted Application for completeness within fifteen (15) days of receipt of the Application. If the Application is incomplete, the Commission shall notify the Applicant in writing of the deficiency in the Application. The Applicant shall have ten (10) days, or such additional time as the Commission may designate if it extends the time period for good cause shown, to provide the information requested in the deficiency letter. If the Applicant does not provide the information to the Commission within ten (10) days or within the alternative time period set by the Commission, the Application shall be deemed dismissed without prejudice. An Applicant may submit a new Application with the requisite Four Hundred dollars (\$400.00) fee at any time.

4702.6 **Review of Complete Application.** Upon determining that an Application is complete, the Commission shall review the information provided by the Applicant in the Application, and within fifteen (15) days issue an order approving or denying the Application.

- 4702.7 **Term of Natural Gas Supplier License.** A Natural Gas Supplier License is valid until revoked by the Commission or surrendered by the Licensed Natural Gas Supplier. A Licensee is subject to review every five (5) years after the date on which the license was issued or was last reviewed. A Natural Gas Supplier that has been licensed for more than five (5) years from the effective date of this Chapter shall submit an Application for review by the Commission pursuant to the licensing requirements and procedures set forth in §§ 4701 and 4702 within ninety (90) days from the effective date of this Chapter. The Commission shall review the Application within thirty (30) days after its filing. If the Application is incomplete or deficient in any manner, the Commission may request additional information to cure the incompleteness or deficiency. If the Application is deemed complete, the Commission shall take no further action and the Natural Gas Supplier License shall remain in effect.
- 4702.8 **Solicitation of Customers.** A Licensee, both new and existing, who has not initially started serving Customers shall file a notice with the Commission within three (3) business days before the Licensee begins soliciting or marketing to Customers directly or through an authorized representative in the District of Columbia. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting of District of Columbia Customers. The notice shall include the name of the Licensee’s designated contact person for pricing information if the Licensee is serving Customers and the URL address of the Licensee’s website. All door-to-door sales representatives and agents of the Licensee shall be required to present photo identification to Customers as part of the solicitation process. In addition, the Licensee is required to maintain a record of the identity of each sales representative and marketing agent or representative active in the District of Columbia, including the company photo identification, and make it available upon request to the Commission.
- 4702.9 **Serving Customers.** A Licensee shall do the following before it begins to serve customers in the District of Columbia:
- (a) File a notice with the Commission of the estimated start date when it will begin to serve Customers in the District of Columbia; and
 - (b) File an affidavit attesting that all sales and marketing and regulatory personnel, including independent contractors and vendors, performing marketing or sales activities on the Licensee’s behalf have been trained on the relevant provisions of Chapters 3 and 47 of Title 15 DCMR before they begin soliciting Customers in the District of Columbia.
- 4702.10 **Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class.**

- (a) A Licensee shall provide to the Commission at least sixty (60) days prior written notice of the Licensee’s intention to cease providing natural gas service to its Customers and inform its Customers of the choice to revert to the default service provider or to another natural gas supplier; and
- (b) Upon receipt of such notice, the Commission may order the Licensee to provide such further notice to its Customers or to the public as the Commission deems necessary, and/or take such other action that the Commission deems appropriate.

4702.11 **Natural Gas Company and Licensee Responsibilities in the Event of Default.** In the event of a default, the Licensee and the Natural Gas Company shall abide by the Natural Gas Company’s Firm Delivery Service Gas Supplier Agreement Tariff. Also, a Defaulted Licensee using consolidated billing services remains obligated to provide the Natural Gas Company with information necessary to allow the Natural Gas Company to continue consolidated billing through the conclusion of the billing cycle in which the default occurred.

4702.12 **Required Notices Upon Default.** Upon default, a Licensee shall immediately notify its Customers of its default by the preferred method that each Customer has selected to receive notifications and send written notice by electronic mail to the Natural Gas Company and to file notice with the Commission notifying them of its default. Upon receipt of notice of a Licensee’s default from the Defaulted Licensee, the Natural Gas Company shall immediately provide the Defaulted Licensee’s Customers Default Service in accordance with the Firm Delivery Service Gas Supplier Agreement Tariff, unless or until a Customer notifies the Natural Gas Company that the Customer has selected a new Natural Gas Supplier.

4703 **NATURAL GAS SUPPLIER EDUCATION WORKSHOP**

4703.1 **Natural Gas Supplier Education Workshop.** All Current and New Licensees shall complete the Natural Gas Supplier Education Workshop (Workshop) sponsored by the Commission. Successful completion of the Workshop by the Licensee shall be evidenced by a certificate issued by the Commission.

- (a) **Current Licensee.** A Licensee granted a Natural Gas Supplier License prior to the effective date of these rules is considered a Current Licensee for the purposes of this section. A Current Licensee’s Regulatory Contact or Representative responsible for the Licensee’s compliance with the Commission’s rules shall have ninety (90) days following the effective date of these rules to take and complete the Workshop. Thereafter, the Current Licensee’s Regulatory Contact or Representative must take and complete the Workshop annually on or around the anniversary date of its initial participation in the Workshop.

- (b) **New Licensee.** An Applicant granted a Natural Gas Supplier License following the effective date of these rules is considered a New Licensee for the purposes of this section. A New Licensee’s Regulatory Contact or Representative responsible for the New Licensee’s compliance with the Commission’s rules shall have ninety (90) days following the award of its license to take and complete the Workshop. Thereafter, the New Licensee’s Regulatory Contact or Representative must take and complete the Workshop annually on or around the anniversary date of its initial participation in the Workshop.

4704 BOND REQUIREMENTS FOR NATURAL GAS SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS (“CUSTOMER PAYMENTS BOND”)

- 4704.1 **Applicability.** Any Applicant that states on its Application that it intends to charge Deposits or collect Prepayments or that does in fact require a Deposit or collects a Prepayment, shall post a Customer Payments Bond with the Commission, in addition to any Integrity Bond that may be required or submitted and shall submit the certification described in this section. Any Applicant that states on its Application that it does not intend to charge Deposits or collect Prepayments and that does not in fact require a Deposit or collect any Prepayment will not be required to post a Customer Payments Bond or provide the certification described below. Any Licensee that charges a Deposit or collects a Prepayment without posting the required Customer Payments Bond may be subject to suspension, revocation, or other action against its license, as well as be held liable for restitution to any Customers who paid such Deposits or Prepayments. Any Licensee requiring, charging, collecting or holding Deposits or Prepayments may not request return of a current Customer Payments Bond or waiver of the requirements for a future Customer Payments Bond, unless and until the Licensee returns the Deposits or Prepayments to its Customers.

4704.2 **Procedure for Determining Amount of a Customer Payments Bond:**

- (a) **Initial Bond:** Before accepting any Deposits or Prepayments, a Licensee shall post an initial Customer Payments Bond of fifty thousand dollars (\$50,000).
- (b) **Six Month Certification:** Within six (6) months after the initial Customer Payments Bond is posted, the Licensee shall provide the Commission with any appropriate confidentiality designations: (1) a certification, subject to review by the Commission, of the amount of the Deposits and Prepayments held by the Licensee; and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

- (c) **Annual Certification:** By December 31st of each year, the Licensee shall provide to the Commission with any appropriate confidentiality designations: (1) certification of the amount of the Deposits and Prepayments held by the Licensee; and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

4704.3 **Form of the Bond.** Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, the bond form shall:

- (a) Designate the Commission as the sole beneficiary of the bond;
- (b) Be continuous in nature. If a Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;
- (c) Cover payment of all the Licensee's District of Columbia Deposits and Prepayments of the Licensee that occurred while the bond was in force as identified by the Commission under these regulations; and
- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission.

4704.4 **Commission Verification.** Each Licensee shall provide appropriate certification, at the intervals discussed in § 4704.2, of funds collected by the Licensee for Prepayments and/or Deposits. Each Licensee shall certify the amount of funds held for Deposits and Prepayments through a notarized statement, subject to verification by the Commission. The certification and any audit by the Commission will verify the year to date collections and balances of Prepayments and Deposits as of a specific date and will be used to verify whether the Licensee has the appropriate amount of Customer Payments Bond coverage. The Commission reserves the right, in its sole discretion, to order the Licensee to have a Certified Public Accountant review such balances, should conditions warrant such a review.

4704.5 **Bond Foreclosure.** The Commission may foreclose upon any bond posted with the Commission when, in the Commission's discretion, foreclosure is necessary to ensure the fair and lawful treatment of the Licensee's Customers to ensure that Deposits and Prepayments collected by a Licensee from a Customer will be repaid to the Customer. In order to draw funds on this Bond, the Commission shall issue an order stating that the Licensee is financially insolvent or unable to meet its obligations as for restitution to any Licensee's Customer who paid such Deposit or Prepayment.

4705 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)

4705.1 **Applicability.** Any Applicant or Licensee that can provide credible evidence that it meets one of the following standards is not required to post an Integrity Bond in the District of Columbia:

- (a) A current credit rating of BBB- or higher from a nationally recognized credit rating service;
- (b) A current commercial paper rating of A2 or higher by Standard & Poor’s and/or P2 or higher by Moody’s or similar rating by another nationally recognized rating service; or
- (c) An unused line of bank credit or parent guarantees deemed adequate by the Commission.

4705.2 (a) **Exclusion.** An Applicant or Licensee that cannot provide evidence to the satisfaction of the Commission that it meets the standards listed in § 4705.1 will be required to submit an initial Integrity Bond of fifty thousand dollars (\$50,000), unless that Applicant or Licensee is applying to provide service as an Aggregator (as defined in § 4799.1) who does not take title to natural gas or as a Broker (as defined in § 4799.1), in which case a ten thousand-dollar (\$10,000) Integrity Bond will be required. However, an Applicant or Licensee that meets the standards listed in § 4705.1 may still be required to provide a bond to demonstrate financial integrity for the Application on a case-by-case basis.

(b) **Updates.** The Commission, in its sole discretion, may determine whether or not to reevaluate the amount of the Integrity Bond in light of any changing conditions in the natural gas market at the time that a Licensee submits updated information, taking into consideration the Licensee’s previous and ongoing relationship with its Customers and its historical compliance with Commission rules and requirements. The Commission may request such information from the Licensee as may be necessary to make its evaluation. Aggregators who do not take title and Brokers will not be required to update the initial \$10,000 Integrity Bond.

(c) After continuously providing service in the District for two (2) years, any Licensee that has submitted an Integrity Bond to the Commission in compliance with these requirements may request that the Commission return the previously posted Integrity Bond and waive the requirement for a future bond based upon the Licensee’s demonstrated record of continuous and uninterrupted service in the District of Columbia, without meaningful substantiated consumer complaints, as determined by and in

the opinion of the Commission, and such other information as the Licensee may choose to present to the Commission. The Commission may accept or reject this request based on a review of the information provided by the Licensee and such other information as the Commission may deem appropriate. The Commission retains the discretion to require an Integrity Bond of the Licensee at a later date if circumstances change, or if the Commission otherwise deems the requirement of an Integrity Bond to be necessary and appropriate. A Licensee that is not currently providing service and cancels its bond shall have its license suspended immediately, and is subject to revocation of its license in thirty (30) days following the bond cancellation.

4705.3 **Form of the Bond.** Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, this form shall:

- (a) Designate the Commission as the sole beneficiary of the bond;
- (b) Be continuous in nature. If any Licensee seeks to cease providing the bond, it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;
- (c) Cover payment of the Licensee's District of Columbia Deposits and Prepayments that occurred while the bond was in force as identified by the Commission under these regulations; and
- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission.

4705.4 **Commission Verification.** Each Licensee shall provide appropriate certification as prescribed by §§ 4704.2 (b) and (c). The Commission may request such information from the Licensee as is necessary to verify the accuracy of the certification at any time.

4705.5 **Bond Foreclosure.** The Commission's foreclosure of an Integrity Bond shall be limited to those instances where damages to the Customer(s) by the Licensee are actual. In order to draw funds on this Bond, the Commission shall determine that the Licensee is financially insolvent or unable to meet its obligations as a Licensee to a Customer(s) who has suffered actual damages by means of failure, or by reason of the Licensee's breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4706 PRIVACY PROTECTION POLICY

4706.1 All Applicants and current Licensees shall institute a Privacy Protection Policy to protect against the unauthorized disclosure or use of information about a Customer or a Customer's use of service. A copy of that Policy shall be made available once a year, including any updates or changes, through electronic means or a hardcopy to the Customer and posted in a prominent place on each company's website.

4707 COMMISSION REPORTING REQUIREMENTS

4707.1 **Updates to an Approved Application.** After an Application has been approved, a Licensee shall inform the Commission of new information that changes or updates any part of the Application, including but not limited to, the averment regarding any civil, criminal, or regulatory penalties imposed on the Licensee, within thirty (30) days of the change or the new information. A Licensee shall also inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within one business day of the institution of such proceedings. Also, if a Licensee changes its trade name or the d/b/a name that it is using in the District of Columbia, the Licensee shall notify the Commission within ten (10) days of the effective date of the change and prior to soliciting Customers under that new name.

4708 COMMISSION ACTION REGARDING A LICENSEE

4708.1 **Commission Investigation.** The Commission may open an investigation of a Licensee on its own initiative, or upon the complaint of OPC, the D.C. Office of the Attorney General, or any aggrieved party. The Commission shall provide written notice of the investigation to the Licensee and shall provide the Licensee an opportunity for a hearing in accordance with District of Columbia law and Commission regulations.

4708.2 **Grounds for Commission Action.** The Commission may take action against a Licensee as determined by the Commission, including, but not limited to, the following violations:

- (a) Knowingly or with reckless disregard, providing false or misleading information to the Commission;
- (b) Slamming or Cramming;
- (c) Disclosing information about a Customer supplied to the Licensee by the Customer or using information about a Customer for any purpose other than the purpose for which the information was originally acquired, without the Customer's written consent, unless the disclosure is for bill

collection or credit rating reporting purposes or is required by law or an order of the Commission;

- (d) Failure to provide adequate and accurate information to each Customer about the Licensee’s available services and charges;
- (e) Discriminating against any Customer based wholly or in part on the race, color, creed, national origin, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason;
- (f) Refusing to provide natural gas or related service to a Customer unless the refusal is based on standards reasonably related to the Licensee’s economic and business purposes;
- (g) Failure to post on the Internet or on the Licensee’s website adequate and accurate information about its services and rates for its Customers;
- (h) Failure to provide natural gas for its Customers when the failure is attributable to the actions of the Licensee;
- (i) Committing fraud or engaging in sales, marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive such as engaging in any solicitation that leads the Customer to believe that the Licensee is soliciting on behalf of, or is an agent of, the Natural Gas Company when no such relationship exists;
- (j) Failure to maintain financial integrity;
- (k) Failure to pay, collect, remit, or accurately calculate applicable taxes;
- (l) Violating an applicable provision of the D.C. Official Code or any other applicable consumer protection law;
- (m) Conviction of the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers of offices of the Licensee) for any fraud-related crimes (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud);
- (n) Imposition of a civil, criminal, or regulatory sanction(s) or penalties against the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Company) pursuant to any state or Federal consumer protection law or regulation;

- (o) Conviction by the Licensee or principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Licensee) of any felony that has some nexus with the Licensee’s business;
- (p) Filing of involuntary bankruptcy/insolvency proceedings against the Licensee or filing of voluntary bankruptcy/insolvency proceedings by the Licensee;
- (q) Suspension or revocation of a license by any state or federal authority, including, but not limited to, suspension or revocation of a license to be a power marketer issued by the Federal Energy Regulatory Commission;
- (r) Failure of a Licensee to provide annually copies of its Privacy Protection Policy to its Customers;
- (s) Failure of a Licensee, who has not initially started serving Customers in the District to notify the Commission within (3) business days before the Licensee begins soliciting or marketing to Customers directly or through an authorized representative in compliance with the solicitation rules in this Chapter;
- (t) Failure of the Licensee to pay its assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912(b) and any penalties imposed by § 34-1671.11; or
- (u) Failure to comply with any Commission regulation or order.

4709 SANCTIONS AND ENFORCEMENT

4709.1 **Sanctions.** Licensees are subject to sanctions for violations of Federal and District of Columbia law and applicable Commission regulations and orders. The following sanctions may be imposed by the Commission:

- (a) **Civil Penalty.** Pursuant to D.C. Official Code § 34-1671.11(d)(1), the Commission may impose a civil penalty of not more than ten thousand dollars (\$10,000) for each violation. Each day a violation continues shall be considered a separate violation for purposes of this penalty. The Commission shall determine the amount of a civil penalty after consideration of the following:
 - (1) Any history of prior violations;
 - (2) The gravity and duration of the current violation;

- (3) The degree of the violator’s culpability;
 - (4) The prospective effect of the penalty on the ability of the violator to conduct business;
 - (5) Any good faith effort on the part of the violator in attempting to achieve compliance; and
 - (6) Other factors the Commission may consider appropriate.
- (b) **Customer Refund or Credit.** The Commission may order a Licensee to either issue a full refund for all charges billed or collected by the Licensee or direct the Licensee to issue a credit to the Customer’s account in any billing or service dispute between the Licensee and Customer. In specific instances where slamming has occurred, the Licensee shall refund to the Customer all monies paid to the Licensee; and where cramming has occurred, the Licensee shall refund to the Customer the amount of the unauthorized charges paid to the Licensee.
- (c) **Cease and Desist Order.** The Commission may order the Licensee to:
- (1) Cease adding or soliciting additional Customers;
 - (2) Cease serving Customers in the District of Columbia; or
 - (3) Cease any action found to be in violation of District of Columbia law, or Commission rules and regulations.
- (d) **Cancellation of a contract or part of a contract between a Customer and a Licensee;**
- (e) **Suspension of a Licensee’s License;** or
- (f) **Revocation of a Licensee’s License.**

4709.2 **Commission Access to Records.** As part of any Commission investigation, the Commission shall have access to any accounts, books, papers, and documents of the Licensee that the Commission considers necessary in order to resolve the matter under investigation.

4709.3 **Emergency Action by the Commission.** The Commission may temporarily suspend a License, issue a temporary cease and desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to

believe that Customers or the reliability of natural gas supply in the District of Columbia is or will be harmed by the actions of a Licensee.

4710 COMMISSION ASSESSMENT AND FEES

4710.1 The Licensee shall pay an assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912 (b) and any penalties assessed pursuant to D.C. Official Code § 34-1671.11.

4710.2 The Licensee shall pay any additional fees imposed by the Commission pursuant to the Commission's rules, regulations, or orders.

4799 DEFINITIONS

4799.1 For the Purposes of these rules, the following terms shall have the meaning ascribed:

Act: The Retail Natural Gas Supplier Licensing and Consumer Protection of Act of 2004, effective March 16, 2005 (D.C. Law 15-227; D.C. Official Code §§ 34-1671.01 *et seq.* (2001)).

Affiliate: A Person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has, directly or indirectly, any economic interest in another person.

Aggregator: A Person that acts on behalf of Customers to purchase natural gas.

Applicant: A Person who applies for a Natural Gas Supplier License required by the Act.

Application: The written request by a Person for a Natural Gas Supplier License in a form specified by the Commission.

Broker: A Person who acts as an agent or intermediary in the sale and purchase of natural gas but who does not take title to natural gas.

Business Day: A Day in which normal business is transacted, excluding Saturdays, Sundays, and Federal and District of Columbia holidays.

Commission: The Public Service Commission of the District of Columbia.

Cramming: The practice of adding services or Charges to a Customer's existing natural gas service options absent the express consent of the Customer.

Customer: A purchaser of natural gas in whose name a service account exists with the Natural Gas Company or Natural Gas Supplier. The term excludes the nonresidential occupant

or tenant of a nonresidential Rental Unit of a building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies natural gas solely to occupants of the building for use by the occupants.

Customer Payments Bond: A bond or other form of acceptable financial instrument such as a line of credit, sworn letter of guarantee, bank loan approval documents, recent bank statements, vendor financing agreements or underwriting agreements in an amount at least equal to the total amount of Deposits or Prepayments.

Day: A Calendar day, unless otherwise specified.

Deposit: Any payment made by a Customer to a Natural Gas Supplier to secure the Natural Gas Supplier against potential Customer nonpayment or default.

Default: The omission or failure to perform a legal or contractual duty.

Defaulted Licensee: A Licensee is in default and is unable to deliver natural gas because: (1) the Commission revokes or suspends the Natural Gas Supplier's retail Natural Gas Supplier License; or (2) the Licensee is unable to transact sales of natural gas through the Natural Gas Transmission or Pipeline Company designated for the District of Columbia by the Federal Energy Regulatory Commission.

Default Service: A Customer who receives natural gas supply from the Natural Gas Company. Default Service is available to Customers who contract for natural gas with a Natural Gas Supplier, but who fail to receive delivery of natural gas under such contracts and to Customers who do not choose a Natural Gas Supplier as prescribed by D.C. Official Code § 1671.06 (b)(2).

Firm Delivery Service Gas Supplier Agreement Tariff: The tariff that sets forth the basic requirements for interaction and coordination between the Natural Gas Company and each Natural Gas Supplier necessary for ensuring the delivery of competitive natural gas supply from Natural Gas Suppliers to their Customers via the Natural Gas Company's delivery system.

Integrity Bond: A bond that is required of a Natural Gas Supplier who cannot provide credible evidence that it meets the standards listed in § 4705.1 of this Chapter.

Licensee: A Natural Gas Supplier who has been granted a valid Natural Gas Supplier License by the Commission.

Marketer: A Person who purchases and takes title to Natural Gas as an intermediary for sale to customers.

Natural Gas Company: Every corporation, company, association, joint-stock company or association, partnership, or Person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing

natural gas in the District of Columbia to retail natural gas customers as defined by D.C. Official Code § 34-209 and § 34-1671.02 (11).

Natural Gas Supplier: A licensed Person, broker, or marketer, who generates natural gas; sells natural gas; or purchases, brokers, arranges or markets natural gas for sale to customers.

Natural Gas Supplier License: The authority granted by an order of the Commission to a Person to do business as a Natural Gas Supplier in the District of Columbia.

OPC: The Office of the People’s Counsel of the District of Columbia.

Person: An individual, corporation, company, association, joint stock company, association, firm, partnership, or other entity.

Prepayments: All payments other than a Deposit made by a Customer to a Natural Gas Supplier for services that have not been rendered at the time of payment, subject to the following:

- (a) Where a Natural Gas Supplier charges for services based on a quantity of natural gas, then Prepayments include any payments for any quantity that has not been delivered to the Customer or Consumer at the time of payment;
- (b) Where a Natural Gas Supplier charges for services based on a period of time, such as charging a membership fee, initiation fee or other fee for services for a time period, then Prepayments include the amount of the total charges collected by the Natural Gas Supplier for the period of time less the prorated value of the period of time for which services have been rendered;
- (c) Where a Natural Gas Supplier charges for services based on a measure other than quantity of natural gas delivered or a period of time, the Commission shall determine, on a case-by-case basis, whether the charges involve a prepayment; and
- (d) Prepayments do not include any funds received in advance of the services being rendered as a result of the Customer’s voluntary participation in a budget billing or level billing plan by which the consumer's anticipated electrical costs are averaged over a period of time.

Regulatory Contact: The staff contact for the licensed Natural Gas Supplier that handles regulatory matters for that company or entity.

Slamming: The practice of switching, or causing to be switched, a Customer’s natural gas supplier Account without the express authorization of the Customer.

Solicitation: A communication in any medium that urges a customer to Contract for receipt of specific natural gas services from a Natural Gas Supplier. Types of Solicitation may include, but are not limited to, telephone Solicitation, radio advertisements, print advertisements, home Solicitations, electronic advertisements (i.e. Internet), newspaper advertisements, and written Solicitations.

3. All persons interested in commenting on the subject matter of this NOPR may submit written comments no later than thirty (30) days after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at www.dcpSC.org. Persons with questions concerning this Notice should call 202-626-5150.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF SIXTH PROPOSED RULEMAKING

RM46-2015-01-E, IN THE MATTER OF THE INVESTIGATION INTO THE PUBLIC SERVICE COMMISSION’S RULES GOVERNING THE LICENSURE AND BONDING OF ELECTRIC SUPPLIERS IN THE DISTRICT OF COLUMBIA;

AND

FORMAL CASE NO. 1130, IN THE MATTER OF THE INVESTIGATION INTO MODERNIZING THE ENERGY DELIVERY SYSTEM FOR INCREASED SUSTAINABILITY

1. The Public Service Commission of the District of Columbia (Commission), pursuant to authority under the Retail Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code §§ 34-1501-1520 (2012 Repl.)) (Act), hereby give notice of its intent to adopt a new Chapter 46 (Licensure of Electricity Suppliers) of Title 15 (Public Utilities and Cable Television) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days after publication of this Notice of Proposed Rulemaking (Notice or NOPR) in the *D.C. Register*.

2. Currently, the requirements for licensing and bonding of Electricity Suppliers are set forth in Order Nos. 11796 and 11862 in Formal Case No. 945. Standardized forms referenced throughout the proposed rules below, such as the Supplier Application Form, the Customer Payment Bond Form, the Integrity Bond Form for Electricity Suppliers and Marketers, and the Integrity Bond Form for Aggregators and Brokers, shall all be made available on the Commission’s website following the final publication of these rules in a prospective Notice of Final Rulemaking. The Commission previously published NOPRs for Chapter 46 on February 6, 2015 (62 DCR 001712); February 17, 2017 (64 DCR 001818); August 11, 2017 (64 DCR 007984); November 3, 2017 (64 DCR 011527); and February 2, 2018 (65 DCR 000976). The instant NOPR supersedes the February 2, 2018, NOPR.

Title 15 DCMR, PUBLIC UTILITIES AND CABLE TELEVISION, is amended to add a new Chapter 46 as follows:

CHAPTER 46 LICENSURE OF ELECTRICITY SUPPLIERS

- 4600 APPLICABILITY**
- 4601 LICENSING REQUIREMENTS**
- 4602 LICENSING PROCEDURES**
- 4603 ELECTRICITY SUPPLIER EDUCATION WORKSHOP**
- 4604 BOND REQUIREMENTS FOR ELECTRICITY SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS (“CUSTOMER PAYMENTS BOND”)**
- 4605 BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)**
- 4606 PRIVACY PROTECTION POLICY**

4607 COMMISSION REPORTING REQUIREMENTS
4608 COMMISSION ACTION REGARDING A LICENSEE
4609 SANCTIONS AND ENFORCEMENT
4610 COMMISSION ASSESSMENT AND FEES
4699 DEFINITIONS

4600 APPLICABILITY

4600.1 **Application.** These rules apply to a Person who engages in the business of an Electricity Supplier in the District of Columbia.

4600.2 **Purpose.** These rules provide uniform requirements for obtaining any form of an Electricity Supplier License in the District of Columbia, describe the administrative procedures available to the Applicants and Licensees, outline the grounds for Commission action regarding a Licensee, and describe the sanctions that may be imposed by the Commission.

4600.3 **Restrictions.** No Person shall present itself as an Electricity Supplier, perform the duties of an Electricity Supplier, accept Deposits or prepayments from retail Customers, contract with retail Customers or arrange for contracts for retail Customers, prior to receipt of a license from the Commission.

4601 LICENSING REQUIREMENTS

4601.1 **Persons Subject to Licensing Requirements.** Any Person who engages in the business of an Electricity Supplier in the District of Columbia shall hold an Electricity Supplier License.

4601.2 **Application Information Requirements for Electricity Suppliers.** An Application for an Electricity Supplier License and an Application for renewal of an Electricity Supplier License shall include the following information, in a manner and form specified by the Commission:

- (a) Proof of technical and managerial competence;
- (b) Proof of compliance with all applicable requirements of the Federal Energy Regulatory Commission, and any Independent System Operator, or Regional Transmission Operator to be used by the Applicant;
- (c) A sworn verification that the Applicant is currently in compliance with, and will comply with all, applicable federal and District of Columbia environmental laws and regulations;
- (d) Proof of compliance with the Bonding Requirements set forth in §§ 4604 and 4605;

- (e) Proof that the Applicant has registered with the District of Columbia Department of Consumer and Regulatory Affairs and the District of Columbia Department of Tax and Revenue to do business in the District of Columbia;
- (f) A sworn verification that the Applicant is currently in compliance with, and will comply with, all applicable taxes;
- (g) A sworn verification that the Applicant is currently in compliance with, and will comply with all of the requirements of the Retail Electric Competition and Consumer Protection Act of 1999 (Act) and all orders and regulations of the Commission issued under the Act;
- (h) Applicant’s website address;
- (i) The name and contact information for the Electricity Supplier’s designated contact Person for Customer Complaints;
- (j) The Trade name(s) or d/b/a (doing business as name(s) if the Applicant will be using either while doing business as an Electricity Supplier in the District of Columbia;
- (k) If the Applicant was a previously licensed Electricity Supplier in the District of Columbia but has surrendered that license under a former name or in this current Applicant’s name, the Applicant must submit a sworn verification that it has paid all previously outstanding Commission and the Office of the People’s Counsel (OPC) imposed assessments and Commission penalties. If prior assessments and penalties remain unpaid, submit a date certain when those assessments and any penalties will be paid;
- (l) A sample copy of each of the Electricity Supplier’s electricity supply Customer contracts (e.g., fixed, variable) and a sample bill; and
- (m) Any other information required by the Commission.

4601.3 **Proprietary and Confidential Information.** Pursuant to 15 DCMR § 150, the Applicant may request certain information be treated as confidential.

4602 LICENSING PROCEDURES

4602.1 **Scope.** These procedures apply to an Application for an Electricity Supplier License or the renewal of an Electricity Supplier License before the Commission. Renewal Applications may not be approved if the Licensee owes any outstanding assessment to the Commission, OPC, or both.

- 4602.2 **Form.** An Application for a Electricity Supplier License shall be made to the Commission in writing on the applicable form(s) provided by the Commission; be verified by oath or affirmation; and be accompanied by an Application fee of Four Hundred dollars (\$400.00).
- 4602.3 **Number of copies.** Each Applicant shall file a signed and verified original and an electronic version of the Application and forms specified by the Commission.
- 4602.4 **Change in Application Information.** The Applicant shall immediately inform the Commission of any change in the information provided in the Application during the pendency of the Application and changes to approved Application pursuant to § 4607.1.
- 4602.5 **Notice of Incomplete Application (Deficiency Letter).** The Commission shall review the submitted Application for completeness within fifteen (15) days of receipt of the Application. If the Application is incomplete, the Commission shall notify the Applicant in writing of the deficiencies in the Application. The Applicant shall have ten (10) days, or such additional time as the Commission may designate if it extends the time period for good cause shown, to provide the information requested in the deficiency letter. If the Applicant does not provide the information to the Commission within ten (10) days or within the alternative time period set by the Commission, the Application shall be deemed dismissed without prejudice. An Applicant may submit a new Application with the requisite Four Hundred dollars (\$400.00) fee at any time.
- 4602.6 **Review of Complete Application.** Upon determining that an Application is complete, the Commission shall review the information provided by the Applicant in the Application and within fifteen (15) days issue an order approving or denying the Application.
- 4602.7 **Term of Electricity Supplier License.** An Electricity Supplier License is valid until revoked by the Commission or surrendered by the Licensed Electricity Supplier. A Licensee is subject to review every five (5) years after the date on which the License was issued or was last reviewed. An Electricity Supplier that has been licensed for more than five (5) years from the effective date of this Chapter shall submit an Application for review by the Commission pursuant to the licensing requirements and procedures set forth in §§ 4601 and 4602 within ninety (90) days from the effective date of this Chapter. The Commission shall complete its review of the Application within thirty (30) days after its filing. If the Application is incomplete or deficient in any manner, the Commission may request additional information to cure the incompleteness or deficiency. If the Application is deemed complete, the Commission shall take no further action and the Electricity Supplier License shall remain in effect.
- 4602.8 **Solicitation of Customers.** A Licensee, both new and existing, who has not initially started serving Customers shall file a notice with the Commission within

three (3) business days before the Licensee begins soliciting or marketing to Customers directly or through an authorized representative in the District of Columbia. This is a one-time initial notice prior to the Licensee beginning its marketing to or soliciting of District of Columbia Customers. The notice shall include the name of the licensee's designated contact person for pricing information if the Licensee is serving Customers and the URL address of the Licensee's website. All door-to-door sales representatives and agents of the Licensee shall be required to present a photo identification to Customers as part of the solicitation process. In addition, the Licensee is required to maintain a record of the identity of each sales representative and marketing agent or representative active in the District of Columbia, including the company photo identification, and make it available upon request to the Commission.

4602.9 **Serving Customers.** A Licensee shall do the following before it begins to serve Customers in the District of Columbia:

- (a) File a notice with the Commission of the estimated start date when it will begin to serve Customers in the District of Columbia; and
- (b) File an affidavit attesting that all sales and marketing and regulatory personnel, including independent contractors and vendors performing marketing or sales activities on the Licensee's behalf have been trained on the relevant provisions of Chapters 3 and 46 of Title 15 DCMR before they begin soliciting Customers in the District of Columbia.

4602.10 **Cessation of Business in the District of Columbia or Cessation of Business to a Customer Class.**

- (a) A Licensee shall provide to the Commission at least sixty (60) days prior written notice of the Licensee's intention to cease providing electricity service to its Customers and inform its Customers of the choice to revert to the default service provider or to another electricity supplier; and
- (b) Upon receipt of such notice, the Commission may order the Licensee to provide such further notice to its Customers or to the public as the Commission deems necessary, and/or take such other action that the Commission deems appropriate.

4602.11 **Electric Company and Licensee Responsibilities in the Event of Default.** In the event of a default, the Licensee and the Electric Company shall abide by the Electric Company's Electricity Supplier Coordination Tariff. Also, a Defaulted Licensee using consolidated billing services remains obligated to provide the Electric Company with information necessary to allow the Electric Company to continue consolidated billing through the conclusion of the billing cycle in which the default occurred.

4602.12 **Required Notices Upon Default.** Upon default, a Licensee shall immediately notify its Customers of its default by the preferred method that each Customer has selected to receive notifications and send written notice by electronic mail to the Electric Company and to file notice with the Commission notifying them of its default. Upon receipt of notice of a Licensee's default from the Defaulted Licensee or from the Regional Transmission Organization, the Electric Company shall immediately provide the Defaulted Licensee's Customers Standard Offer Service (SOS) in accordance with the SOS Administrator's Retail Electric Service Tariff, unless or until a Customer notifies the SOS Provider that the Customer has selected a new Electricity Supplier.

4603 **ELECTRICITY SUPPLIER EDUCATION WORKSHOP**

4603.1 **Electricity Supplier Education Workshop.** All Current and New Licensees shall complete the Electricity Supplier Education Workshop (Workshop) sponsored by the Commission. Successful completion of the Workshop by the Licensee shall be evidenced by a certificate issued by the Commission.

(a) **Current Licensee.** A Licensee granted an Electricity Supplier License prior to the effective date of these rules is considered a Current Licensee for the purposes of this section. A Current Licensee's Regulatory Contact or Representative responsible for the Licensee's compliance with the Commission's rules shall have ninety (90) days following the effective date of these rules to take and complete the Workshop. Thereafter, the Current Licensee's Regulatory Contact or Representative must take and complete the Workshop annually on or around the anniversary date of its initial participation in the Workshop.

(b) **New License.** An Applicant granted an Electricity Supplier License following the effective date of these rules is considered a New Licensee for the purposes of this section. A new Licensee's Regulatory Contact or Representative responsible for the New Licensee's compliance with the Commission's rules shall have ninety (90) days following the award of its license to take and complete the Workshop. Thereafter, the New Licensee's Regulatory Contact or Representative must take and complete the Workshop annually on or around the anniversary date of its initial participation in the Workshop.

4604 **BOND REQUIREMENTS FOR ELECTRICITY SUPPLIERS COLLECTING DEPOSITS OR PREPAYMENTS ("CUSTOMER PAYMENTS BOND")**

4604.1 **Applicability.** Any Applicant that states on its Application that it intends to charge Deposits or collect Prepayments or that does in fact require a Deposit or collects a Prepayment, shall post a Customer Payments Bond with the Commission, in addition to any Integrity Bond that may be required or submitted and shall submit the certification described in this section. Any Applicant that states on its Application that it does not intend to charge

Deposits or collect Prepayments and that does not in fact require a Deposit or collect any Prepayment will not be required to post a Customer Payments Bond or provide the certification described below. Any Licensee that charges a Deposit or collects a Prepayment without posting the required Customer Payments Bond may be subject to suspension, revocation, or other action against its license, as well as be held liable for restitution to any Customers who paid such Deposits or Prepayments. Any Licensee requiring, charging, collecting or holding Deposits, or Prepayments may not request a return of a current Customer Payments Bond or waiver of the requirements for a future Customer Payments Bond, unless and until the Licensee returns the Deposits or Prepayments to its Customers.

4604.2 **Procedure for Determining Amount of a Customer Payments Bond.**

- (a) **Initial Bond:** Before accepting any Deposits or Prepayments, a Licensee shall post an initial Customer Payments Bond of fifty thousand dollars (\$50,000).
- (b) **Six Month Certification:** Within six (6) months after the initial Customer Payments Bond is posted, the Licensee shall provide to the Commission with any appropriate confidentiality designations: (1) a certification, subject to review by the Commission, of the amount of the Deposits and Prepayments held by the Licensee; and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.
- (c) **Annual Certification:** By December 31st of each year, the Licensee shall provide to the Commission with any appropriate confidentiality designations: (1) certification of the amount of the Deposits and Prepayments held by the Licensee; and (2) a Customer Payments Bond in an amount that is at least equal to the amount reflected in that certification.

4604.3 **Form of the Bond.** Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, the bond form shall:

- (a) Designate the Commission as the sole beneficiary of the bond;
- (b) Be continuous in nature. If a Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;
- (c) Cover payment of all the Licensee's District of Columbia Deposits and Prepayments of the Licensee that occurred while the bond was in force as identified by the Commission under these regulations; and

- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission.

4604.4 **Commission Verification.** Each Licensee shall provide appropriate certification, at the intervals discussed in §4604.2, of funds collected by the Licensee for Prepayments and/or Deposits. Each Licensee shall certify the amount of funds held for Deposits and Prepayments through a notarized statement, subject to verification by the Commission. The certification and any audit by the Commission will verify the year to date collections and balances of Prepayments and Deposits as of a specific date and will be used to verify whether the Licensee has the appropriate amount of Customer Payments Bond coverage. The Commission reserves the right, in its sole discretion, to order the Licensee to have a Certified Public Accountant review such balances, should conditions warrant such a review.

4604.5 **Bond Foreclosure.** The Commission may foreclose upon any bond posted with the Commission when, in the Commission’s discretion, foreclosure is necessary to ensure the fair and lawful treatment of the Licensee’s Customers to ensure that Deposits and Prepayments collected by a Licensee from a Customer will be repaid to the Customer. In order to draw funds on this Bond, the Commission shall issue an order stating that the Licensee is financially insolvent or unable to meet its obligations as for restitution to any Licensee’s Customer who paid such Deposit or Prepayment.

4605 **BOND REQUIREMENTS FOR FINANCIAL INTEGRITY (“INTEGRITY BOND”)**

4605.1 **Applicability.** Any Applicant or Licensee that can provide credible evidence that it meets one of the following standards is not required to post an Integrity Bond in the District of Columbia:

- (a) A current credit rating of BBB- or higher from a nationally recognized credit rating service;
- (b) A current commercial paper rating of A2 or higher by Standard & Poor’s and/or P2 or higher by Moody’s or similar rating by another nationally recognized rating service; or
- (c) An unused line of bank credit or parent guarantees deemed adequate by the Commission.

4605.2

- (a) **Exclusion.** An Applicant or Licensee that cannot provide evidence to the satisfaction of the Commission that it meets the standards listed in § 4605.1 will be required to submit an initial Integrity Bond of fifty thousand dollars (\$50,000), unless that Applicant or Licensee is applying to provide service

as an Aggregator (as defined in D.C. Official Code § 34-1501(2) and § 4699.1 who does not take title to electricity or as a Broker (as defined in D.C. Official Code § 34-1501(7) and §4699.1), in which case a ten thousand dollar (\$10,000) Integrity Bond will be required. However, an Applicant or Licensee that meets the standards listed in § 4605.1 may still be required to provide a bond to demonstrate financial integrity for the Application on a case-by-case basis.

- (b) **Updates.** The Commission in its sole discretion may determine whether or not to reevaluate the amount of the Integrity Bond in light of any changing conditions in the electricity market at the time that a Licensee submits updated information, taking into consideration the Licensee's previous and ongoing relationship with its Customers and its historical compliance with Commission rules and requirements. The Commission may request such information from the Licensee as may be necessary to make its evaluation. Aggregators who do not take title and Brokers will not be required to update the initial \$10,000 Integrity Bond.
- (c) After continuously providing service in the District for two (2) years, any Licensee that has submitted an Integrity Bond to the Commission in compliance with these requirements may request that the Commission return the previously posted Integrity Bond and waive the requirement for a future bond based upon the Licensee's demonstrated record of continuous and uninterrupted service in the District of Columbia, without meaningful substantiated consumer complaints, as determined by and in the opinion of the Commission, and such other information as the Licensee may choose to present to the Commission. The Commission may accept or reject this request based on a review of information provided by the Licensee and such other information as the Commission may deem appropriate. The Commission retains the discretion to require an Integrity Bond of the Licensee at a later date if circumstances change, or if the Commission otherwise deems the requirement of an Integrity Bond to be necessary and appropriate. A Licensee that is not currently providing service and cancels its bond shall have its license suspended immediately, and is subject to revocation of its license in thirty (30) days following the bond cancellation.

4605.3

Form of the Bond. Any Applicant or Licensee required to provide a bond under this section shall provide a bond issued by a company authorized to do business in the District of Columbia in a form required by the Commission. At a minimum, this form shall:

- (a) Designate the Commission, as the sole beneficiary of the bond;

- (b) Be continuous in nature. If any Licensee seeks to cease providing the bond it shall seek approval from the Commission at least sixty (60) days prior to the time it wants to discontinue maintaining the bond;
- (c) Cover payment of the Licensee’s District of Columbia Deposits and Prepayments that occurred while the bond was in force as identified by the Commission under these regulations; and
- (d) State that the proceeds of the bond shall be paid or disbursed as directed by the Commission.

4605.4 **Commission Verification.** Each Licensee shall provide appropriate certification as prescribed by §§ 4604.2 (b) and (c). The Commission may request such information from the Licensee as is necessary to verify the accuracy of the certification at any time.

4605.5 **Bond Foreclosure.** The Commission’s foreclosure of an Integrity Bond shall be limited to those instances where damages to the Customer(s) by the Licensee are actual. In order to draw funds on this Bond, the Commission shall determine that the Licensee is financially insolvent or unable to meet its obligations as a Licensee to a Customer(s) who has suffered actual damages by means of failure, or by reason of the Licensee’s breach of contract or violation of the Act and any orders, regulations, rules or standards promulgated thereto.

4606 **PRIVACY PROTECTION POLICY**

4606.1 All Applicants and current Licensees shall institute a Privacy Protection Policy to protect against the unauthorized disclosure or use of information about a Customer or a Customer’s use of service. A copy of that Policy shall be made available once a year, including any updates or changes, through electronic means or a hardcopy to the Customer and posted in a prominent place on each company’s website.

4607 **COMMISSION REPORTING REQUIREMENTS**

4607.1 **Updates to an Approved Application.** After an Application has been approved, a Licensee shall inform the Commission of new information that changes or updates any part of the Application, including but not limited to, the averment regarding any civil, criminal, or regulatory penalties imposed on the Licensee, within thirty (30) days of the change or the new information. A Licensee shall also inform the Commission of changes to the averment regarding bankruptcy proceedings instituted voluntarily or involuntarily within one business day of the institution of such proceedings. Also, if a Licensee changes its trade name or the d/b/a name that it is using in the District of Columbia, the Licensee shall notify the Commission within ten (10) days of the effective date of the change and prior to soliciting Customers under that new name.

4608 COMMISSION ACTION REGARDING A LICENSEE

4608.1 **Commission Investigation.** The Commission may open an investigation of a Licensee on its own initiative, or upon the complaint of OPC, the D.C. Office of the Attorney General, or any aggrieved party. The Commission shall provide written notice of the investigation to the Licensee and shall provide the Licensee an opportunity for a hearing in accordance with District of Columbia law and Commission regulations.

4608.2 **Grounds for Commission Action.** The Commission may take action against a Licensee as determined by the Commission, including, but not limited to, the following violations:

- (a) Knowingly or with reckless disregard, providing false or misleading information to the Commission;
- (b) Slamming or cramming;
- (c) Disclosing information about a Customer supplied to the Licensee by the Customer or using information about a Customer for any purpose other than the purpose for which the information was originally acquired, without the Customer's written consent, unless the disclosure is for bill collection or credit rating reporting purposes or is required by law or an order of the Commission;
- (d) Failure to provide adequate and accurate information to each Customer about the Licensee's available services and charges;
- (e) Discriminating against any Customer based wholly or partly on race, color, creed, national origin, sex, or sexual orientation of the Customer or for any arbitrary, capricious, or unfairly discriminatory reason;
- (f) Refusing to provide electricity or related service to a Customer unless the refusal is based on standards reasonably related to the Licensee's economic and business purposes;
- (g) Failure to post on the Internet or on the Licensee's website adequate and accurate information about its services and rates for Customers;
- (h) Failure to provide electricity for its Customers when the failure is attributable to the actions of the Licensee;
- (i) Committing fraud or engaging in sales, marketing, advertising, or trade practices that are unfair, false, misleading, or deceptive such as engaging in any solicitation that leads the Customer to believe that the Licensee is

soliciting on behalf of, or is an agent of, the Electric Company when no such relationship exists;

- (j) Failure to maintain financial integrity;
- (k) Failure to pay, collect, remit, or accurately calculate applicable taxes;
- (l) Violating an applicable provision of the D.C. Official Code or any other applicable consumer protection law;
- (m) Conviction of the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers of offices of the Licensee) for any fraud-related crimes (including, but not limited to, counterfeiting and forgery, embezzlement and theft, fraud and false statements, perjury, and securities fraud);
- (n) Imposition of a civil, criminal, or regulatory sanction(s) or penalties against the Licensee or any principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Company) pursuant to any state or Federal consumer protection law or regulation;
- (o) Conviction by the Licensee or principal of the Licensee (including the general partners, corporate officers or directors, or limited liability managers or officers of the Licensee) of any felony that has some nexus with the Licensee's business;
- (p) Filing of involuntary bankruptcy/insolvency proceedings against the Licensee or filing of voluntary bankruptcy/insolvency proceedings by the Licensee;
- (q) Suspension or revocation of a license by any state or federal authority, including, but not limited to, suspension or revocation of a license to be a power marketer issued by the Federal Energy Regulatory Commission;
- (r) Imposition of any enforcement action by any Independent System Operators or Regional Transmission Organization used by the Licensee;
- (s) Failure of a Licensee to provide annually copies of its Privacy Protection Policy to its Customers;
- (t) Failure of a Licensee, who has not initially started serving Customers in the District to notify the Commission within three (3) business days before the Licensee begins soliciting or marketing to Customers directly or through an authorized representative in compliance with the solicitation rules in this Chapter;

- (u) Failure of the Licensee to pay its assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912(b) and any penalties prescribed by D.C. Official Code § 34-1508; or
- (v) Failure to comply with any Commission regulation or order.

4609 SANCTIONS AND ENFORCEMENT

4609.1 **Sanctions.** Licensees are subject to sanctions for violations of Federal and District of Columbia law and applicable Commission regulations and orders. The following sanctions may be imposed by the Commission:

- (a) **Civil Penalty.** Pursuant to D.C. Official Code § 34-1508 (b)(1), the Commission may impose a civil penalty of not more than ten thousand dollars (\$10,000) for each violation. Each day a violation continues shall be considered a separate violation for purposes of this penalty. The Commission shall determine the amount of a civil penalty after consideration of the following:
 - (1) The number of previous violations on the part of the Licensee;
 - (2) The gravity and duration of the current violation; and
 - (3) The good faith effort of the Licensee in attempting to achieve compliance after the Commission provides notice of the violation;
- (b) **Customer Refund or Credit.** The Commission may order a Licensee to either issue a full refund for all charges billed or collected by the Licensee or direct the Licensee to issue a credit to the Customer's account in any billing or service dispute between the Licensee and Customer. In specific instances where slamming has occurred, the Licensee shall refund to the Customer all monies paid to the Licensee; and where cramming has occurred, the Licensee shall refund to the Customer the amount of the unauthorized charges paid to the Licensee.
- (c) **Cease and Desist Order.** The Commission may order the Licensee to:
 - (1) Cease adding or soliciting additional Customers;
 - (2) Cease serving Customers in the District of Columbia; or
 - (3) Cease any action found to be in violation of District of Columbia law, or Commission rules and regulations.

- (d) **Cancellation of a contract or part of a contract between a Customer and a Licensee;**
- (e) **Suspension of a Licensee’s License;** or
- (f) **Revocation of a Licensee’s License.**

4609.2 **Commission Access to Records.** As part of any Commission investigation, the Commission shall have access to any accounts, books, papers, and documents of the Licensee that the Commission considers necessary in order to resolve the matter under investigation.

4609.3 **Emergency Action by the Commission.** The Commission may temporarily suspend a License, issue a temporary cease and desist order, or take any other appropriate temporary remedial action, pending a final determination after notice and hearing, if the Commission determines that there is reasonable cause to believe that Customers or the reliability of electric supply in the District of Columbia is or will be harmed by the actions of a Licensee.

4610 COMMISSION ASSESSMENT AND FEES

4610.1 The Licensee shall pay an assessment for the costs and expenses of the Commission and OPC as required by D.C. Official Code § 34-912 (b) and any penalties assessed pursuant to D.C. Official Code § 34-1508.

4610.2 The Licensee shall pay any additional fees imposed by the Commission pursuant to the Commission’s rules, regulations, or orders.

4699 DEFINITIONS

4699.1 For the Purposes of these rules, the following terms shall have the meaning ascribed;

Act: The Retail Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code §§ 34-1501-1520 (2001))

Affiliate: A Person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has, directly or indirectly, any economic interest in another person.

Aggregator: A Person who acts on behalf of Customers to purchase electricity.

Applicant: A Person who applies for an Electricity Supplier License required by the Act.

Application: The written request by a Person for an Electricity Supplier License in a form specified by the Commission.

Broker: A Person who acts as an agent or intermediary in the sale and purchase of electricity but who does not take title to electricity.

Business Day: A Day in which normal business is transacted, excluding Saturdays, Sundays, and Federal and District of Columbia holidays.

Commission: The Public Service Commission of the District of Columbia.

Cramming: The practice of adding services or Charges to a Customer's existing electricity supplier service options absent the express consent of the Customer.

Customer: A purchaser of electricity for end use in the District of Columbia. The term excludes an occupant of a building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies electricity solely to occupants of the building for use by the occupants.

Customer Payments Bond: A bond or other form of acceptable financial instrument such as a line of credit, sworn letter of guarantee, bank loan approval documents, recent bank statements, vendor financing agreements or underwriting agreements in an amount at least equal to the total amount of Deposits or Prepayments.

Day: A Calendar day, unless otherwise specified.

Deposit: Any payment made by a Customer to an Electricity Supplier to secure the Electricity Supplier against potential Customer nonpayment or default.

Default: The omission or failure to perform a legal or contractual duty.

Defaulted Licensee: A Licensee is in default and is unable to deliver electricity because: (1) the Commission revokes or suspends the Electricity Supplier's retail Electricity Supplier License; or (2) the Licensee is unable to transact sales of electricity through the Regional Transmission Organization designated for the District of Columbia by the Federal Energy Regulatory Commission.

Electric Company: Includes every corporation, company, association, joint-stock company or association, partnership, or Person doing business in the District of Columbia, their lessees, trustees, or receivers appointed by any court whatsoever, physically transmitting or distributing electricity in the

District of Columbia to retail electric Customers, excluding any Person distributing electricity from a behind-the-meter generator to a single retail customer behind the same meter and located on the same premise as the customer's meter. In addition, the term excludes any building owner, lessee, or manager who, respectively, owns, leases, or manages, the internal distribution system serving the building and who supplies electricity and other electricity related services solely to the occupants of the building for use by the occupants. The term also excludes a Person that does not sell or distribute electricity and that owns or operates equipment used exclusively for the charging of electric vehicles.

Electricity Supplier: A person, including an Aggregator, Broker, or Marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or markets electricity or electric generation services for sale to Customers. The term excludes the following:

- (a) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to the occupants of the building for use by the occupants;
- (b) Any Person who purchases electricity for its own use or for the use of its subsidiaries or affiliates;
- (c) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, or who does not: (1) Take title to electricity; (2) Market electric services to the individually-metered tenants of his or her building; or (3) Engage in the resale of electric services to others;
- (d) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property;
- (e) Consolidators;
- (f) A Community Renewable Energy Facilities (“CREFs”) as defined in Subsection 4199.1 and as described in Subsections 4109.1 through 4109.3 pursuant to the Community Renewable Energy Amendment Act of 2013 (D.C. Law 20-47; D.C. Official Code §§34-1518 *et seq.*);
- (g) An Electric Company,
- (h) Nontraditional Marketers, and

- (i) Any Person that owns a behind-the-meter generator and sells or supplies the electricity from that generator to a single retail customer or customers behind the same meter located on the same premise.

Electricity Supplier License: The authority granted by an order of the Commission to a Person to do business as an Electricity Supplier in the District of Columbia.

Independent System Operator or “ISO”: An entity authorized by the Federal Energy Regulatory Commission to manage and control the electric transmission grid in a state or region.

Integrity Bond: A bond that is required of an Electricity Supplier who cannot provide credible evidence that it meets the standards listed in § 4605.1 of this Chapter.

Licensee: An Electricity Supplier who has been granted a valid Electricity Supplier License by the Commission.

Marketer: A Person who purchases and takes title to electricity as an intermediary for sale to customers.

OPC: The Office of the People’s Counsel of the District of Columbia.

Person: An individual, corporation, company, association, joint stock company, association, firm, partnership, or other entity.

Prepayments: All payments other than a Deposit made by a customer to an Electricity Supplier for services that have not been rendered at the time of payment, subject to the following:

- (a) Where an Electricity Supplier charges for services based on a quantity of electricity, such as a price per kilowatt/hour, then Prepayments include any payments for any quantity that has not been delivered to the Customer or Consumer at the time of payment;
- (b) Where an Electricity Supplier charges for services based on a period of time, such as charging a membership fee, initiation fee or other fee for services for a time period, then Prepayments include the amount of the total charges collected by the Electricity Supplier for the period of time less the prorated value of the period of time for which services have been rendered;

- (c) Where an Electricity Supplier charges for services based on a measure other than quantity of electricity delivered or a period of time, the Commission shall determine, on a case-by-case basis, whether the charges involve a prepayment; and
- (d) Prepayments do not include any funds received in advance of the services being rendered as a result of the Customer's or Consumer's voluntary participation in a budget billing or level billing plan by which the consumer's anticipated electrical costs are averaged over a period of time.

Regional Transmission Organization or “RTO”: An entity designated by the Federal Energy Regulatory Commission to direct operations of the regional electric transmission grid in its area to ensure electric grid reliability.

Regulatory Contact: The staff contact for the licensed Electricity Supplier that handles regulatory matters for that company or entity.

Slamming: The practice of switching, or causing to be switched, a Customer's electricity supplier Account without the express authorization of the Customer.

Solicitation: A communication in any medium that urges a customer to Contract for receipt of specific electricity services from an Electricity Supplier. Types of Solicitation may include, but are not limited to, telephone Solicitation, radio advertisements, print advertisements, home Solicitations, electronic advertisements (i.e. Internet), newspaper advertisements, and written Solicitations.

Standard Offer Service or SOS: Electricity supply made available on and after the initial implementation date to: (1) Customers who contract for electricity with an Electricity Supplier, but who fail to receive delivery of electricity under such contracts; (2) Customers who cannot arrange to purchase electricity from an Electricity Supplier; and (3) Customers who do not choose an Electricity Supplier.

SOS Administrator: The provider of Standard Offer Service mandated by D.C. Official Code § 34-1509.

Supplier Coordination Agreement: The agreement between the Electric Company and the Electricity Supplier whereby the Electric Company agrees to supply, and the Electricity Supplier requests and agrees to take, all “Coordination Services” pursuant to the Electric Company's Electricity Supplier Tariff.

3. All persons interested in commenting on the subject matter of this NOPR may submit written comments no later than thirty (30) days after the publication of this Notice in the *D.C. Register*. Comments may be filed with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1325 G Street, N.W., Suite 800, Washington, D.C. 20005 or at the Commission's website at www.dcpsc.org. Persons with questions concerning this Notice should call 202-626-5150.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING**Z.C. Case No. 17-27****(Spring Flats MD, LLC – Zoning Map Amendment @ Lots 804 and 807 in Square 2902)**

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; D.C. Official Code § 6-641.01 (2012 Repl.)), hereby gives notice of its intent to amend the Zoning Map to rezone Square 2902, Lots 804 and 807 from the RF-1 zone to the RA-2 zone.

Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The following rulemaking action is proposed:

The Zoning Map of the District of Columbia is amended as follows:

SQUARE	LOTS	Map Amendment
2902	804 and 807	RF-1 to RA-2

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 4th Street, N.W., Suite 200-S, Washington, D.C. 20001; by e-mail to 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. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.

DEPARTMENT OF HEALTH

NOTICE OF SECOND EMERGENCY RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010 (Act), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 53 (General Registration Requirements) of Title 22 (Health), Subtitle C (Medical Marijuana), of the District of Columbia Municipal Regulations (DCMR).

This emergency action is necessary to protect the public by ensuring that there are a sufficient number of dispensaries open for business to adequately supply the needs of the District's registered patients. A quarter of the qualifying patients in the District's Medical Marijuana Program live in Wards 7 and 8, but there are no dispensaries east of the Anacostia River, resulting in a geographical barrier to access to these healthcare services. To further ensure adequate access to medical marijuana for patients located in Wards 7 and 8, the Department exercised its authority under D.C. Official Code § 7-1671.06(d)(2)(A) to increase the number of dispensaries registered to operate in the District by emergency and proposed rulemaking to seven (7) so that a dispensary could be registered in Ward 7 and in Ward 8.

The Department is aware that in previous rounds, a significant number of the applicants that were selected to receive registrations took many months to complete the requirements for registration and then to open for business. This emergency action is necessary to immediately preserve and promote the health, safety and welfare of the public, and is being taken to ensure that applicants which have been selected and deemed eligible for registration proceed expeditiously to open their facilities for business.

A Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on February 2, 2018 (65 DCR 1090) to immediately preserve and promote the health, safety and welfare of the public by enabling the Department to ensure that applicants which have been selected and deemed eligible for registration proceed expeditiously to open their facilities for business. Those emergency regulations were adopted on December 14, 2017 and will expire one hundred twenty (120) days from the date of adoption, on April 13, 2018. This emergency rulemaking action is necessary to maintain the continuity of these provisions pending publication of the final rulemaking.

No comments were received after the Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on February 2, 2018 at 65 DCR 1090. Accordingly, no changes have been made and this emergency rulemaking is identical to the Notice of Emergency and Proposed Rulemaking published in the *D.C. Register* on February 2, 2018.

This emergency rule was adopted on April 2, 2018, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption, (July 30, 2018), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

Chapter 53, GENERAL REGISTRATION REQUIREMENTS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 5303, FAILURE TO OPEN OR OPERATE, is amended to read as follows:

5303 FAILURE TO OPEN OR OPERATE

- 5303.1 For purposes of this section, “deemed eligible” shall mean:
- (a) The applicant has met all application prerequisites;
 - (b) The applicant has been selected by the Director for registration; and
 - (c) The applicant is only pending the remaining necessary approvals required under this title from MPD, DCRA, OTR, and the Department, including passing the pre-opening inspection.
- 5303.2 Being “deemed eligible” does not guarantee that an applicant will receive a registration, or create a contract between the applicant and the Department. The medical marijuana laws of the District of Columbia and the federal government are subject to change at any time and that the District of Columbia shall not be liable as a result of these changes.
- 5303.3 An applicant that has been deemed eligible for a dispensary registration shall complete the steps to obtain a registration and open for business within one hundred twenty (120) days from the date of receipt of the notice of selection.
- 5303.4 Except as provided in § 5303.6, if an applicant that has been deemed eligible for a dispensary registration, or a registrant that has received a dispensary registration, fails to open for business within one hundred twenty (120) days, the Director shall withdraw the applicant’s selection, and consider the next highest ranking applicant. If a registration has been issued, the registrant shall surrender and return the registration to the Department.
- 5303.5 If there are no applicants pending, the Director may open the application process to select a replacement dispensary or cultivation center applicant.
- 5303.6 The Director may grant an applicant that has been deemed eligible for a dispensary registration an extension at his or her discretion for good cause shown.
- 5303.7 A registration for a dispensary or cultivation center shall be returned to the Director if the dispensary or cultivation center fails to operate for any reason for more than sixty (60) days after it has opened for business.

These rules were published as Emergency and Proposed Rulemaking in the *D.C. Register* on February 2, 2018 for the thirty (30) day public comment period. No comments were received after publication of the Notice. Copies of the Emergency and Proposed Rulemaking can be obtained at www.dcregs.dc.gov or by contacting Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 6th Floor, Washington, D.C. 20002.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District of Columbia Department of Human Services (DHS), pursuant to the authority set forth in Section 205(e) of the District of Columbia Public Assistance Act of 1982 (“Act”), effective September 10, 1985 (D.C. Law 6-35; to be codified at D.C. Official Code § 4-202.05(e)), and Mayor’s Order 2017-192, dated August 25, 2017, hereby gives notice of its intent to amend Chapter 58 (Temporary Assistance for Needy Families) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations.

The purpose of the rulemaking is to amend the rule setting forth the District of Columbia’s Temporary Assistance for Needy Families (TANF) sanction policy to implement the recent amendment to the Act by the TANF Child Benefit Protection Amendment Act of 2017, Section 5002 of Title V, Subtitle A, of the Fiscal Year 2018 Budget Support Act of 2017, effective December 13, 2017 (D.C. Law 22-33; 64 DCR 12875). The amendment changed the District’s sanction structure from a three level sanction against the entire household’s benefit to a single limited sanction against the adult-designated portion of the household’s benefit. The proposed revisions to the TANF sanction policy will promote clarity and assist in efficient administration of the program.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), is necessary for the immediate preservation of the welfare of District residents who rely on cash assistance from the District’s TANF programs. The changes to District law that will eliminate the TANF three level full benefit sanction structure and replace it with a bifurcated benefit with a uniform maximum sanction rate against only the adult-designated portion of the benefit goes into effect in April 2018 pursuant to new law: the TANF Child Benefit Protection Amendment Act of 2017. DHS is tasked with promulgating Rules to implement the change in law. The changes to the sanction process and its impact on benefits and services are significant. TANF customers need to be informed about how the new law will be implemented as soon as the new law goes into effect on April 1, 2018 and begins to impact their benefits. Therefore, it is imperative to enact these rules on an emergency basis so that these vulnerable District families are aware of the impact that failure to comply with the terms of their Individual Responsibility Plan (IRP) and work requirements will have on their benefit levels as soon as the new law is in effect.

DHS adopted the emergency rules on April 1, 2018, and they will go into effect the same day. The emergency rules shall remain in effect until July 30, 2018; one hundred twenty (120) days after the rules were adopted, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director gives notice of the intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29 DCMR, PUBLIC WELFARE, is amended to read as follows:

5812 SANCTIONS

5812.1 A non-exempt TANF customer (Customer) is required to comply with his or her negotiated TANF Individual Responsibility Plan (IRP) as approved by the Director or his or her designee, or meet his or her work requirements, as set forth in D.C. Official Code §§ 4-205.19b and 4-205.19d. DHS shall impose sanctions upon Customers who, without good cause, are in non-compliance with this requirement, as defined in § 5812.3.

5812.2 Each TANF customer is assigned to a primary TANF Service Provider (the Primary Provider) who shall track and report to DHS whether each Customer has met the hours of participation in work or other activities required by his or her IRP. The Primary Provider shall begin to track and report this information upon assignment. However, for the purpose of compliance as it relates to sanctions, DHS will start counting those hours beginning with the second Monday following the date DHS assigns the Customer to the Primary Provider. Hours of participation that DHS does not consider for purposes of sanctioning a Customer under § 5812 may still count towards the Customer's eligibility for work participation allowances and incentives under § 5813.

5812.3 "Non-compliance" for purposes of § 5812.1 is defined as not meeting the hours of participation in work or other activities required by the Customer's IRP aggregated over any four (4) week period. Hours shall be aggregated over four (4) consecutive weeks except when a Customer is re-assigned to a new Primary Provider. When a Customer is re-assigned to a new Primary Provider, weeks prior to the re-assignment shall be aggregated with weeks following the second Monday after the Customer is re-assigned. Weeks between a re-assignment and the second Monday following a re-assignment shall be disregarded for purposes of aggregating hours. Hours of participation that DHS does not consider for purposes of sanctioning a Customer under § 5812 may still count towards the Customer's eligibility for work participation allowances and incentives under § 5813.

5812.4 Each Provider shall conduct outreach to each Customer assigned to it to engage and support the Customer with meeting his or her participation hours at least three (3) times within any period of non-compliance, as defined in § 5812.3.

5812.5 When a Primary Provider notifies DHS that a Customer has not met the hours of participation in work or other activities required by his or her IRP

aggregated over four (4) weeks, DHS shall conduct a review of all relevant information to determine whether there exists any known basis for an exemption or good cause reason for non-compliance. Information to be reviewed shall include the Provider's outreach and engagement efforts, DHS records, and other relevant records and information available to DHS.

5812.6 If upon completion of the DHS review required by § 5812.5, DHS determines that a Customer is non-compliant as defined by § 5812.3, DHS shall send a written notice of the intent to sanction to the Customer's last known address at least fifteen (15) days prior to the day the sanction will begin. The notice shall state:

- (a) That the Customer is non-compliant with the requirements of § 5812.1 and is subject to a sanction;
- (b) The basis for non-compliance, including the period over which the Customer was found to be non-compliant;
- (c) The date the sanction will be imposed, and the consequences of the sanction; and
- (d) The name, address, phone, and fax number of the Provider and person to contact for questions.

5812.7 The DHS notice of intent to sanction required by section 5812.6 shall be provided in accordance with D.C. Official Code § 4-205.55.

5812.8 When a Customer fails to meet the requirements of § 5812.1, DHS shall sanction the adult member or members of the assistance unit by reducing the twenty percent (20%) portion of the TANF benefits designated for the adult member or members of the assistance unit by thirty percent (30%). This equates to an aggregate grant reduction of 6%.

5812.9 Repealed.

5812.10 Repealed.

5812.11 A Customer subject to sanction shall have the right to appeal a sanction through an administrative review and a fair hearing, pursuant to D.C. Official Code § 4-210.01 *et seq.* The Customer has the right to appeal the sanction on the following grounds:

- (a) The Customer timely submitted hard copy documentation to his or her Provider(s) or DHS that supports:

- (1) A good cause reason for non-compliance in accordance with § 5810.3;
 - (2) An exemption from work participation requirements in accordance with § 5809; or
 - (3) Compliance with the requirements of § 5812.1 during the period of non-compliance; and
 - (4) The Customer's Provider or DHS did not act on or approve documentation provided.
- (b) The Provider or DHS failed to meet the due process requirements under this section.

5812.12 The sanction shall be imposed for a minimum of four (4) consecutive weeks and thereafter shall be lifted when the Customer demonstrates compliance with the requirements of § 5812.1 for at least four (4) consecutive weeks or becomes exempt from TANF work requirements. Any Customer subject to a sanction under this section shall remain entitled to earn TANF work participation allowances and incentives while sanctioned.

5812.13 Providers shall continue to conduct outreach to each Customer assigned to them while the Customer is sanctioned under this section. Sanctioned Customers may be removed from assignment to the Provider unless the Provider requests that the customer not be removed.

All persons who desire to comment on these proposed rules should submit their comments in writing to the Department of Human Services, 64 New York Avenue, N.E., 6th Floor, Washington, D.C. 20002, Attn: Anthea Seymour, Administrator, Economic Security Administration or by email to Anthea.Seymour@dc.gov. All comments must be received by the Department of Human Services not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of these rules and related information may be obtained by writing to the above address, or by calling the Department of Human Services at (202) 671-4200.

DISTRICT DEPARTMENT OF TRANSPORTATION

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

The Director of the District Department of Transportation (DDOT), pursuant to the authority set forth in Sections 3(b), 5(a)(3)(E), 6(b), and 7 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02(b), 50-921.04(a)(3)(E), 50-921.05(b), and 50-921.06 (2014 Repl. & 2017 Supp.)), and Sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code §§ 50-2201.03(a)(1), (a)(6), and (b) (2014 Repl.)), hereby gives notice of the adoption on an emergency basis, and the intent to adopt on a final basis, amendments to Chapter 24 (Stopping, Standing, Parking, and Other Non-Moving Violations) of Title 18 (Vehicles and Traffic) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking amends, and the proposed rulemaking would amend, Title 18 to exempt Farmers' Markets participating in both the Farmers' Market Nutrition Program (FMNP) and the Supplemental Nutrition Assistance Program (SNAP) from any parking meter fees incurred as a result of temporary parking restrictions caused by their occupancy of public space.

The emergency rulemaking is necessitated by an immediate need to preserve the public welfare by allowing these Farmers' Markets to continue to operate in the District, thereby providing healthy food options to DC residents receiving FMNP and SNAP benefits. Through regulations and agency policy, DDOT has expressed a continued interest in seeing Farmers' Markets available to the public in general and those residents in most need of their benefits in particular.

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

This emergency rule was adopted on April 26, 2018, and became effective immediately. This emergency rule will remain in effect until August 24, 2018, one hundred twenty (120) days from the date it was adopted, or upon publication of a Notice of Final Rulemaking in the *DC Register*, whichever occurs first.

Chapter 24, STOPPING, STANDING, PARKING, AND OTHER NON-MOVING VIOLATIONS, of Title 18, VEHICLES AND TRAFFIC, of the DCMR is amended as follows:

Section 2407, TEMPORARY AND EMERGENCY PARKING RESTRICTIONS, is amended by inserting three new Subsections 2407.28 through 2407.30, to read as follows:

2407.28 Parking shall be prohibited on streets for which Farmers' Market permits have been issued by the Director.

- 2407.29 The District shall not charge a fee under this section to any non-government organization operating a Farmers' Market; provided, that the Farmers' Market participates in the Farmers Market Nutrition Program as defined in 42 U.S.C. § 1786(m)(1) ("FMNP"), and the Supplemental Nutrition Assistance Program as defined in 7 U.S.C. § 2012(t) ("SNAP").
- 2407.30 The District shall charge a fee equal to the fee established in Subsection 20 of this section to a Farmers' Market operated by a District Government agency or Federal Government agency regardless of participation in FMNP and SNAP.

Section 2499, DEFINITIONS, is amended by inserting two new Subsections 2499.2 and 2499.3, to read as follows:

- 2499.2 For the purposes of this chapter, a Farmers' Market is defined as a public market where at least seventy five percent (75%) of the vendors are selling agricultural produce.
- 2499.3 For the purposes of this chapter, a public market is defined as a vending operation which takes place in an area of public space set aside and permitted on a regular basis for the sale of goods, merchandise, and services provided on site.

All persons interested in commenting on the subject matter in this proposed rulemaking may file comments in writing, not later than thirty (30) days after the publication of this notice in the *D.C. Register*, with Faye Dastgheib, Policy Analyst, Policy and Legislative Affairs Division, Office of the Director, District Department of Transportation, 55 M Street, S.E., 7th Floor, Washington D.C. 20003. An interested person may also send comments electronically to publicspace.policy@dc.gov. Copies of this proposed rulemaking are available, at cost, by writing to the above address, and are also available electronically, at no cost, on the District Department of Transportation's website at www.ddot.dc.gov.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

Z.C. Case No. 18-02

(Text Amendments to - 11-U DCMR)

(To Allow Veterinary Hospitals and Veterinary Boarding Hospitals as Special Exceptions when Abutting an Existing Residential Use in a Mixed-Use Building and to Permit such Hospitals to Board Domesticated Dogs)

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797), as amended; D.C. Official Code § 6-641.01 (2012 Repl.), and the authority set forth in § 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c) (2016 Repl.)), and in accordance with the requirements of Section 311 of Title 1 (Mayor And Executive Agencies), Chapter 3 (Rules of the Office of Documents and Administrative Issuances) of the District of Columbia Municipal Regulations (DCMR), hereby gives notice of the adoption, on an emergency basis, of amendments to §§ 508, 511, and 513 of Subtitle U (Use Permissions), of Title 11 (Zoning Regulations of 2016) of the DCMR.

The proposed amendments concern the special exception approval of veterinary hospitals and veterinary boarding hospitals in those zones to which MU-Use Groups C, D, and E apply, which are currently:

MU-Use Group C	MU-Use Group D	MU-Use Group E
MU-12, MU-13, MU-14 CG-5 CG-6 CG-7	MU-3	MU-4, MU-5, MU-6 MU-17, MU-18, MU-19 MU-24, MU-25 MU-26, MU-27 CG-2

Though veterinary hospitals are permitted by special exception in these zones, among the conditions applicable to the use is that it may not abut existing residential uses or board domesticated dogs. Veterinary boarding hospitals are not expressly permitted by special exception in these zones and are only mentioned in the applicable MU-Use Group C provision with respect to limiting the gross floor area that may be devoted to the boarding of animals. The proposed amendments would clarify that veterinary boarding hospitals are also permitted by special exception in these zones, and permit veterinary boarding hospitals and veterinary hospitals to abut existing residential uses in mixed-use buildings if certain conditions are met. The boarding of domesticated dogs will also be permitted,

The petitioner requested, and the Commission agreed, that these proposed amendments should be adopted on an emergency basis, since much of the District’s development and population growth in recent years has been along mixed-use corridors yet the District’s ratio of veterinary hospitals to households is substantially lower than other markets with only one veterinary hospital per

27,000 households even though 40% of renters in the District own pets. Given the apparent lack of animal care facilities in the District, the Commission found emergency adoption of these amendments necessary “for the immediate . . . promotion of the public . . . welfare . . .” 1 DCMR § 311.5(d)

The Commission adopted these emergency rules at the close of its public hearing held on Thursday, April 12, 2018, at which time the amendments became effective. The emergency rules shall remain in effect until August 10, 2018 (one hundred and twenty (120) days from the adoption date), unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Title 11 DCMR (Zoning Regulations of 2016) is amended as follows: (additions are shown in **bold underlined** text and deletions are shown in ~~strikethrough~~ text):

Chapter 5, USE PERMISSIONS MIXED-USE (MU) ZONES, of Title 11-U DCMR, USE PERMISSIONS, is amended as follows:

Section 508, SPECIAL EXCEPTION USES (MU-USE GROUP C), is amended as follows:

Paragraph (k) of Subsection 508.1 is amended to read as follows:

508.1 Unless specifically prohibited by Subtitle U § 509, the following uses shall be permitted in MU-Use Group C if approved by the Board of Zoning Adjustment as a special exception under Subtitle X, Chapter 9, subject to the following conditions:

...

(k) Veterinary office, hospital, **or boarding hospital** subject to the following conditions:

- (1) A veterinary hospital **or veterinary boarding hospital** may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808~~(h)~~(j)(1), ~~except domesticated dogs~~;
- (2) No more than fifty percent (50%) of the gross floor area of the veterinary boarding hospital may be devoted to the boarding of animals;
- (3) The veterinary hospital **or veterinary boarding hospital** shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;

- (4) The veterinary hospital or veterinary boarding hospital shall not abut an existing residential use or a residential zone; unless the existing residential use is in a mixed-use building and the applicant demonstrates that:
- (A) The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;
- (B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;
- (C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;
- (D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and
- (E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;
- (5) External yards or other external facilities for the keeping of animals shall not be permitted; and
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and

...

Section 511, SPECIAL EXCEPTION USES (MU-USE GROUP D), is amended as follows:

Paragraph (m) of Subsection 511.1 is amended to read as follows:

511.1 The following uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9, subject to the provisions of this section.

...

- (m) Veterinary office or hospital, **or veterinary boarding hospital** subject to the following conditions:
- (1) A veterinary hospital **or veterinary boarding hospital** may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(j)(1), ~~except domesticated dogs~~;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals;
 - (3) The veterinary hospital **or veterinary boarding hospital** shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital **or veterinary boarding hospital** shall not abut an existing residential use or a residential zone; **unless the existing residential use is in a mixed-use building and the Applicant demonstrates that:**
 - (A) **The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;**
 - (B) **The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;**
 - (C) **Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;**
 - (D) **Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and**
 - (E) **Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight**

inches (48 in.) from the floor, shall be impervious and washable;

- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties.

Section 513, SPECIAL EXCEPTION USES (MU-USE GROUP E), is amended as follows:

Paragraph (I) of Subsection 513.1 is amended to read as follows:

513.1 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 the provisions of this section

...

- (I) Veterinary office or hospital, **or veterinary boarding hospital** subject to the following conditions:
 - (1) A veterinary hospital **or veterinary boarding hospital** may board any animal permitted to be lawfully sold in the District of Columbia, pursuant to D.C. Official Code § 8-1808(h)(j)(1), ~~except domesticated dogs~~;
 - (2) No more than fifty percent (50%) of the gross floor area of the veterinary hospital may be devoted to the boarding of animals ~~subject to the spacing requirements of Subtitle U § 513.2(a)~~;
 - (3) The veterinary hospital **or veterinary boarding hospital** shall be located and designed to create no objectionable conditions to adjacent properties resulting from animal noise, odor, or waste;
 - (4) The veterinary hospital **or veterinary boarding hospital** shall not abut an existing residential use or a residential zone; **unless the existing residential use is in a mixed-use building and the Applicant demonstrates that:**
 - (A) **The building was designed and constructed or will be re-designed and renovated to mitigate noise to limit**

negative impacts on residential units that the use will abut, including the use of acoustical tiles, caulking to seal penetrations made in floor slabs for pipes, and spray-on noise insulation;

(B) The windows and doors of the space devoted to the veterinary hospital or veterinary boarding hospital use shall be kept closed, and all doors facing a residential use will be solid core;

(C) Animal waste shall be placed in closed waste disposal containers located in enclosed areas or away from abutting or confronting residential windows and doors; and shall be collected by a waste disposal company at least weekly;

(D) Odors will be controlled by means of an air filtration system or an equivalently effective odor control system; and

(E) Floor finish material, areas intended to be wet, and wall finish materials measured a minimum of forty-eight inches (48 in.) from the floor, shall be impervious and washable;

- (5) External yards or other external facilities for the keeping of animals shall not be permitted;
- (6) Pet grooming, the sale of pet supplies, and incidental boarding of animals as necessary for convalescence, are permitted as accessory uses; and
- (7) The Board of Zoning Adjustment may impose additional requirements as it deems necessary to protect adjacent or nearby properties; and

...

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, 441 4th Street, N.W., Suite 200-S, Washington, D.C. 20001, or signed electronic submissions may be submitted in PDF format to zcsubmissions@dc.gov. Ms. Schellin may also be contacted by telephone at (202) 727-6311 or by email: at 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 2018-044
May 2, 2018

SUBJECT: Delegation – Authority Pursuant to D.C. Law 17-151, the Clean Cars Act of 2008


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 the Clean Cars Act of 2008 (“Act”), effective May 13, 2008, D.C. Law 17-151; D.C. Official Code §§ 50-731 and 50-732 (2012 Repl.), it is hereby **ORDERED** that:

1. The Director of the Department of Energy and Environment ("**Director**") is delegated the Mayor’s authority to implement and enforce Section 2 of the Act.
2. The authority delegated herein may be further delegated to subordinates under the jurisdiction of the Director.
3. This Order supersedes all previous Mayor’s Orders to the extent of any inconsistency therein.
4. **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, MAY 9, 2018
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Donovan W. Anderson, Chairperson
Members: Nick Alberti, Mike Silverstein,
James Short, Donald Isaac, Sr., Bobby Cato, Rema Wahabzadah,

- Protest Hearing (Status)** **9:30 AM**
Case # 18-PRO-00013, DC Three Lessee, LLC t/a Hotel Rouge, 1315 16th Street NW, License #79244, Retailer CH, ANC 2B
Substantial Change (Construction of a Rooftop Penthouse w/ Occupancy of 77 Seats, Rooftop Summer Garden With 73 Seats (No Amplified Music or Live Music)
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17-CIT-00068, Billy Martin Tavern LLC t/a Billy Martin Tavern, 1264 Wisconsin Street NW, License #60407, Retailer CR, ANC 2E
Failed to File Quarterly Statement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17- CMP-00665, Addis Ethiopian Restaurant, LLC, t/a Addis Ethiopian, Restaurant, 707 H Street NE, License #97534, Retailer CR, ANC 6C
No ABC Manager on Duty, Failed to File and Maintain Invoices and Delivery Slips, Purchased Alcohol from an off-premises retailer, Failed to Obtain Importation Permit, Violation of Settlement Agreement
- Show Cause Hearing (Status)** **9:30 AM**
Case # 17-CC-00137, CLPF-CC Pavilion Operating Co., LLC t/a Embassy Suites, 5335 Wisconsin Ave NW, License #74223, Retailer CH, ANC 3E
Sale to Minor Violation

Board's Calendar

May 9, 2018

Show Cause Hearing (Status)

9:30 AM

Case # 17-CC-00117, Li, LLC t/a Mason Inn, 2408 Wisconsin Ave NW,
License #104588, Retailer CT, ANC 3B

Sale to Minor Violation

Show Cause Hearing (Status)

9:30 AM

Case # 17-CMP-00729, Green Island Heaven and Hell, Inc., t/a Green Island
Café/Heaven & Hell, 2327 18th Street NW, License #74503, Retailer CT,
ANC 1C

Failed to Comply with Board Order

Fact Finding Hearing*

11:00 AM

Jefferson Grill, Inc., t/a Macombo Lounge, 5335 Georgia Ave NW, License
#771, Retailer CN, ANC 4D

Request for a Hearing

BOARD RECESS AT 12:00 PM

ADMINISTRATIVE AGENDA

1:00 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
LICENSING AGENDA

WEDNESDAY, MAY 9, 2018 AT 1:00 PM
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request for Change of Hours of Operation for Sidewalk Café to open earlier. *Approved Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday 10am to 11pm, Monday-Thursday 5pm to 11pm, Friday-Saturday 5pm-12am. *Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption for Sidewalk Café:* Sunday-Thursday 10am to 11pm, Friday-Saturday 10am-12am. ANC 3E. SMD 3E01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No conflict with Settlement Agreement. *Tenley Grill*, 4611 41st Street NW, Retailer CR, License No. 098973.

 2. Review Application for Entertainment Endorsement to provide Live Entertainment with Dancing and Cover Charge. *Proposed Hours of Live Entertainment:* Sunday-Saturday 7am to 12am. ANC 5C. SMD 5C04. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Supreme Core Craft Cider*, 2406-2408 T Street NE, Manufacturer A, License No. 105787.
-

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA (C AND D RETAILERS)

WEDNESDAY, MAY 9, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-072685 – **Las Canteras** – Retail – C – Restaurant – 2307 18th Street NW
[The Licensee did not pay third year payment.]

ABRA-097148 – **Beefsteak** – Retail – C – Restaurant – 800 22nd Street NW
[The Licensee did not pay third year payment.]

ABRA-060553 – **Mr Chen's** – Retail – C – Restaurant – 2604 Connecticut Avenue NW
[The Licensee did not pay third year payment.]

ABRA-024197 – **Habana Village** – Retail – C – Restaurant – 1834 Columbia Road NW
[The Licensee did not pay third year payment.]

ABRA-088675 – **Kitty's Saloon** – Retail – C – Restaurant – 1208 H Street NE
[The Licensee did not pay third year payment.]

ABRA-085467 – **Terasol** – Retail – C – Restaurant – 5010 Connecticut Avenue NW
[The Licensee did not pay third year payment.]

ABRA-097534 – **Addis Ethiopian Restaurant** – Retail – C – Restaurant – 707 H Street NE
[The Licensee did not pay second or third year payments.]

ABRA-105010 – **Jenkins Capital BBQ** – Retail – C – Restaurant – 3365 14th Street NW
[The Licensee did not pay third year payment.]

ABRA-060735 – **La Tasca** – Retail – C – Restaurant – 722 7th Street NW
[The Licensee did not pay third year payment.]

ABRA-098831 – **Boss Burger** – Retail – C – Restaurant – 1931 14th Street, NW
[The Licensee did not pay third year payment.]

ABRA-100284 – **Tasty Burger** – Retail – C – Restaurant – 2108 8th Street NW
[The Licensee did not pay third year payment.]

ABRA-102955 – **Luna Grill & Diner DC** – Retail – C – Restaurant – 1301 Connecticut Avenue NW
[The Licensee did not pay third year payment.]

ABRA-076457 – **Co Co Sala** – Retail – C – Restaurant – 927 F Street NW
[The Licensee did not pay third year payment.]

ABRA-020455 – **Nina's Dandy** – Retail – C – Restaurant – 0 Prince Street, Alexandria, VA
[The Licensee did not pay third year payment.]

ABRA-085903 – **Cheers @ The Big Chair** – Retail – C – Restaurant – 2122 Martin Luther King Jr. Avenue SE
[The Licensee did not pay third year payment.]

ABRA-101229 – **Taco-Ma Yucatan Chicken** – Retail – C – Restaurant – 353 Cedar Street NW
[The Licensee did not pay third year payment.]

ABRA-103272 – **Amsterdam Falafelshop of 14th St.** – Retail – D – Restaurant – 1830 14th Street NW
[The Licensee did not pay third year payment.]

ABRA-001133 – **Restaurant Associates** – Retail – C – Restaurant – 2700 F Street NW
[The Licensee did not pay third year payment.]

ABRA-098308 – **Beefsteak** – Retail – C – Restaurant – 1528 Connecticut Avenue NW
[The Licensee did not pay third year payment.]

ABRA-102120 – **Beefsteak** – Retail – C – Restaurant – 4531 Wisconsin Avenue NW
[The Licensee did not pay third year payment.]

ABRA-077111 – **Cork** – Retail – C – Restaurant – 1720 14th Street NW
[The Licensee did not pay third year payment.]

ABRA-026006 – **Banana Cafe And Piano Bar** – Retail – C – Restaurant – 500 8th Street SE
[The Licensee did not pay third year payment.]

ABRA-105694 – **Rare Steaks and Seafood** – Retail – C – Restaurant – 1595 I Street NW
[The Licensee did not pay third year payment.]

ABRA-099889 – **Prospect DC** – Retail – C – Restaurant – 1214 U Street NW
[The Licensee did not pay third year payment.]

ABRA-100275 – **The Wydown Coffee Bar** – Retail – C – Restaurant – 1924 14th Street NW
[The Licensee did not pay third year payment.]

ABRA-103934 – **On Rye** – Retail – C – Restaurant – 740 6th Street NW
[The Licensee did not pay third year payment.]

ABRA-076380 – **Aoi Japanese Restaurant** – Retail – C – Restaurant – 1100 New York Avenue NW
[The Licensee did not pay third year payment.]

ABRA-095796 – **Plan B Burger Bar** – Retail – C – Restaurant – 801 Pennsylvania Avenue NW
[The Licensee did not pay third year payment.]
Decision: Approved, 5-0. See Board Order No. 2018-237.

ABRA-074333 – **Casbah Cafe/Ledo Pizza Restaurant** – Retail – C – Restaurant – 1721 Wisconsin Avenue NW
[The Licensee did not pay third year payment.]

ABRA-087627 – **Spectrum** – Retail – C – Multipurpose – 1299 Pennsylvania Avenue NW

[The Licensee did not pay third year payment.]

ABRA-095180 – **Fasika Ethiopia Cuisine** – Retail – C – Restaurant – 1924 9th Street NW
[The Licensee did not pay third year payment.]

ABRA-097603 – **Basil Thai Restaurant** – Retail – C – Restaurant – 1608 Wisconsin Avenue
NW
[The Licensee did not pay third year payment.]

ABRA-087574 – **New District Kitchen** – Retail – C – Restaurant – 238 12th Place NE
[The Licensee did not pay third year payment.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA (CATERERS)

WEDNESDAY, MAY 9, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-096393 – **Tortoise & Hare Bar** – Caterer – 567 23rd Street, South Arlington, VA
[The Licensee did not pay third year fee.]

ABRA-077045 – **Restaurant Associates, Inc.** – Caterer – 2700 F Street NW
[The Licensee did not pay third year fee.]

ABRA-085884 – **Cork** – Caterer – 1720 14th Street NW
[The Licensee did not pay third year fee.]

ABRA-096988 – **Lebanese Taverna Market/ Catering** – Caterer – 4400 Old Dominion Drive, Arlington, VA
[The Licensee did not pay third year fee.]

ABRA-101345 – **Haute Saison Catering** – Caterer – 1110 Congress Street NE
[The Licensee did not pay third year fee.]

ABRA-103546 – **Bluejacket** – Caterer – 300 Tingey Street SE
[The Licensee did not pay third year fee.]

ABRA-107784 – **Future of Sports** – Caterer – 700 H Street NE
[The Licensee did not pay third year fee.]

ABRA-107866 – **Matchbox** – Caterer – 521 8th Street SE
[The Licensee did not pay third year fee.]

ABRA-108124 – **Rare Steaks and Seafood** – Caterer – 1595 I Street NW
[The Licensee did not pay third year fee.]

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
CANCELLATION AGENDA (CLASS A)

WEDNESDAY, MAY 9, 2018
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

The Board will be cancelling the following licenses for the reasons outlined below:

ABRA-092739 – **Barrel One** – Wholesaler – A – 500 Emerson Street NE
[The Licensee did not renew.]

ABRA-095818 – **Gallagher & Graham Fine Spirits** – Retail – A – Liquor Store - 1939 12th Street NW
[The Licensee did not renew.]

ABRA-103795 – **Local Vine** – Retail – A – Liquor Store - 1575 New York Avenue NE
[The Licensee did not renew.]

ABRA-077663 – **Tunnel Fine Wines & Spirit** – Retail – A – Liquor Store - 311 H Street NW
[The Licensee did not renew.]

ABRA-011823 – **Best-In Liquors** – Retail – A – Liquor Store - 1450 P Street NW
[The Licensee did not renew.]

ABRA-060423 – **Capitol City Wine & Spirits** – Retail – A – Liquor Store - 500 K Street NW
[The Licensee did not renew.]

ABRA-093868 – **Premier Wines** – Retail – A – Internet – 2414 Douglas Street NE
[The Licensee did not renew.]

BRIDGES PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO ENTER SOLE SOURCE CONTRACTS****Student Assessment Services**

Bridges Public Charter School intends to enter into a sole source contract with The Achievement Network for student assessment services to help identify and close gaps in student learning for the upcoming school year.

- Bridges Public Charter School constitutes the sole source for The Achievement Network for student assessment services that will lead to student achievement.
- For further information regarding this notice contact bids@bridgespcs.org no later than **4:00 pm Monday, May 14, 2018.**

Literacy Lab Services

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

- Bridges Public Charter School establishes the sole source with The Literacy Lab intended for the low cost and high quality initiatives in reading as a fundamental that will lead to student achievement.
- For further information regarding this notice, contact bids@bridgespcs.org no later than **4:00 pm Monday, May 14, 2018.**

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

Bridges Public Charter School in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995 solicits proposals for SY 18-19

- IT Services
- Janitorial Services

Proposals should be submitted in PDF format and for any further information regarding this notice to bids@bridgespcs.org no later than **4:00 pm Monday, May 14, 2018**.

CARLOS ROSARIO PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Assessment**

The CR School is looking to solicit bids from qualified firms to conduct an assessment of the School's information technology. For further information, please contact Jerry Luna at jluna@carlosrosario.org. All Bids are due by 4pm on May 16, 2018.

DIGITAL PIONEERS ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Multiple Services**

Digital Pioneers Academy PCS is seeking bids from prospective candidates to provide:

- Facilities Maintenance
- School Furniture
- School Printers
- School Security Services
- Staff Technology
- Student Food Services
- Student Technology
- Student Transportation Services

Proposals are due no later than May 25, 2018. For the full RFP, please email nfarshchi@digitalpioneersacademy.org

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS

**Certification of Filling a Vacancy
In Advisory Neighborhood Commission**

Pursuant to D.C. Official Code §1-309.06(d)(6)(D), If there is only one person qualified to fill the vacancy within the affected single-member district, the vacancy shall be deemed filled by the qualified person, the Board hereby certifies that the vacancy has been filled in the following single-member district by the individual listed below:

Michael Austin
Single-Member District 8C01

DISTRICT OF COLUMBIA**BOARD OF ELECTIONS**

Pursuant to D.C. Official Code 1-1001.05(a)(5), the District of Columbia Board of Elections hereby publishes these fictitious ballots to show the design and layout of the Democratic, Republican, DC Statehood Green, Libertarian, and No Party (independent) ballots that will be used in the June 19, 2018 Primary Election. These ballots reflect the candidate contests to be held within each party primary, but not the actual names or number of candidates running in these contests. In addition, the contests listed on each of the fictitious party ballots will only appear on the official ballots for which they are appropriate. For example, while all of the ward-based contests are listed on the fictitious party ballots, Ward One contests will only appear on the official Ward One ballots, Ward Two contests will only appear on the official Ward Two ballots, etc.

Sample copies of the official ballots that will be used in the June 19, 2018 Primary Election will be published in at least one newspaper of general circulation the week of May 29, 2018.

For more information, please contact:

Board of Elections
1015 Half Street, S.E.,
Suite 750
Washington, D.C. 20003
202-727-2525

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

FICTITIOUS BALLOT PRIMARY ELECTION DEMOCRATIC BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018		BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA DEMÓCRATA DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018	
INSTRUCTIONS TO VOTER 1. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice. 2. Use only a blue or black ink pen. 3. If you make a mistake, ask for a new ballot. 4. For a Write-in candidate, darken the oval and write the name of the person on the line.		INSTRUCCIONES PARA EL VOTANTE 1. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovalo (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato. 2. Use solamente un bolígrafo azul o negro. 3. Si comete un error, pida una nueva boleta. 4. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.	
FEDERAL FEDERAL	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	
DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA DELEGADO A LA CÁMARA DE REPRESENTANTES POR EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	AT-LARGE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR TODO EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD FIVE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO CINCO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	
DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	WARD ONE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO UNO DEL DISTRITO DE COLUMBIA	WARD SIX MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO SEIS DEL DISTRITO DE COLUMBIA	
MAYOR OF THE DISTRICT OF COLUMBIA ALCALDE DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA PROCURADOR GENERAL POR EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	
CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA PRESIDENTE DEL CONCEJO DEL DISTRITO DE COLUMBIA	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	CONTINUED ON NEXT PAGE	
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	Continúa en la siguiente página	

<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES THE DISTRICT OF COLUMBIA DEMOCRATIC STATE COMMITTEE CARGOS LOCALES DEL PARTIDO COMITÉ ESTATAL DEMÓCRATA DEL DISTRITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES THE DISTRICT OF COLUMBIA DEMOCRATIC STATE COMMITTEE CARGOS LOCALES DEL PARTIDO COMITÉ ESTATAL DEMÓCRATA DEL DISTRITO DE COLUMBIA</p>
<p>UNITED STATES SENATOR SENADOR DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>AT-LARGE COMMITTEEMAN MIEMBRO POR TODO EL DISTRITO VOTE FOR NOT MORE THAN SEVEN (7) NO VOTE POR MÁS DE SIETE (7)</p>	<p>WARD THREE COMMITTEEWOMAN MIEMBRA POR EL DISTRITO TRES VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>
<p>UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD ONE COMMITTEEWOMAN MIEMBRA POR EL DISTRITO UNO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD THREE COMMITTEEMAN MIEMBRO POR EL DISTRITO TRES VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>
<p>LOCAL PARTY OFFICES THE DISTRICT OF COLUMBIA DEMOCRATIC STATE COMMITTEE CARGOS LOCALES DEL PARTIDO COMITÉ ESTATAL DEMÓCRATA DEL DISTRITO DE COLUMBIA</p>	<p>WARD ONE COMMITTEEMAN MIEMBRO POR EL DISTRITO UNO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD FOUR COMMITTEEWOMAN MIEMBRA POR EL DISTRITO CUATRO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>
<p>NATIONAL COMMITTEEWOMAN MIEMBRA POR TODA LA NACIÓN VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p>WARD TWO COMMITTEEWOMAN MIEMBRA POR EL DISTRITO DOS VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD FOUR COMMITTEEMAN MIEMBRO POR EL DISTRITO CUATRO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>
<p>NATIONAL COMMITTEEMAN MIEMBRO POR TODA LA NACIÓN VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p>WARD TWO COMMITTEEMAN MIEMBRO POR EL DISTRITO DOS VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>CONTINUED ON NEXT PAGE Continúa en la siguiente página</p>
<p>AT-LARGE COMMITTEEWOMAN MIEMBRA POR TODO EL DISTRITO VOTE FOR NOT MORE THAN SEVEN (7) NO VOTE POR MÁS DE SIETE (7)</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>		

<p>LOCAL PARTY OFFICES THE DISTRICT OF COLUMBIA DEMOCRATIC STATE COMMITTEE CARGOS LOCALES DEL PARTIDO COMITÉ ESTATAL DEMÓCRATA DEL DISTRITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES THE DISTRICT OF COLUMBIA DEMOCRATIC STATE COMMITTEE CARGOS LOCALES DEL PARTIDO COMITÉ ESTATAL DEMÓCRATA DEL DISTRITO DE COLUMBIA</p>	<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p> <p>INITIATIVE MEASURE No. 77 INICIATIVA NÚMERO 77</p> <p><input type="radio"/> Yes/Sí <input type="radio"/> No/No</p>
<p>END OF BALLOT FIN DE LA BOLETA</p>		
<p>WARD FIVE COMMITTEEWOMAN MIEMBRA POR EL DISTRITO CINCO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD SEVEN COMMITTEEWOMAN MIEMBRA POR EL DISTRITO SIETE VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD FIVE COMMITTEEMAN MIEMBRO POR EL DISTRITO CINCO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD SEVEN COMMITTEEMAN MIEMBRO POR EL DISTRITO SIETE VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD SIX COMMITTEEWOMAN MIEMBRA POR EL DISTRITO SEIS VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD EIGHT COMMITTEEWOMAN MIEMBRA POR EL DISTRITO OCHO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD SIX COMMITTEEMAN MIEMBRO POR EL DISTRITO SEIS VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	<p>WARD EIGHT COMMITTEEMAN MIEMBRO POR EL DISTRITO OCHO VOTE FOR NOT MORE THAN TWO (2) NO VOTE POR MÁS DE DOS (2)</p>	
<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito</p>	

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

<p>FICTITIOUS BALLOT PRIMARY ELECTION FEDERAL BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018</p>	<p>BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA FEDERAL DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018</p>	
<p>INSTRUCTIONS TO VOTER</p> <p>5. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.</p> <p>6. Use only a blue or black ink pen.</p> <p>7. If you make a mistake, ask for a new ballot.</p> <p>8. For a Write-in candidate, darken the oval and write the name of the person on the line.</p>	<p>INSTRUCCIONES PARA EL VOTANTE</p> <p>5. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>6. Use solamente un bolígrafo azul o negro.</p> <p>7. Si comete un error, pida una nueva boleta.</p> <p>8. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.</p>	
<p>FEDERAL FEDERAL</p>		
<p>DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA DELEGADO A LA CÁMARA DE REPRESENTANTES POR EL DISTRITO DE COLUMBIA</p> <p>VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		
<p>○ Candidate A ○ _____ Write-in Candidato por escrito</p>		

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

FICTITIOUS BALLOT PRIMARY ELECTION LIBERTARIAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018			BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA LIBERTARIA DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018		
INSTRUCTIONS TO VOTER			INSTRUCCIONES PARA EL VOTANTE		
9. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.			9. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato.		
10. Use only a blue or black ink pen.			10. Use solamente un bolígrafo azul o negro.		
11. If you make a mistake, ask for a new ballot.			11. Si comete un error, pida una nueva boleta.		
12. For a Write-in candidate, darken the oval and write the name of the person on the line.			12. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.		
FEDERAL FEDERAL	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA			
DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA DELEGADO A LA CÁMARA DE REPRESENTANTES POR EL DISTRITO DE COLUMBIA	AT-LARGE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR TODO EL DISTRITO DE COLUMBIA	WARD FIVE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO CINCO DEL DISTRITO DE COLUMBIA			
VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)			
○ Candidate A ○ _____ Write-in Candidato por escrito	○ Candidate A ○ _____ Write in Candidato por escrito	○ _____ Write-in Candidato por escrito			
DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	WARD ONE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO UNO DEL DISTRITO DE COLUMBIA	WARD SIX MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO SEIS DEL DISTRITO DE COLUMBIA			
MAYOR OF THE DISTRICT OF COLUMBIA ALCALDE DEL DISTRITO DE COLUMBIA	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA	ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA PROCURADOR GENERAL POR EL DISTRITO DE COLUMBIA			
VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)			
○ Candidate A ○ _____ Write-in Candidato por escrito	Write-in Candidato por escrito	Write-in Candidato por escrito			
CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA PRESIDENTE DEL CONCEJO DEL DISTRITO DE COLUMBIA	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA	CONTINUED ON NEXT PAGE Continúa en la siguiente página			
VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)				
○ _____ Write-in Candidato por escrito	Write-in Candidato por escrito				

<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES LIBERTARIAN PARTY OF THE DISTRICT OF COLUMBIA CARGOS LOCALES DEL PARTIDO LIBERTARIO DEL DISTRICITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES LIBERTARIAN PARTY OF THE DISTRICT OF COLUMBIA CARGOS LOCALES DEL PARTIDO LIBERTARIO DEL DISTRICITO DE COLUMBIA</p>
<p>UNITED STATES SENATOR SENADOR DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD THREE MEMBER MIEMBRO POR EL DISTRITO TRES VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>DELEGATE TO 2018 LIBERTARIAN PARTY NATIONAL CONVENTION DELEGADO A LA CONVENCION NACIONAL DEL 2018 DEL PARTIDO LIBERTARIO VOTE FOR NOT MORE THAN THREE (3) NO VOTE POR MÁS DE TRES (3)</p>
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>
<p>UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD FOUR MEMBER MIEMBRO POR EL DISTRITO CUATRO (VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p>INITIATIVE MEASURE No. 77 INICIATIVA NÚMERO 77 <input type="radio"/> Yes/Si <input type="radio"/> No/No</p>
<p>LOCAL PARTY OFFICES LIBERTARIAN PARTY OF THE DISTRICT OF COLUMBIA CARGOS LOCALES DEL PARTIDO LIBERTARIO DEL DISTRICITO DE COLUMBIA</p>	<p>WARD FIVE MEMBER MIEMBRO POE EL DISTRITO CINCO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>END OF BALLOT FIN DE LA BOLETA</p>
<p>CHAIR PRESIDENTE VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p><input type="radio"/> Candidate A</p>	<p>WARD SIX MEMBER MIEMBRO POR EL DISTRITO SEIS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>AT-LARGE MEMBER MIEMBRO POR TODO EL DISTRITO VOTE FOR NOT MORE THAN FOUR (4) NO VOTE POR MÁS DE CUATRO (4)</p>	<p>WARD SEVEN MEMBER MIEMBRO POR EL DISTRITO SIETE VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD ONE MEMBER MIEMBRO POR EL DISTRITO UNO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD EIGHT MEMBER MIEMBRO POR EL DISTRITO OCHO (VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD TWO MEMBER MIEMBRO POR EL DISTRITO DOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>		

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

<p>FICTITIOUS BALLOT PRIMARY ELECTION NONPARTISAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018</p>	<p>BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA INDEPENDIENTE DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018</p>	
<p>INSTRUCTIONS TO VOTER</p> <p>13. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.</p> <p>14. Use only a blue or black ink pen.</p> <p>15. If you make a mistake, ask for a new ballot.</p> <p>16. For a Write-in candidate, darken the oval and write the name of the person on the line.</p>	<p>INSTRUCCIONES PARA EL VOTANTE</p> <p>13. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>14. Use solamente un bolígrafo azul o negro.</p> <p>15. Si comete un error, pida una nueva boleta.</p> <p>16. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.</p>	
<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>		
<p>INITIATIVE MEASURE No. 77 INICIATIVA NÚMERO 77</p> <p>○ Yes/Si ○ No/No</p>		
<p>END OF BALLOT FIN DE LA BOLETA</p>		

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

<p>FICTITIOUS BALLOT PRIMARY ELECTION REPUBLICAN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018</p>		<p>BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA REPUBLICANA DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018</p>	
<p>INSTRUCTIONS TO VOTER</p> <p>17. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice.</p> <p>18. Use only a blue or black ink pen.</p> <p>19. If you make a mistake, ask for a new ballot.</p> <p>20. For a Write-in candidate, darken the oval and write the name of the person on the line.</p>		<p>INSTRUCCIONES PARA EL VOTANTE</p> <p>17. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato.</p> <p>18. Use solamente un bolígrafo azul o negro.</p> <p>19. Si comete un error, pida una nueva boleta.</p> <p>20. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.</p>	
<p>FEDERAL FEDERAL</p>		<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>	
<p>DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA DELEGADO A LA CÁMARA DE REPRESENTANTES POR EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		<p>AT-LARGE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR TODO EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p>○ _____ Write-in Candidato por escrito</p>		<p>○ _____ Write-in Candidato por escrito</p>	
<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>		<p>WARD ONE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO UNO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p>MAYOR OF THE DISTRICT OF COLUMBIA ALCALDE DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		<p>○ _____ Candidate A</p>	
<p>○ _____ Write-in Candidato por escrito</p>		<p>○ _____ Write-in Candidato por escrito</p>	
<p>CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA PRESIDENTE DEL CONCEJO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>		<p>WARD SIX MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO SEIS DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p>○ _____ Write-in Candidato por escrito</p>		<p>○ _____ Write-in Candidato por escrito</p>	
		<p>CONTINUED ON NEXT PAGE Continúa en la siguiente página</p>	

<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>	<p>LOCAL PARTY OFFICES OF THE DC REPUBLICAN PARTY CARGOS LOCALES DEL PARTIDO REPUBLICANO DEL DISTRITO DE COLUMBIA</p>	<p>DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA</p>
<p>UNITED STATES SENATOR SENADOR DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD FOUR CHAIRPERSON PRESIDENTE DEL DISTRITO CUATRO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>INITIATIVE MEASURE No. 77 INICIATIVA NÚMERO 77 <input type="radio"/> Yes/Si <input type="radio"/> No/No</p>
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p>END OF BALLOT FIN DE LA BOLETA</p>
<p>UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD FIVE CHAIRPERSON PRESIDENTE DEL DISTRITO CINCO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>LOCAL PARTY OFFICES OF THE DC REPUBLICAN PARTY CARGOS LOCALES DEL PARTIDO REPUBLICANO DEL DISTRITO DE COLUMBIA</p>	<p>WARD SIX CHAIRPERSON PRESIDENTE DEL DISTRITO SEIS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p>WARD ONE CHAIRPERSON PRESIDENTE DEL DISTRITO UNO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p><input type="radio"/> _____ Candidate A</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD TWO CHAIRPERSON PRESIDENTE DEL DISTRITO DOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD SEVEN CHAIRPERSON PRESIDENTE DEL DISTRITO SIETE VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	
<p>WARD THREE CHAIRPERSON PRESIDENTE DEL DISTRITO TRES VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	<p>WARD EIGHT CHAIRPERSON PRESIDENTE DEL DISTRITO OCHO VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)</p>	
<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	<p><input type="radio"/> _____ Write-in Candidato por escrito</p>	

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

FICTITIOUS BALLOT PRIMARY ELECTION DC STATEHOOD GREEN BALLOT DISTRICT OF COLUMBIA TUESDAY, JUNE 19, 2018			BOLETA DE MUESTRA ELECCIÓN PRIMARIA BOLETA VERDE ESTADISTA DE DC DISTRITO DE COLUMBIA MARTES, 19 DE JUNIO DE 2018		
INSTRUCTIONS TO VOTER 21. TO VOTE YOU MUST DARKEN THE OVAL (○) TO THE LEFT OF YOUR CHOICE COMPLETELY. An oval (●) darkened to the left of any choice indicates a vote for that choice. 22. Use only a blue or black ink pen. 23. If you make a mistake, ask for a new ballot. 24. For a Write-in candidate, darken the oval and write the name of the person on the line.			INSTRUCCIONES PARA EL VOTANTE 21. PARA VOTAR DEBE RELLENAR COMPLETAMENTE EL ÓVALO (○) A LA IZQUIERDA DE SU PREFERENCIA. Un ovaló (●) totalmente relleno a la izquierda del nombre de un candidato indica un voto por ese candidato. 22. Use solamente un bolígrafo azul o negro. 23. Si comete un error, pida una nueva boleta. 24. Para votar por un candidato por escrito, rellene el óvalo y escriba el nombre de la persona en la línea.		
FEDERAL FEDERAL	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA			
DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA DELEGADO A LA CÁMARA DE REPRESENTANTES POR EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	AT-LARGE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR TODO EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD FIVE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO CINCO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)			
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito			
DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA	WARD ONE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO UNO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD SIX MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO SEIS DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)			
MAYOR OF THE DISTRICT OF COLUMBIA ALCALDE DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA PROCURADOR GENERAL POR EL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)			
<input type="radio"/> Candidate A <input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> _____ Write-in Candidato por escrito			
CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA PRESIDENTE DEL CONCEJO DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	WARD THREE MEMBER OF THE COUNCIL OF THE DISTRICT OF COLUMBIA CONCEJAL POR EL DISTRITO TRES DEL DISTRITO DE COLUMBIA VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)	CONTINUED ON NEXT PAGE Continúa en la siguiente página			
<input type="radio"/> _____ Write-in Candidato por escrito	<input type="radio"/> _____ Write-in Candidato por escrito				

DISTRICT OF COLUMBIA DISTRITO DE COLUMBIA		
UNITED STATES SENATOR SENADOR DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)		
<input type="radio"/> _____ Write-in Candidato por escrito		
UNITED STATES REPRESENTATIVE REPRESENTANTE DE LOS ESTADOS UNIDOS VOTE FOR NOT MORE THAN ONE (1) NO VOTE POR MÁS DE UNO (1)		
<input type="radio"/> _____ Write-in Candidato por escrito		
INITIATIVE MEASURE No. 77 INICIATIVA NÚMERO 77 <input type="radio"/> Yes/Sí <input type="radio"/> No/No		
END OF BALLOT FIN DE LA BOLETA		

HEALTH BENEFIT EXCHANGE AUTHORITY**NOTICE OF PUBLIC MEETING****Executive Board of the Health Benefit Exchange Authority**

The Executive Board of the Health Benefit Exchange Authority, pursuant to the requirements of Section 6 of the Health Benefit Exchange Authority Establishment Act of 2011, effective March 2, 2012 (D.C. Law 19-0094), hereby announces a public meeting of the Executive Board. The meeting will be held at 1225 I Street, NW, 4th Floor, Washington, DC 20005 on **Wednesday, May 9, 2018 at 5:30 pm**. The call in number is 1-650-479-3208, and access code is 736 683 744. The Executive Board meeting is open to the public.

If you have any questions, please contact Debra Curtis at (202) 741-0899.

DEPARTMENT OF HEALTH CARE FINANCE

PUBLIC NOTICE

Enrollment of Intermediate Care Facilities for Individuals with Intellectual Disabilities is at Capacity

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in an Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02)(2012 Repl. & 2013 Supp.)), and the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.01 *et seq.* (2012 Repl.)), hereby gives notice that DHCF has reached capacity for Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID). Therefore, effective June 1, 2018, DHCF will deny all new applications submitted for enrollment as an ICF/IID.

Section 9401.6 of Title 29 of the District of Columbia Municipal Regulations (DCMR) allows DHCF to deny an application based on the current availability of services or supplies for beneficiaries taking into account geographic location and reasonable travel time and the number of providers of the same type of service or supplies enrolled in the same geographic area. Effective June 1, 2018, if an application is submitted by a new ICF/IID to enroll as an District of Columbia Medicaid provider, DHCF will deny the application pursuant to Section 9401.6 of Title 29 of the DCMR.

DHCF Division of Public and Private Provider Services (DPPPS), will re-evaluate the need for ICF's every 180 days and will notify the public via public notice in the *D.C. Register* when DPPPS is no longer denying ICF/IID applications pursuant to Section 9401.6 of Title 29 of the DCMR.

If you have any questions about this public notice, please contact DPPPS at 202-698-2000, or via email at dhcf.providerenrollment@dc.gov.

DEPARTMENT OF HEALTH (DC HEALTH)
OFFICE OF THE DIRECTOR
NOTICE OF FUNDING AVAILABILITY (NOFA)
OD_MG-05.11.18 (RFA)
DC Health Mini Grants

This announcement is to provide public notice of the District of Columbia Department of Health’s (DC Health) intent to make funds available to eligible organizations to deliver a one-time health promotion activity or event for District residents. The applicable Request for Applications (RFA) will be released under a separate announcement, providing additional information about eligibility and the application for the DC Health Mini-Grant Initiative, criteria for selection and terms and conditions for receipt of an award.

General Information:

Funding Opportunity Title:	DC Health Mini Grants 2018
Funding Opportunity Number:	FO-PG-00002-001
Program RFA ID#:	OD_MG-05.11.18
Opportunity Category:	Competitive
DOH Administrative Unit:	Office of the Director (OD)
DOH Program Bureau	Office of Grants Management (OGM)
Program Contact:	Diane Scroggins, Grants Management Specialist Office of Grants Management (202) 442-5973 doh.grants@dc.gov
Program Description:	DC Health will award grants to DC community-based organizations to sponsor health promotion activities or one-time events. An applicant may elect to address a health priority as outlined in the current DC Health strategic plans, or from its own strategic plan in line with its mission. Only one application will be accepted per organization for this funding opportunity. Any applicant receiving an award must complete activities prior to September 30, 2018.
Eligible Applicants	Non-profit/Not-for-Profit private organizations, faith-based organizations located and licensed to conduct business within the District of Columbia. Organizations currently receiving less than \$25,000 in DC Health funding.
Anticipated # of Awards:	–no more than 5 awards
Total Anticipated Amount Available:	\$20,000
Floor Award Amount:	\$2,000
Ceiling Award Amount:	\$5,000

Funding Authorization

Legislative Authorization	FY 18 Budget Support Act of 2017
Associated CFDA#	Not applicable
Associated Federal Award ID#	Not applicable
Cost Sharing / Match Required?	No
Multiple Applications Accepted	No*
RFA Release Date:	Friday, May 11, 2018
Pre-Application Meeting (Date)	Thursday, May 17, 2018
Pre-Application Meeting (Time)	1:00 p.m. to 2:00 p.m.
Pre-Application Meeting (Location/Conference Call Access)	899 North Capitol Street, NE Room 582** Washington, DC 20002
Letter of Intent Due date:	Not applicable
Application Deadline Dates:	Thursday, May 31, 2018
Application Deadline Time:	6:00 PM
Links to Additional Information about this Funding Opportunity	DC Grants Clearinghouse http://opgs.dc.gov/page/opgs-district-grants-clearinghouse . DC Health EGMS https://dcdoh.force.com/GO_ApplicantLogin2

Notes:

1. DC Health 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. No pre-award costs incurred by the applicant shall be reimbursed by DOH.
4. Individuals are not eligible for DC Health grant funding.
5. Applicants must have a DUNS #, Tax ID#, be registered in the federal Systems for Award Management (SAM) and the DC Health Enterprise Grants Management System (EGMS)
6. Contact the program manager assigned to this funding opportunity for additional information.
7. *Note: DC Health is forecasting another release (July) of this Mini-Grant RFA in Fiscal Year 2018.
8. **DC Health is located in a secured building. Government issued identification must be presented for entrance.

D.C. DEPARTMENT OF HUMAN RESOURCES

**NOTICE CONCERNING ATTORNEY CERTIFICATE OF GOOD STANDING
FILING REQUIREMENT**

Pursuant to D.C. Official Code § 1-608.81(a)(1), each attorney, hearing examiner, or administrative law judge who is required to be a member of the D.C. Bar as a condition of employment with the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or any independent agency, shall file a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15th of each year. The D.C. Department of Human Resources is required to publish a listing in the *D.C. Register* of those attorneys, hearing officers or administrative law judges who have not met the filing requirements, in accordance with D.C. Official Code § 1-608.81(b).

The individual(s) listed below under the name of their employing agency failed to meet the filing requirement for the year 2017:

<u>Office of the Inspector General</u>	
Name	Position Title
Denise Kiser	Attorney Advisor

PAUL PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Paul Public Charter School seeks bids for:

- Chromebooks: (Branded Lenovo, Dell, HP, Acer, ect.) must have 14 inch screens
- Chromebook Carts: (Branded Anywhere cart, Anthro cart, etc) capacity to hold at least 30 chromebooks.
- Windows PC laptops: (Branded Dell, Lenovo, HP, ect.) must contain intel processor
- Apple laptops: (Macbook, Macbook Pro, Macbook Air, etc)
- Windows Servers: (tower, rack mounted, etc) will need 2-3 servers with Windows 2016 licenses. Contractor will setup, migrate and configure all roles of current servers to Windows 2016 new servers with replication across servers.
- Intranet: looking for a contractor/consultant to design and help implement company intranet.
- Mounted Speaker Systems: upgrade of current full-court gym speaker system is needed along with the installation of a new speaker system for a dance studio.
- LaserJet Printers: printers must be Google Cloud print ready, and have USB and ethernet connection.

More information on each project is available by request. Paul Public Charter School reserves the right to cancel this RFP at any time.

Bids are due Thursday, May 10th by 4:00pm to the following location:

Paul Public Charter School
ATTN: Lamar Hyde
5800 8th St NW
Washington, DC 20011
lhyde@paulcharter.org

PAUL PUBLIC CHARTER SCHOOL

REQUEST FOR PROPOSALS

Paul Public Charter School seeks bids for:

- Bathroom Partition and Mirror Replacement: the replacement of approximately 30 bathroom partitions of various sizes, to also include removal and disposal of existing partitions. Replacement of existing mirrors in student bathrooms
- School grounds upgrade: evaluate and upgrade outdoor landscaping and grounds
- Painting: multiple projects to include classrooms, hallways, radiators, and the school auditorium
- Asphalt: two areas for repaving, striping and edging at a total of approximately 875 square feet
- Door and lock replacements: to include both indoor and outdoor single and double doors, replacements and new installs. Replacement of existing locking mechanisms on classroom doors, as needed.
- Kitchen remodel: including two areas, the main school kitchen and the remodel of a media center into a lunch room.
- Classroom remodel: split one existing copy room into an IT room and classroom, to include building a wall, accommodating new wiring, replacing doors, and other accommodations as needed
- LED lighting: to replace all light fixtures throughout the building with LED grade lights
- Composite wood deck: composite wood deck built over boiler room, approximately 3,064 square feet
- Replace existing roofing system: prime concrete and install insulation system with SBS modification bituminous system
- Water fountain replacement and installation: remove and replace existing water fountains with updated models
- Power washing: power wash full exterior of school building
- Teacher desks and student desks: remove and replace classroom furniture

More information on each project is available by request and building walk throughs are available by appointment.

Bids are due Thursday, May 10th by 4:00pm to the following location:

Paul Public Charter School
ATTN: Shelby Legel
5800 8th St NW
Washington, DC 20011
slegel@paulcharter.org

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMENDATIONS FOR APPOINTMENTS AS NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after June 1, 2018.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 27, 2018. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

Effective: June 1, 2018

Page 2

Agura	Gia Takara	Cole Group, LLC 3232 Georgia Avenue, NW, Suite 100	20010
Alexander	Megan	Carr Workplaces 1455 Pennsylvania Avenue, SE	20004
Austin	Mildred Ann	Orrick, Herrington & Sutcliffe, LLP 1152 15th Street, NW	20005
Ayele	Elfinesh	Self 513 O Street, NW	20001
Barannik	Marina	Feldesman Tucker Leifer Fidell, LLP 1129 20th Street, NW, Suite 400	20036
Beni	Juanita Arriaga	Olender Reporting 1100 Connecticut Avenue, NW	20036
Betancourt	Carlos	Constitution Title & Escrow 508 Constitution Avenue, NE	20002
Bllackett	Fenona	Global Engineering Solutions of Washington DC 5225 Wisconsin Avenue, NW, Suite 300	20015
Briggs	Charlene	United States Department of Justice 145 N Street, NE, Suite 2E101	20530
Burgess	Jeffrey C.	ATG Title 1050 Connecticut Avenue, NW	20036
Carpenter	Nichola R.	Goulston & Storrs, PC 1999 K Street, NW, Suite 500	20006
Cavazos	Kassy Jay	The Lapidus Law Firm, PLLC 1990 M Street, NW	20036
Cooper	Tiffany N.	Office of the Inspector General 717 14th Street, NW, Suite 500	20005
Darko	Janet	National League for Nursing 2600 Virginia Avenue, NW, 8th Floor	20037

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Dementeva	Tatiana	American Councils for International Education 1828 L Street, NW, Suite 1200	20036
Dixon	Sharla	Self 5661 3rd Street, NE, Apartment 129	20011
Doerre	Yvonne A.	Children's National Health System 2101 Martin Luther King Jr Avenue, SE, 5th Floor	20020
Duncan	Amy L.	Bass, Berry & Sims, PLC 1201 Pennsylvania Avenue, NW, Suite 300	20004
Edwards	Roxanne Bianca	National Association, Inc 1130 Connecticut Avenue, NW, Suite 530	20036
Fesalboni	Katrina	Citibank 1400 G Street, NW	20005
Fleming	Joyce	Squire Patton Boggs (US), LLP 2550 M Street, NW	20895
Flores	Katherine	Citibank 2101 L Street, NW	20037
Fowler	Liane K.	US Department of Justice 810 7th Street, NW	20531
Gaddis	Juan H.	Fort Lincoln Realty Company, Inc 3298 Fort Lincoln Drive, NE	20018
Gadway	Jenna	Forest City 601 L Street , SE	20003
Gaebelein	Amanda	Horton's Kids 100 Maryland Avenue, NE, Suite 520	20002
Geneti	Solomon	Bright Corporation, Inc. 932 Rhode Island Avenue, NE	20018

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Ginn-White	Earnesteen	Sterne, Kessler, Goldstein & Fox 1100 New York Avenue, NW, 9th Floor	20005
Goff	Ciata Nadine	Booz Allen Hamilton 20 M Street, SE, 10th Floor	20003
Harper	Melissa A.	Howard University Hospital 2041 Georgia Avenue, NW	20060
Harrison	Jacqueline D.	Bechtel Corporation 799 9th Street, NW	20001
Hawkins	Shante M.	Self 2700 New York Avenue, NE, # 331	20002
Hayes	Monica K.	US Department of Justice 950 Pennsylvania Avenue, NW	20530
Ibrahim	Toka A.	American Immigration Council 1331 G Street, NW, Suite 200	20005
Jackson	Cheryl F.	Department of Housing and Community Development 1800 Martin Luther King Jr Avenue, SE	20020
Jackson III	John F.	Self 5234 7th Street, NW	20011
Johnson	Kenya L.	PhRMA 950 F Street, NW, 3rd Floor	20004
Johnson	Lillian	Everfi 3299 K Street, NW	20007
Joyner	Veronica M.	Wells Fargo Advisors 1300 I Street, NW, 11th Floor	20005
Kale	Carol	IA Interior Architects, Inc 600 New Hampshire Avenue, NW, Suite 200	20037
Kamosa	Laurel	kglobal 2001 L Street, NW, Suite 650	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Kantor	Alycia	Pew Research Center 1615 L Street, NW, Suite 800	20036
Karibjanian	George D.	Franklin, Karibjanian & Law, PLLC 1101 17th Street, NW	20036
Kasunic	Debra J.	Holland Enterprise, LLC 1250 Connecticut Avenue, NW, Suite 700	20036
Kelly	Jeanette K.	Standard Title Group, LLC 1734 20th Street, NW	20009
Klemz	Patrick M.	Quinn, Racusin & Gazzola 888 17th Street, NW, Suite 640	20006
Klingelhofer	Mary Jane S.	Robert Silman Associates, PLLC 1053 31st Street, NW	20007
Koniowsky	Joseph Daniel	Steadfast, LLC 1358 Rittenhouse Street, NW	20010
Lacava	Julia	Office of the Clerk U. S. House of Representatives Room HT-59 The Capitol	20215
Lang	Michael D.	Wells Fargo Bank 801 Pennsylvania Avenue, NW	20004
Lantz	Addison K.	PETA 1536 16th Street, NW	20036
Laso	Luis E.	Robert Silman Associates, PLLC 1053 31st Street, NW	20007
Lee	Susie	Planet Depos 1100 Connecticut Avenue, NW, Suite 950	22036
Lewis	Dennis James	Department of Youth Rehabilitation Services 1000 Mount Olivet Road, NE	20002
Litke	Thomas George	DC Facades, LLC 2316 Rhode Island Avenue, NE	20018

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Lynch	Karen	Federal Title & Escrow Company 5335 Wisconsin Avenue, NW, Suite 700	20015
Manning	Wanda	Horning Brothers 3333 14th Street, NW, Suite 300	20010
Masri	Lena F.	Council on American-Islamic Relations (CAIR) 453 New Jersey Avenue, SE	20003
Mayo	Linda	Oculus Realty, Inc. 2900 Connecticut Avenue, NW, Suite 6	20008
McClarín	Alice Faye	Department of Veterans Affairs Medical Center 50 Irving Street, NW	20422
McIntyre	Kimberly Nakia	2029 Connecticut Avenue Condominiums 2029 Connecticut Avenue, NW	20008
McNamara	Linda K.	Cartica Management, LLC 1775 I Street, NW, Suite 900	20006
Michalowskij	Patricia K.	US Court of Appeals for the District of Columbia Circuit 333 Constitution Avenue, NW	20001
Milton	Rondell	Self 1839 Burke Street, SE	20003
Mollen	Eric Craig	Neal R. Gross & Co 1323 Rhode Island Avenue, NW	20005
Munro	Derek Ryan	Centene Corporation 1150 Connecticut Avenue, NW, Suite 1000	20036
Murphy	Michael	Long & Foster Real Estate 20 Chevy Chase Circle, NW	20015
Nelson	Jacqueline M.	Self (Dual) 2612 Moreland Place, NW	20015

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Nocho	Inez Y.	Williams & Connolly, LLP 725 12th Street, NW	20005
Nottingham	Michelle	Duane Morris, LLP 505 9th Street, NW, Suite 1000	20004
Owens	Roderick D.	Tiber Hudson, LLC 1900 M Street, NW, 4th Floor	20036
Paquin	Thomas S.	Kass Legal Group, PLLC 4301 Connecticut Avenue, NW, Suite 434	20008
Parker	Fred	Regional Contracting Services, LLC 719 Kennedy Street, NW	20011
Parks	Angela M.	Self 804 3rd Street, SW	20024
Perez	Gloria	Self (Dual) 4322 Kansas Avenue, NW	20011
Pettit	Brandon S.	Basilica of the National Shrine of the Immaculate Conception 400 Michigan Avenue, NE	20017
Prince	Odetta N.	State Department Federal Credit Union 301 4th Street, SW	20547
Roberts	Glenda J.	The Kiplinger Washington Editors, Inc 1100 13th Street, NW, Suite 750	20005
Rudolph	Laura C.	Washington Capitol Partners, LLC 1101 30th Street, NW, Suite 210	20007
Salazar	Dennissa	Wave Wireless 1875 Connecticut Avenue, NW, Floor 10	20009
Sanders	Kelly S.	Paralyzed Veterans of America 801 18th Street, NW	20006
Sherman	Shelley	Food & Water Watch 1616 P Street, NW, Suite 300	20036

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public**

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Shorter	Sabrina E.	Children's National Health System 111 Michigan Avenue, NW	20010
Stewart	Georgia A.	Self (Dual) 235 Quackenbos Street, NW	20011
Taylor	Angela	Congressional Federal Credit Union 15 Independence Avenue, SW	20515
Taylor	Phyllis M.	Consumer Healthcare Products Association 1625 Eye Street, NW, Suite 600	20006
Tedrow	Catherine	Metropolitan Police Department 300 Indiana Avenue, NW, Room 1034	20001
Threatt	Angela I.	McDermott Will & Emery, LLP 500 North Capitol Street, NW	20001
Thorburn	Michele	DKT International 1701 K Street, NW, Suite 900	20006
Timbers	Shirleen S.	Self 813 I Street, NE	20002
Verosky	Aaron M.	Guttman, Buschner & Brooks, PLLC 2000 P Street, NW, Suite 300	20036
Wagner	Steven E.	International Finance Corporation 2121 Pennsylvania Avenue, NW	20433
Washington	Alvenia	State Department Federal Credit Union 320 21st Street, NW	20520
Washington	Shanae'	Lewis-Burke Associates, LLC 440 1st Street, NW	20001
Williams	Evelyn Hughes	The Urban Institute 2100 M Street, NW	20037
Williams	Joyce Ann	Self 6101 16th Street, NW, Apartment 926	20011

**D.C. Office of the Secretary
Recommendations for Appointments as DC Notaries Public****Effective: June 1, 2018****Page 9**

Young	Angelisa D.	Office of the Attorney General Child Support Services Division 441 4th Street, NW	20001
Yousaf	Rabbia	Bank Fund Staff Federal Credit Union 1725 I Street, NW, Suite 150	20006
Zams	Kelly	Republican National Committee 310 1st Street, SE	20003

SOMERSET PREP PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Occupational Therapy and Speech Language Therapy Services**

Somerset Prep Public Charter School is soliciting bid proposals from qualified vendors for the 2017-2018 school year.

GUIDELINES

The school must receive a PDF version of your proposal no later than 5pm EDT on **May 11, 2018**. Proposals should be emailed to sspdc_bids@somersetprepdc.org.

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

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

SCOPE OF WORK

Contractor proposals should address the following items:

- Speech & Language Services
- Comprehensive Occupational Therapy Services
- SPED Services
- Related OT Services
- In Service Training
- Physical Therapy Evaluation

CONSIDERATION

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

PAYMENT

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

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL**INVITATION FOR BID****Food Service Management Services**

Thurgood Marshall Academy, a public charter high school located in southeast DC, is advertising the opportunity to bid on the delivery of breakfast, lunch, snack and/or CACFP supper meals to children enrolled at the school for the 2018-2019 school year, with a possible extension of four (4) one-year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast, Lunch, Afterschool Snack, and At Risk Supper meal pattern requirements. Additional specification outlined in the **Invitation for Bids (IFB)** such as; student data, days of service, meal quality, etc. may be obtained beginning on **May 4, 2018** from **Nora Moore** at **nmoore@tmapchs.org**, **202-563-6862 x181**.

Proposals will be accepted at **2427 Martin Luther King Jr. Ave, SE, Washington, DC 20020** on **June 7, 2018**, not later than **12:00pm**.

Only bids addressing all areas detailed in the IFB will be considered.

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

Issued: May 4, 2018

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

International Educational Travel Services

Questions and proposals may be e-mailed to gizurieta@latinpcs.org with the type of service in the subject line. Deadline for submissions is **May 11, 2018**. Appointments for presentations will be scheduled at the discretion of the school office after receipt of proposals only. No phone calls please.

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

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

WASHINGTON LEADERSHIP ACADEMY PUBLIC CHARTER SCHOOL**NOTICE OF INTENT TO AWARD A SOLE SOURCE CONTRACT****CommonLit - May 2018**

Washington Leadership Academy intends to award a sole source contract to CommonLit for modular English Language Arts curriculum development on a pre-existing open-source platform.

Background on School Leader Lab: CommonLit operates an award-winning, research-based, free online reading program for grades 3-12. Common Lit offer standards-aligned OER literacy resources, digital formative assessment tools, and differentiated supports for struggling readers and English Language Learners. Its platform reaches over 4.2 million teachers and students in over 42,000 schools; 73% are Title I, low-income. Our supporters include AT&T, the U.S. Department of Education (Innovative Approaches to Literacy), the Office of the State Superintendent of Education (DC SOAR), Teach for America, the Epic Foundation, FastForward, and The Rock Foundation.

Reason for Sole Source: CommonLit is the only non-profit, free, open-resource curriculum provider specializing in standards-aligned content for grades 6-12 that also already has a tech platform with millions of users. CommonLit's current platform has grown tremendously popular over the last academic year. In the time since a WLA student first discovered CommonLit, it has quadrupled its number of registered users, and is currently adding about 35,000 new registered users per day.

Using CommonLit.org, teachers can access a free digital library of OER for 3rd through 12th grade that includes: primary and secondary source documents, news articles, speeches, and literary texts organized by topic, historical time period, and standard. CommonLit identifies and prepares the texts, negotiates their copyright permissions, identifies their reading levels, and puts everything online for free. Each text and lesson set has text-dependent questions, paired passages, in-text vocabulary, related media, a parent guide, and discussion questions. When students answer questions through the CommonLit platform, the results are auto-graded and displayed in visual formats to teachers so they can use data to plan instructional next steps. The result is a framework for reading, thinking, and discussion that truly drives student engagement and integrates seamlessly into any existing secondary humanities curriculum.

WLA believes that CommonLit is the only curriculum provider that could create rigorous, PARCC and SAT-aligned modular content and assessments for a competency-based curriculum that would be able to easily scale to millions of users. Further, because CommonLit team is local, there is more opportunity for collaboration, in person coaching, and professional development than other major curriculum retailers.

Costs: The total cost of this partnership is \$801,536. WLA will be fundraising to help cover the cost of this contract.

Item	Price
Curriculum & Content Development	\$261,000
Product & Technology Development	\$377,500
Fringe Benefits (Payroll taxes, healthcare, etc.)	\$80,079
Other	\$16,000
Indirect Costs	\$66,957
Total	\$801,536

Conflict of Interest: There is no conflict of interest between WLA Board Members or Staff and CommonLit.

Further Information: If further information is needed, please reach out to Natalie Gould at ngould@wlapcs.org.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Environmental Quality and Operations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Operations Committee will be holding a meeting on Thursday, May 17, 2018 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dewater.com.

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

DRAFT AGENDA

- | | | |
|-----|-------------------------------|---|
| 1. | Call to Order | Committee Chairperson |
| 2. | AWTP Status Updates | Assistant General Manager,
Plant Operations |
| | 1. BPAWTP Performance | |
| 3. | Status Updates | Chief Engineer |
| 4. | Project Status Updates | Director, Engineering &
Technical Services |
| 5. | Action Items | Chief Engineer |
| | - Joint Use | |
| | - Non-Joint Use | |
| 6. | Water Quality Monitoring | Assistant General Manager,
Consumer Services |
| 7. | Action Items | Chief Engineer
Assistant General Manager,
Consumer Services |
| 8. | Emerging Items/Other Business | |
| 9. | Executive Session | |
| 10. | Adjournment | Committee Chairperson |

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

Application No. 18701-C of 1247 ESE, LLC, pursuant to 11 DCMR Subtitle Y, § 705.1, for a two-year time extension of BZA Order No. 18701-A approving a variance from the use provisions to operate a restaurant in the first floor space within an existing apartment house under § 330.5 in the R-4 (now RF-1) District at premises 1247 E Street, S.E. (Square 1019, Lot 43).¹

HEARING DATE (18701):	February 4, 2014
DECISION DATE (18701):	February 25, 2014
FINAL DATE OF ORDER (18701 & 18701A):	February 27, 2014
FIRST TIME EXTENSION DECISION (18701B):	March 8, 2016
TIME EXTENSION DECISION:	April 18, 2018 ²

**SUMMARY ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 18701-A**

The Underlying BZA Order

On February 25, 2014, the Board of Zoning Adjustment (the "Board") approved the Applicant's request³ for a variance from the use provisions to operate a restaurant in the first floor space within an existing apartment house under § 330.5 in the R-4 (now RF-1) District at premises 1247 E Street, S.E. (Square 1019, Lot 43) (the "Subject Property").⁴ The Application, which was unopposed, was granted on February 25, 2014, and the Board issued its written order and corrected order (18701 and 18701A) (the "Order") on February 27, 2014. Pursuant to 11 DCMR § 3125.9 in the 1958 Zoning Regulations (now Subtitle Y § 604.11 of the 2016 Regulations), the Order became final on February 27, 2014 and took effect 10 days later. Under the Order and pursuant to § 3130.1 of the 1958 Zoning Regulations (now Subtitle Y § 702.1 of the 2016

¹ The original application was filed under the Zoning Regulations (Title 11, DCMR) which were then in effect (the "1958 Zoning Regulations") but which were repealed on September 6, 2016 and replaced with new text (the "2016 Zoning Regulations").

² The decision was originally scheduled for April 4, 2018, but was postponed at the Applicant's request to allow time for the Applicant to appear at the ANC. (Exhibit 10.) The Chair of the Board granted the request and rescheduled the matter for the public meeting of April 18, 2018. (Exhibit 11.)

³ This and all other references to the relief granted in Order No. 18701-A are to provisions that were in effect the date the Application was heard and decided by the Board of Zoning Adjustment (the "1958 Regulations"), but which were repealed as of September 6, 2016 and replaced by new text (the "2016 Regulations"). The repeal of the 1958 Regulations has no effect on the validity of the Board's original decision or the validity of Order No. 18701-A.

⁴ This property is also the subject of a separate application and approval in Case No. 19196.

Regulations), the Order was valid for two years from the time it was issued -- until February 27, 2016. Order No. 18701-A is subject to seven conditions.

First Motion to Extend

On December 10, 2015, the Applicant submitted an application for a motion together with supporting documents, pursuant to 11 DCMR § 3130.6 (now Subtitle Y § 705), for a two-year extension of Order No. 18701-A, which was due to expire on February 27, 2016. The Board granted the Applicant's first request for a two-year time extension in Order No. 18701-B, noting that the Order would be valid until February 27, 2018. (Exhibit 5.)

Second Motion to Extend Validity of the Order Pursuant to 11 DCMR Subtitle Y § 705.1

On February 27, 2018, the Applicant submitted an application for a second time extension requesting that the Board grant another two-year extension of Order No. 18701-A. This request for extension is pursuant to Subtitle Y § 705 of the Zoning Regulations of 2016, 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.

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. Pursuant to Subtitle Y § 705.1(b), the Applicant shall demonstrate that there is no substantial change in any of the material facts upon which the Board based its original approval of the application. Finally, 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.

The Board finds that the motion has met the criteria of Subtitle Y § 705.1 to extend the validity of the underlying order. Pursuant to Subtitle Y § 705.1(a), the record reflects that the Applicant served the only party to the original application, Advisory Neighborhood Commission ("ANC") 6B, as well as the Office of Planning. (Exhibit 6.) ANC 6B did not submit a report. The Office of Planning ("OP") submitted a report, dated April 11, 2018, recommending approval of the request for the time extension. (Exhibit 13.)

As required by Subtitle Y § 705.1(b), the Applicant demonstrated that there has been no substantial change in any of the material facts upon which the Board based its original approval in Order No. 18701-A. There have also been no substantive⁵ changes to the Zone District

⁵ Since the last extension was granted by the Board and the Zoning Commission's adoption of the 2016 Regulations, the zoning of the property is now RF-1, the new classification for R-4.

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 application.

To meet the burden of proof for good cause required under Subtitle Y § 705.1(c), the Applicant provided a statement and other evidence regarding factors causing a delay in obtaining a building permit. (Exhibit 4.) The good cause basis for the Request was the Applicant's inability to obtain a tenant due to economic and market conditions beyond its control, pursuant to Subtitle Y § 705(c)(1). The Applicant states that it renovated the outside shell of first-floor space as well as the residential portion of the building. The permit process and renovation took longer than expected and was not completed until February 2015, at which time a broker was hired to find a tenant. The Applicant applied for its first time extension in December 2015, due to the combination of permitting issues and construction which had left the Applicant with insufficient time to secure a tenant. The application cites the intense residential development within the surrounding neighborhood as potentially improving market conditions to better enable the Applicant to find a tenant. The space was originally designed and continues to be designed for commercial use. It was never used residentially and the space is not designed for such use. The Applicant has conducted a continuous search for a tenant for the commercial space expected to be operated as a coffee shop and provided a statement from its broker to that effect. The Applicant has endeavored to rent the space and will continue to do so as market conditions improve. (Exhibits 4 and 12.)

Given the totality of the conditions and circumstances described above and after reviewing 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). The Board finds that the delay in securing a commercial tenant 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.

Having given the written report of OP great weight, 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 a two-year time extension of Order No. 18701-A, which Order shall be valid until **February 27, 2020**, 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.

VOTE: 5-0-0 (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE.)

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: April 20, 2018

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

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

Application No. 19692 of Reno 809, LLC, as amended, pursuant to 11 DCMR Subtitle X, Chapter 10, for an area variance from the side yard requirements of Subtitle D § 307.1, to construct a new one-family dwelling in the R-2 Zone at premises 809 49th Street N.E. (Square 5178, Lot 806).¹

HEARING DATES: March 7, March 21, and April 17, 2018²
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 42 (Revised); Exhibit 34 (Original).) A memorandum from the Zoning Administrator was submitted with the original application, (Exhibit 9), but was superseded by the previously cited self-certification forms filed to the record. 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") 7C and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 7C, which is automatically a party to this application. The ANC did not submit a written report to the record. The Applicant testified at the April 17, 2018 hearing that he presented before the ANC at a public meeting and the ANC voted unanimously in support.

¹ The memorandum from the Zoning Administrator originally submitted with the application indicated that a variance for lot size and lot area was required. (Exhibit 9). Based on the recommendation of the Office of Planning ("OP"), the application was amended to instead request a special exception for side yard relief under Subtitle D § 307.1. (Exhibit 34.) After further research, OP advised that the relief should be sought as a variance instead, and the Applicant amended the relief. (Exhibit 42.) The caption has been revised accordingly.

² This application was first heard on March 7, 2018 and continued to March 21, 2018. The hearing on March 21st was cancelled due to inclement weather and rescheduled to April 17, 2018 when it was heard and decided.

The Office of Planning (“OP”) submitted a timely report recommending approval of the amended relief. (Exhibit 38.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application. (Exhibit 36.)

Seven neighbors submitted letters of support to the record. (Exhibits 48-50, and 52-55.) At the hearing on March 7, 2018, Meghan Borrazas, an adjacent property owner, testified to raise concerns about the application.

As directed by 11 DCMR Subtitle X § 1002.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 1002.1 for an area variance from the side yard requirements of Subtitle D § 307.1, to construct a new one-family dwelling in the R-2 Zone. The only parties to the case were the ANC and the Applicant. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, and having given great weight to OP report filed in this case, the Board concludes that in seeking an area variance from 11 DCMR Subtitle D § 307.1, the Applicant has met the burden of proof under 11 DCMR Subtitle X § 1002.1, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

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 7.**

VOTE: 4-0-1 (Carlton E. Hart, Peter A. Shapiro, Frederick L. Hill, and Lorna L. John to Approve; Lesylleé M. White, not present.)

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: April 19, 2018

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. 19692

PAGE NO. 2

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

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

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

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

Application No. 19697 of Arkadi Gerney and Nancy Meakem, as amended,¹ pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 306.1 and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing one-family dwelling in the R-1-A Zone at premises 4220 Fordham Road N.W. (Square 1481, Lot 3).

HEARING DATES: March 21, and April 17, 2018²

DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 36 (Revised); Exhibit 4 (Original).) 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") 3D and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled, properly noticed public meeting on February 7, 2018, at which a quorum was present, the ANC voted 9-0-0 to support the application. (Exhibit 30.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 34.)

Eight neighbors submitted letters of support to the record. (Exhibit 13, 27, 28, and 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 D § 5201 from the rear yard requirements of

¹ The original application was amended to add a request for special exception relief from the nonconforming structure requirements of Subtitle C § 202.2. (Exhibit 36.) The caption has been revised accordingly.

² The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018.

Subtitle D § 306.1 and the nonconforming structure requirements of Subtitle C § 202.2, to construct a rear addition to an existing one-family dwelling in the R-1-A 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, Subtitle D §§ 306.1 and 5201, 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 10.**

VOTE: 4-0-1 (Carlton E. Hart, Frederick L. Hill, Lorna L. John, and Peter G. May to Approve; Lesylleé M. White not present.)

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: April 20, 2018

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.

BZA APPLICATION NO. 19697

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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. 19698 of Richard Hall, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle D § 5201 from the rear yard requirements of Subtitle D § 1206.2 and the nonconforming structure requirements of Subtitle C § 202.2(b), to construct a second floor rear addition in the R-20 Zone at premises 1959 39th Street, N.W. (Square 1310, Lot 77).

HEARING DATE: March 21, and April 17, 2018¹
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

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

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 Commissions ("ANC") 2E and 3B (adjacent ANC), and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2E, which is automatically a party to this application. The ANC submitted a report dated February 12, 2018 recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on January 29, 2018, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 37.) No report was received from ANC 3B.

The Office of Planning ("OP") submitted a timely report recommending approval. (Exhibit 40.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 41.) Six neighbors submitted letters in support to the record. (Exhibits 30-32, 34, and 35.)

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under Subtitle D § 5201 from the rear yard requirements of

¹ The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018. (Exhibit 42.)

Subtitle D § 1206.2 and the nonconforming structure requirements of Subtitle C § 202.2(b), to construct a second floor rear addition in the R-20 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, Subtitle C § 202.2(b), and Subtitle D §§ 5201 and 1206.2, 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 7 – ARCHITECTURAL PLANS AND ELEVATIONS.**

VOTE: 4-0-1 (Carlton E. Hart, Peter G. May, Frederick L. Hill, and Lorna L. John to APPROVE; Lesylleé M. White not present, not voting.)

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: April 19, 2018

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

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§ 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. 19699 of 1800 Newton St. NE LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under the nonconforming use requirements of Subtitle C § 204.9, and under Subtitle C § 703 from the parking requirements for an expansion or change of use of Subtitle C § 705, to convert two existing commercial spaces into two residential units in an existing building in the R-1-B Zone at premises 1800 Newton Street N.E. (Square 4202, Lot 191).

HEARING DATE: March 21, and April 17, 2018¹
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 10.) 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") 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, 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 February 28, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 27 (ANC Report); Exhibit 28 (ANC Resolution).)

The Office of Planning ("OP") submitted a timely report recommending approval. (Exhibit 29.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application, subject to conditions.² (Exhibit 31.)

¹ The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018. (Exhibit 33.)

² The Board declined to adopt the DDOT conditions, but noted that the public space issue will need to be addressed with DDOT in the future.

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 the nonconforming use requirements of Subtitle C § 204.9, and under Subtitle C § 703 from the parking requirements for an expansion or change of use of Subtitle C § 705, to convert two existing commercial spaces into two residential units in an existing building in the R-1-B 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 C §§ 204.9, 703, and 705, 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 26A.**

VOTE: 4-0-1 (Carlton E. Hart, Peter G. May, Frederick L. Hill, and Lorna L. John to Approve; Lesylleé M. White, not present.)

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: April 19, 2018

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

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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. 19703 of Capitol Hill Day School, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(l), to permit a private school use on the second floor of an existing office building in the RF-3 Zone at premises 218 D Street S.E. (Square 763, Lot 2).

HEARING DATE: March 21, and April 17, 2018¹
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) 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") 6B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, 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 February 13, 2018, at which a quorum was present, the ANC voted 8-0-0 to support the application. (Exhibit 40.)

The Office of Planning ("OP") submitted a timely report recommending approval, subject to three conditions. (Exhibit 41.) The Board adopted the first two of OP's recommended conditions, but did not adopt Condition No. 3, as it pertained to a property other than the one at issue. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 42.)

Six letters from neighbors in support were submitted to the record. (Exhibits 17, 18, 34, and 35.)

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 §

¹ The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018.

901.2, for a special exception under the use provisions of Subtitle U § 320.1(a) and Subtitle U § 203.1(l), to permit a private school use on the second floor of an existing office building in the RF-3 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 §§ 203.1(l) and 320.1(a), 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 10 AND WITH THE FOLLOWING CONDITIONS:**

1. The hours of school operation shall not exceed 8:00 am to 6:00 pm.
2. The total number of students at the location shall not exceed 90 students at any one time.

VOTE: 4-0-1 (Carlton E. Hart, Peter G. May, Frederick L. Hill, and Lorna L. John to Approve; Lesylleé M. White, not present.)

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: April 19, 2018

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

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§ 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 19705 of Madison Investments, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle K § 813 from the height requirements of Subtitle K § 803.3¹, and from the lot occupancy requirements of Subtitle K § 804.1, to construct a mixed use development in the ARTS-3 Zone at premises 2122 14th Street N.W. (Square 203, Lots 96, 809, 10, and 1).

HEARING DATES: March 7, 2018 and April 11, 2018

DECISION DATE: April 11, 2018

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 6.) In granting the certified relief, the Board of Zoning Adjustment ("Board" or "BZA") made no finding that the relief is either necessary or sufficient. Instead, the Board expects the Zoning Administrator to undertake a thorough and independent review of the building permit and certificate of occupancy applications filed for this project and to deny any application for which additional or different zoning relief is needed.

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") 1B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted two reports in this case. In its first report, ANC 1B recommended approval of height and lot occupancy relief and denial of setback relief by a vote of 9-0-1 at the ANC's duly noticed and regularly scheduled meeting of March 1, 2018, at which a quorum was present. The ANC report raised the following issues and concerns the ANC wanted the Board to consider:

- The scale of the project must be reduced to six floors (five floors and a penthouse);
- The project should step down or reduced in size as the elevation decreases from W to V Street;
- The proposed number of parking spots acceptable if the project is reduced in size to six floors.

(Exhibit 61.) At the Board's March 7, 2018 hearing, ANC Commissioner Ackerman testified on behalf of the ANC and on behalf of his Single Member District. Subsequently, the ANC submitted a second, revised report in support of all the relief, based on the Applicant's revised

¹ The special exception from the height requirements of Subtitle K § 803.3 includes relief from Total Height Including Penthouse (K § 803.3(a)) and 45° Setback from Residential Zones (K § 803.3(b)).

plans reducing the setback relief requested. That second ANC report indicated that at a duly noticed and regularly scheduled meeting of the ANC on April 5, 2018, at which a quorum was present, the ANC voted 12:0:0 to approve the application. (Exhibit 87.)

The Office of Planning (“OP”) submitted two reports and testified at the hearings. In its first report dated February 23, 2018, OP recommended approval of height and lot occupancy relief and denial of setback relief. (Exhibit 43.) At the March 7, 2018 hearing, while OP testified in support of the height and lot occupancy relief, OP did not support the projection in the western setback area and recommended denial of the relief sought under Subtitle K § 803.3(b) (regarding projection into volume of 45-degree plane). The Board continued the proceedings for a limited scope hearing on April 11th to focus on the 45-degree setback issue. Subsequent to the March 7th hearing, the Applicant submitted a Supplemental Statement (Exhibit 83) and revised plans (Exhibit 83A) showing a reduced portion of the building within the 45-degree setback. Thereafter, OP submitted a supplemental report dated March 30, 2018, recommending approval of the application based on the revised plans. (Exhibit 85.)²

The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 42.)

As a preliminary matter at the hearing on March 7, 2018, the Board considered a timely request for party status in opposition from LDP Acquisitions, LLC (“LDP”) and, by motion, a request for dismissal of the BZA application on the ground that LDP was the contract purchaser of a portion of the property that the Applicant sought to develop. (Exhibits 39, 40.) Since only parties can file a motion, the Board first considered the party status request. In LDP’s application for party status, LDP asserted contested issues pertaining solely to a contractual dispute with the owner of Lot 10 in Square 203, which is part of the subject application. The Board may grant party status to a person whose interests would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public. (11-Y DCMR 404.13.) LDP’s request makes it clear that it has no position on the zoning action itself, just that it considers itself to be the contract purchaser. Whether it is or is not has no relevance to this proceeding. There is no dispute as to who the owner of the property currently is, and any owner may authorize any person to file an application on its behalf. Therefore, since LDP concedes it has no substantive objections to the application and the issues

² According to OP, the revised design would provide a visual step down confronting the adjacent residential development and would only result in “some” building penetration into the setback volume, instead of the original design with “extensive” building penetration into the setback volume. (Exhibit 85.) According to OP, the Applicant also changed the location of the ramp to the parking garage (from the alley to W Street). While OP does not support this change, it stated that it would defer to DDOT and Public Space review for a final evaluation of the vehicular access design. (Exhibit 85.) The Applicant stated that it will be presenting its curb cut application to the Public Space Committee on April 26, 2018, and that the ANC transportation subcommittee already voted to support the proposed curb cut. (Exhibit 83.)

its seeks to raise are irrelevant to the proceeding, its request for party status was denied and, since LDP was not a party, its motion to dismiss was not considered.

At the hearing on March 7, 2018, the Board heard testimony in support from Cheryl Cort on behalf of the Coalition for Smarter Growth, Shannon Hiller on behalf of the board of The Hamilton, and Steve Gaudio. Also on March 7, 2018, the Board heard testimony in opposition from Ken Shapiro, Joseph Nicynski, Elizabeth Parra, and Dritan Nesho.

Thirty-four letters in support of the application from nearby business and property owners were submitted to the record. (Exhibits 34C, 68-75, 79, and 80.) A petition in opposition (Exhibit 37), four letters in opposition from residents of a nearby condo (Exhibits 44, 46, 50, 51), seven letters in opposition from neighbors (Exhibits 38, 63-67, 77), and one letter in opposition signed by four neighbors (Exhibit 78) were submitted to the record.

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 K § 813 from the height requirements of Subtitle K § 803.3, and from the lot occupancy requirements of Subtitle K § 804.1, to construct a mixed use development in the ARTS-3 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 ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR Subtitle X § 901.2 and Subtitle K §§ 813, 803.3, and 804.1, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBITS 83A1-83A14 AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The Applicant shall have flexibility to vary the vehicular parking spaces from the proposed 70 to between 65 and 75 spaces.

2. The Applicant shall have flexibility to vary the location of the proposed curb cut and driveway access to parking level pursuant to the pending Public Space Committee application.
3. The Applicant shall have flexibility to revise the interior floor plan of the ground floor and parking level to adjust the driveway access if necessary. In addition, the Applicant shall have flexibility to vary architectural design features of the building in accord with the design approved by Historic Preservation Review Board, provided that the overall height, mass, bulk, and number of stories in the building remain consistent with approved plans and any refinements do not result in new or increased areas of relief.

VOTE: **4-0-1** (Frederick L. Hill, Carlton E. Hart, Lesylleé M. White, and Peter A. Shapiro to APPROVE; Lorna L. John, not participating.)

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

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

FINAL DATE OF ORDER: April 24, 2018

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

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

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

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

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

Application No. 19706 of Mary House, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 421 for a new residential development, and under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710, to construct a new 12-unit apartment house with a maximum of three surface parking spaces in the RA-1 Zone at premises 1005 Bunker Hill Road N.E. (Square 3863, Lot 843).¹

HEARING DATE: March 21, and April 17, 2018²
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) 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") 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, 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 February 25, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 36.)

The Office of Planning ("OP") submitted a timely report recommending approval. (Exhibit 33.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application, subject to one condition which requested that the Applicant

¹ The original caption described the project as "a new 12-unit apartment house and two surface parking spaces," but was revised by the Board at the April 17, 2018 hearing to allow flexibility regarding the amount of parking spaces provided. The Applicant is not seeking relief regarding the number of parking spaces, only the location.

² The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018.

install bushes or shrubbery along 10th Street, N.E. between the sidewalk and the proposed surface lot, not to exceed 42 inches in height. (Exhibit 34.)

One neighbor who resides at the property adjacent to the site testified at the hearing in support of the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle U § 421 for a new residential development, and under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710, to construct a new 12-unit apartment house with a maximum of three surface parking spaces in the RA-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, Subtitle C § 710.3, and Subtitle U § 421, 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 31C – PREHEARING STATEMENT: TAB C (REVISED ARCHITECTURAL DRAWINGS), AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall install bushes or shrubbery along 10th Street, N.E. between the sidewalk and the proposed surface lot, not to exceed 42 inches in height.

VOTE: 4-0-1 (Peter G. May, Carlton E. Hart, Frederick L. Hill, and Lorna L. John to APPROVE; Lesylleé M. White not present, not voting.)

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: April 19, 2018

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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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX

BZA APPLICATION NO. 19706

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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. 19706-A of Mary House, Inc., pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle U § 421 for a new residential development, and under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710, to construct a 12-unit addition to an existing 6-unit apartment house with a maximum of three surface parking spaces in the RA-1 Zone at premises 1005 Bunker Hill Road N.E. (Square 3863, Lot 843).¹

HEARING DATE: March 21, and April 17, 2018²
DECISION DATE: April 17, 2018

CORRECTED³ SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 5.) 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") 5B and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, 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 February 25, 2018, at which a quorum was present, the ANC voted 5-0-0 to support the application. (Exhibit 36.)

¹ The original caption described the project as "a new 12-unit apartment house and two surface parking spaces," but was revised by the Board at the April 17, 2018 hearing to allow flexibility regarding the amount of parking spaces provided. The Applicant is not seeking relief regarding the number of parking spaces, only the location.

² The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018.

³ The only change to the Order in this Corrected Order is to clarify in the caption that the proposal is a 12-unit addition to an existing apartment, rather than a new 12-unit building.

The Office of Planning (“OP”) submitted a timely report recommending approval. (Exhibit 33.) The District Department of Transportation (“DDOT”) submitted a timely report indicating that it had no objection to the application, subject to one condition which requested that the Applicant install bushes or shrubbery along 10th Street, N.E. between the sidewalk and the proposed surface lot, not to exceed 42 inches in height. (Exhibit 34.)

One neighbor who resides at the property adjacent to the site testified at the hearing in support of the application.

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for special exceptions under Subtitle U § 421 for a new residential development, and under Subtitle C § 710.3 from the parking location restrictions of Subtitle C § 710, to construct a new 12-unit apartment house with a maximum of three surface parking spaces in the RA-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, Subtitle C § 710.3, and Subtitle U § 421, 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 31C – PREHEARING STATEMENT: TAB C (REVISED ARCHITECTURAL DRAWINGS), AND WITH THE FOLLOWING CONDITION:**

1. The Applicant shall install bushes or shrubbery along 10th Street, N.E. between the sidewalk and the proposed surface lot, not to exceed 42 inches in height.

VOTE: 4-0-1 (Peter G. May, Carlton E. Hart, Frederick L. Hill, and Lorna L. John to APPROVE; Lesylleé M. White not present, not voting.)

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

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

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FINAL DATE OF ORDER: April 20, 2018

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.

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX

**BZA APPLICATION NO. 19706-A
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DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**BZA APPLICATION NO. 19706-A
PAGE NO. 4**

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

Application No. 19711 of Granite, LLC, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle I § 205.5 from the rear yard requirements of Subtitle I § 205.1, to construct an addition to an existing building to establish a museum and conference center with associated office use in the D-6 Zone at premises 1501-1505 Pennsylvania Avenue, N.W. (Square 221, Lots 29, 810, and a portion of a public alley to be closed).

HEARING DATE: March 21, and April 17, 2018¹
DECISION DATE: April 17, 2018

SUMMARY ORDER

SELF-CERTIFICATION

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR Subtitle Y § 300.6. (Exhibit 13 (revised); Exhibit 5 (original).²) 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 Commissions ("ANC") 2B, 2A (adjacent), and 2C (adjacent) and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2B, which is automatically a party to this application. ANC 2B submitted a report recommending approval of the application. The ANC's report indicated that at a regularly scheduled, properly noticed public meeting on March 14, 2018, at which a quorum was present, the ANC voted 6-0-0 to support the application. (Exhibit 37.)

The Office of Planning ("OP") submitted a timely report recommending approval. (Exhibit 34.) The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the application. (Exhibit 35.) The Applicant submitted a report from the U.S. Commission of Fine Arts ("CFA"), dated May 25, 2017, containing the CFA's concept design approval and comments. (Exhibit 33B.)

¹ The Board's hearing on March 21, 2018 was cancelled due to inclement weather and was rescheduled to April 17, 2018.

² The revised self-certification form was submitted to include the computations page which the original form did not contain.

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 I § 205.5 from the rear yard requirements of Subtitle I § 205.1, to construct an addition to an existing building to establish a museum and conference center with associated office use in the D-6 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 I §§ 205.1 and 205.5, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

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

It is therefore **ORDERED** that this application is hereby **GRANTED AND, PURSUANT TO SUBTITLE Y § 604.10, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 33E – APPLICANT’S PREHEARING STATEMENT: TAB E (ARCHITECTURAL DRAWINGS)**.

VOTE: 4-0-1 (Carlton E. Hart, Frederick L. Hill, Lorna L. John, and Peter G. May to APPROVE; Lesylleé M. White not present, not voting.)

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: April 20, 2018

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. 19733 of Terrace Manor Redevelopment LP, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under the new residential development requirements of Subtitle U § 421 to construct a new apartment building in the RA-1 District at premises at 3341-3353 23rd Street S.E. and 2270-2272, 2276 Savannah Street S.E. (Square 5894, Lots 3, 4, and 5).

HEARING DATE: April 18, 2018

DECISION DATE: April 18, 2018

SUMMARY ORDER

SELF-CERTIFICATION

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

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 8E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 8E, which is automatically a party to this application. The ANC did not submit a report to the case record. The Applicant testified that they presented before the ANC twice. The Applicant's agent indicated that the remaining issues being discussed with the ANC are outside the scope of the requested special exception relief. A letter of support for the application was submitted by the Single Member District ANC 8E03. (Exhibit 43.)

The Office of Planning ("OP") submitted a timely report recommending approval of the application. (Exhibit 39.) The OP report noted that additional relief may be needed for excess parking; however, OP testified at the hearing that its recommendation for additional relief would not be required. The District Department of Transportation ("DDOT") submitted a timely report indicating that it had no objection to the grant of the application. (Exhibit 40.) DDOT did condition its report with the requirement that the Applicant provide and implement a loading management plan, subject to DDOT approval, that accommodates safe trash collection vehicle maneuvers within the public roadway.

A letter of support was submitted by Terrace Manor Organized for Change Tenants Association (Exhibit 36C.) Taylor Healy, attorney for Terrace Manor Organized for Change Tenants Association, and Monica Jackson, President of Terrace Manor Organized for Change Tenants Association, testified in support at the hearing.

Special Exception Relief

As directed by 11 DCMR Subtitle X § 901.3, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to Subtitle X § 901.2, for a special exception under the new residential development requirements of Subtitle U § 421 to construct a new apartment building in the RA-1 District. 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, and Subtitle U § 421, 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 36A1-36A3 AND WITH THE FOLLOWING CONDITIONS:**

1. The Applicant shall provide and implement a loading management plan, subject to DDOT approval, that accommodates safe trash collection vehicle maneuvers within the public roadway.
2. The Applicant shall have the flexibility to revise the design of the window openings.
3. The Applicant shall have the flexibility to provide a range of units from 118-128, plus or minus five percent.

VOTE: **5-0-0** (Frederick L. Hill, Lesylleé M. White, Lorna L. John, Carlton E. Hart, and Peter G. May to APPROVE)

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: April 26, 2018

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. 19733
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PURSUANT TO 11 DCMR SUBTITLE Y § 702.1, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSE OF SECURING A BUILDING PERMIT, OR THE APPLICANT FILES A REQUEST FOR A TIME EXTENSION PURSUANT TO SUBTITLE Y § 705 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO SUBTITLE Y § 703.14, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO SUBTITLE Y §§ 703 OR 704, SHALL TOLL OR EXTEND THE TIME PERIOD.

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

PURSUANT TO 11 DCMR SUBTITLE A § 303, THE PERSON WHO OWNS, CONTROLS, OCCUPIES, MAINTAINS, OR USES THE SUBJECT PROPERTY, OR ANY PART THERETO, SHALL COMPLY WITH THE CONDITIONS IN THIS ORDER, AS THE SAME MAY BE AMENDED AND/OR MODIFIED FROM TIME TO TIME BY THE BOARD OF ZONING ADJUSTMENT. FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-14D
Z.C. Case No. 06-14D
MidAtlantic Realty Partners, LLC
(PUD Modification of Significance @ Square 3584)
May 22, 2017

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on February 9, 2017, to consider an application of MidAtlantic Realty Partners, LLC (“Applicant”) for approval of modifications to a previously approved consolidated planned unit development (“PUD”) for property located at Square 3584, Lots 814, 815, 820, 821, and 822 (“Property”). The Commission considered the application pursuant to Subtitle X, Chapter 3 and Subtitle Z of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearing was conducted in accordance with the provisions of Subtitle Z, Chapter 4. For the reasons stated below, the Commission hereby approves the application.

FINDINGS OF FACT

Application, Parties, and Hearing

1. The Property has a land area of approximately 134,665 square feet and is bounded by New York Avenue, N.E. to the northwest, Florida Avenue, N.E. to the southwest, and the Metrorail tracks to the east. The Property is designated mixed-use High-Density Residential and High-Density Commercial on the Comprehensive Plan Future Land Use Map, and is located in the MU-9 zone¹ on the District of Columbia Zoning Map.
2. Pursuant to Z.C. Order No. 06-14, dated February 12, 2007 and effective on June 29, 2007, the Commission approved a mixed-use PUD for the Property. As previously modified by Z.C. Order No. 06-14B², the PUD consists of two buildings – a residential building on the western part of the site (“Phase 1 Building”), and an office building with a North Tower and South Tower. The existing residential building, named Elevation, contains 400 units and 5,000 square feet of retail space.
3. The PUD also includes a landscaped central plaza (“Plaza”) with access from Florida and New York Avenues, and a two-story lobby in the South Tower that connects to the Metropolitan Branch Trail (“MBT”) to the east (“Trail Connection Lobby”).

¹ The MU-9 zone was known as the C-3-C Zone District under the 1958 Zoning Regulations, which were in place at the time that Z.C. Order No. 06-14 was approved.

² Pursuant to Z.C. Order No. 06-14B, dated April 25, 2011 and effective on July 20, 2011, the Commission granted modifications to the Approved PUD, namely granting the Applicant the option of: (i) constructing and operating the Phase I Building with the previously-approved residential and hotel uses; or (ii) eliminating the hotel component of the Phase I Building and operating it with residential use only.

4. Through Z.C. Order No. 06-14C, the Commission granted a time extension for the PUD. Condition No. 2, of that order stated:

The PUD shall be valid until June 29, 2013, within which time an application must be filed for a building permit, as specified in § 2409.1 of the Zoning Regulations. Construction must commence no later than June 29, 2014. Failure to take these actions shall result in the expiration of the PUD approval as of the applicable date.

5. The Applicant met these deadlines as to the Phase One building, but never filed for a building permit for the Office Building. The Applicant believed that the satisfaction of Condition No. 2 as to the Phase I building vested the entire project, such that no deadline existed for it to file a building permit for the Office Building. This issue, which will hereinafter be referred to as the “Phasing Issue” was subsequently resolved to the Commission’s satisfaction with the Applicant’s agreement to the imposition of separate vesting deadlines for each tower as set forth in Condition No. E.1 of this Order. This modification is deemed to replace the original PUD as to the North and South Towers. Therefore, should the Applicant fail to meet the permit filing or construction commencement deadlines for one or both towers, the approval for the unconstructed portion of the PUD will expire, and the zoning shall revert to the pre-existing regulations and map.
6. On July 18, 2016, the Applicant filed an application with the Commission for a modification to the PUD. (Exhibit [“Ex.”] 1-2L.) Under the modification, the Applicant seeks to: (i) convert the North Tower of the office building to residential use; (ii) reconfigure and redesign the South Tower of the office building; and (iii) have the option to convert the South Tower to residential use (“PUD Modification”).
7. Under the PUD Modification, the North Tower will have approximately 339,543 square feet of gross floor area and approximately 372 residential units. Approximately two percent of the residential gross floor area of the North Tower will be dedicated to households earning up to 60% of the area medium income (“AMI”) and approximately six percent of the residential gross floor area of the North Tower will be dedicated to households earning up to 80% of the AMI. The South Tower will have approximately 223,262 square feet of gross floor area devoted to office use and approximately 11,132 square feet of gross floor area devoted to retail use. Based on the Applicant’s testimony at the public hearing, the retail space may include restaurants, stores, food shops, financial and general service uses, or other non-residential uses permitted in the MU-9 zone and appropriate for the configuration and size of the retail area approved for the PUD.
8. The proposed PUD Modification reduces the overall density for the Property from 7.08 to 6.78 floor area ratio (“FAR”), and maintains the maximum building height at 130 feet, measured from New York Avenue, N.E.

9. On October 7, 2016, the Office of Planning (“OP”) submitted a report recommending that the Commission set down the application for a public hearing (“OP Setdown Report”). (Ex. 13.)
10. At its public meeting held on October 17, 2016, the Commission voted to schedule a public hearing on the application.
11. On October 27, 2016, the Applicant submitted a Prehearing Statement, which supplemented the original application statement, addressed comments raised by the Commission at the public meeting, and addressed comments in the OP Setdown Report. (Ex. 15, 13.) The Prehearing Statement also included additional information from the Applicant required under Subtitle Z § 401 of the Zoning Regulations.
12. A Notice of Public Hearing for the application was published in the *D.C. Register* on December 2, 2016. The Notice of Public Hearing was mailed to all property owners within 200 feet of the Property, as well as to Advisory Neighborhood Commissions (“ANC”) 5D, 5E, and 6C. The three ANCs were affected by the project.
13. On December 27, 2016, the Applicant filed a Transportation Assessment prepared by Wells + Associates, transportation consultants for the PUD Modification.³
14. On December 29, 2016, the Applicant filed a Supplemental Statement, which further addressed comments raised by the Commission at the setdown meeting, comments raised by OP in the OP Setdown Report, and additional comments raised by OP and the District Department of Transportation (“DDOT”) during subsequent meetings with the Applicant. (Ex. 30.) The Supplemental Statement also included updated Architectural Plans and Elevations for the PUD Modification and an addendum to the Transportation Assessment.
15. On January 9, 2017, OP submitted a Hearing Report that will be discussed later in this Order. (Ex. 32.)
16. On January 9, 2017, DDOT submitted a Hearing Report that will be discussed later in this Order. (Ex. 31.)
17. On February 8, 2017, the Applicant submitted a memorandum to DDOT agreeing to implement the conditions listed in the DDOT Hearing Report. (Ex. 40.)
18. On February 8, 2017, the Applicant submitted revised architectural drawings responding to comments in OP’s Hearing Report. (Ex. 38-39.) The revised drawings included: (i) details on the landscaping, railings, and outdoor private spaces proposed for the rear yard of the North Tower facing the MBT; (ii) penthouse plans for the South Tower indicating a corrected section cut and a 1:1 setback in all required locations; (iii) a revised

³ The Applicant also filed a request for a waiver of the time requirements under Subsection Z § 401.8, in order for the Commission to accept the report less than 30 days prior to the public hearing on the application, which the Commission granted.

- roof plan for the North Tower showing the locations, setbacks, and approximate dimensions of the proposed solar panels; and (iv) updated drawings of the Trail Connection Lobby showing a revised stair slope, bicycle trough, and bicycle storage layout. The Applicant submitted a cover letter with the revised drawings indicating its commitment to achieve LEED-Silver v4 for the North Tower and to install solar panels atop the North Tower that will generate a minimum of one percent of the North Tower's power.
19. The Commission held a public hearing on the Application on February 9, 2017. The parties to the case were the Applicant and ANC 5E, the ANC within which the Property is located; and ANC 6C and ANC 6E, also affected ANCs.
 20. Four witnesses testified at the public hearing on behalf of the Applicant: Matthew Robinson of MidAtlantic Realty Partners, LLC; Marius Radulescu of SK+I Architectural Design Group; Jeff Barber of Gensler; and Lauren Brandes of Oculus. Based upon her professional experience, as evidenced by the resume submitted for the record, the Commission qualified Ms. Brandes as an expert in landscape architecture. Mr. Radulescu and Mr. Barber were previously qualified by the Commission as experts in architecture.
 21. OP testified in support of the PUD Modification at the public hearing. On behalf of OP, Stephen Mordfin stated that the additional drawings and information submitted by the Applicant prior to the public hearing addressed each of the issues raised in the OP Hearing Report.
 22. DDOT also testified in support of the PUD modification at the public hearing. On behalf of DDOT, Jonathan Rogers testified that the modified project had strong Transportation Demand Management ("TDM") measures and that the Applicant made significant improvements to the MBT design and the Trail Connection Lobby, in response to comments raised in the DDOT Hearing Report.
 23. Commissioner Hannah Powell, the Single Member District ("SMD") representative for ANC 5E03, the single member district in which the Property is located, read a letter from ANC 5E into the record. (*See* Transcript ["Tr."] 2/9/2017, pp. 59-60.) The letter stated that at the ANC's regularly scheduled, duly noticed public meeting of January 17, 2017, with a quorum of Commissioners present, ANC 5E voted against a motion in support of the PUD Modification. Commissioner Powell testified that the ANC did not take any subsequent action related to the application for the PUD Modification, and that the primary concern of the ANC was that the PUD did not provide a deeper level of affordability greater than what is required by the Inclusionary Zoning ("IZ") Regulations.
 24. Commissioner Powell testified that, as the SMD for the Property, she was supportive of the PUD Modification.
 25. At the close of Commissioner Powell's testimony, the Commission suggested that ANC 5E submit a letter to the record in order for the Commission to give great weight to its concerns. The ANC submitted a written report on March 13, 2017, which will be discussed in the portion of this order entitled "ANC 5E Report."

26. At the public hearing, the Applicant testified that the PUD Modification was presented to the Eckington Civic Association and the NoMa Business Improvement District, both of which submitted letters of recommendation to the record. (Ex. 35, 36.)
27. No individuals testified in support of or in opposition to the PUD Modification.
28. Mr. Mike Aiello testified as a person undeclared with respect to the application. He asserted that there were more pros than cons to the project, but raised concerns about the height of the building in relationship to the PUD benefits and amenities, noting that it contained 16 stories, and questioned the height of the South Tower given that “it has no relationship to New York Avenue.” (*See* Tr. 2/9/2017, p. 68.) Mr. Aiello also expressed his desire for the building to have a “softer look from New York Avenue,” noting that the design was “too dramatic.” (*Id.* at 69.) Mr. Aiello also suggested that the project include IZ units at 60% AMI.
29. Following Mr. Aiello’s testimony, Jennifer Steingasser on behalf of OP testified that the height of building was measured from New York Avenue, as required by the Height Act.⁴ Under the Height Act, where a proposed building fronts on two or more streets, avenues or highways, the limit of the height of the building shall be determined from the width of the widest street, avenue, or highway. The Applicant’s counsel also referred to electronic communications with the Zoning Administrator confirming that the shared vestibule between the North Tower and South Tower establishes a meaningful connection between the towers such that they constitute a single building. (*See* discussion at Tr. 2/9/2017, pp. 73-78.) In its approval of the PUD under Z.C. Order No. 06-14, the Commission determined the project benefits are reasonable for the development proposed, including the building height, on the Property.
30. By letter dated January 19, 2017, Richard Layman submitted comments concerning the bicycle facilities in the Trail Connection Lobby. (Ex. 34.) The letter stated that “in general the proposed accommodations are superlative and go far beyond that which are provided in any other DC building thus far.” (*See* Ex. 34, p. 1.) However, the letter recommended that the Commission encourage the Applicant to provide the following additional amenities in and regarding the Trail Connection Lobby: (i) extend the operating hours of the Trail Connection Lobby to “complement and support use of the Metrorail Station”; (ii) install a general DC bicycle map and an area bicycle facilities map overlaid with bus transit information; (iii) install an electric-compressor based air pump; (iv) provide a bicycle repair station; and (v) provide “sustainable mobility” related public art. (*Id.* at 2.)
31. The Commission found that the Applicant, in its pleadings and testimony, adequately addressed the comments raised in Mr. Layman’s letter. As it relates to the hours for the Trail Lobby Connection, the Applicant explained why extending the lobby hours was not practically beneficial to the larger community. In addition, the proposed TDM measures and design of the Trail Lobby Connection, as reflected on Sheets A-201, A-202, A-207

⁴ Act to Regulate the Height of Buildings in the District of Columbia, 36 Stat. 452, approved June 1, 1910, as amended; D.C. Code § 6-601.01, *et. seq.*

through A-212 of the architectural drawings, are, overall, adequately comparable to or exceed the features and amenities recommended in Mr. Layman's letter.

32. At the conclusion of the public hearing, the Commission requested that the Applicant submit the following additional information and materials to the record, which the Applicant filed on March 6, 2017: (i) an update on the inclusionary zoning proffer and language clarifying the flexibility relating to the layout and mix of inclusionary zoning units; (ii) an estimated contribution to the Housing Production Trust Fund resulting from the penthouse habitable space atop the South Tower; (iii) an updated LEED proffer; (iv) language clarifying the flexibility requested for building signage and exterior materials; and (v) revised architectural drawings showing technical updates to the Trail Connection Lobby and the interim trail. (Ex. 45-46A8.)
33. As to IZ, the Applicant agreed to provide a greater level of affordable housing than what is required under the Inclusionary Zoning regulations. Specifically, for the North Tower, of the eight percent of residential gross floor area devoted to inclusionary units, two percent will be reserved for households with incomes not exceeding 60% of AMI. The remaining six percent will be reserved for households with incomes not exceeding 80% of the AMI
34. Because this modification application did not involve a map amendment, it was not necessary for the Commission to refer the application to the National Capital Planning Commission, but instead could proceed to final action.
35. At its public meeting on May 22, 2017, the Commission took final action and approved the PUD Modification.

PUD Modification

36. The Applicant requested approval to modify the approved PUD by: (i) converting the North Tower to residential use; (ii) reconfiguring and redesigning the South Tower; and (iii) reserving the option to convert the South Tower to residential use. If the Applicant proceeds with the residential option, the Applicant shall file an application for a Modification of Consequence in order for the Commission to review and approve the architectural plans and the other zoning requirements for a residential building, including IZ.
37. Under the PUD Modification, the North Tower has approximately 339,543 square feet of gross floor area, consisting of approximately 372 residential units, and the South Tower has approximately 223,262 square feet of gross floor area devoted to office use and approximately 11,132 square feet of gross floor area devoted to retail use. Based on the Applicant's testimony at the public hearing, the retail space may include restaurants, stores, food shops, financial and general service uses, or other non-residential uses permitted in the MU-9 zone and appropriate for the configuration and size of the retail area approved for the PUD.

38. The PUD Modification reduces the overall density for the project from 7.08 to 6.78 FAR. The maximum building height remains at 130 feet, measured from New York Avenue.

Development Flexibility

39. For the PUD Modification, the Applicant requested flexibility from the following requirements:
- a. Loading. The Zoning Regulations require one loading berth at 55 feet deep; three loading berths at 30 feet deep; and two loading platforms at 20 feet deep for the PUD Modification. The Applicant requested flexibility to provide one loading berth at 55 feet deep and two loading berths at 30 feet deep. The Commission is supportive of the flexibility requested because it improves efficiency and utilization of the Property by consolidating the loading facilities for the North and South Towers into a single loading area. Moreover, shared loading is directly in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments, minimize curb cuts, and provide shared loading spaces in mixed-use projects. Finally, as noted in the DDOT Hearing Report, loading facilities are provided from the private driveway and Plaza, with no back-in maneuvers proposed from public space, which is consistent with DDOT standards. Therefore, the Commission approves the requested flexibility from the loading requirements; and
 - b. Additional Areas of Flexibility. The Applicant requested flexibility in the following areas:
 - a. To provide a range in the number of units in the North Tower of 372 plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms provided that the variations do not change the exterior configuration of the building;
 - c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes necessary to comply with all applicable District of

Columbia laws and regulations or that are otherwise necessary to obtain a final building permit;

- e. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved plans; and
- f. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on Sheet A-310 of the plans.

Public Benefits and Amenities

- 40. The PUD, as originally approved, included a number of significant public benefits and project amenities, the majority of which were delivered with the construction of the Phase 1 Building. The project benefits and amenities that have already been delivered are listed on pages six through eight of the Applicant’s Supplemental Filing. (Ex. 30.) The project benefits and amenities that were previously accepted, but have not yet been delivered by the Applicant are listed on pages eight and nine of the Supplemental Filing. (Ex. 30.)
- 41. The previously accepted proffers that have not yet been delivered by the Applicant, as modified by the PUD Modification application, and the additional project benefits and amenities proffered with the PUD Modification are as follows:
 - a. **Housing and Affordable Housing.** In order to expand the affordable housing opportunities throughout the PUD, the Applicant proposes to provide a greater level of affordable housing than what is required under the Inclusionary Zoning regulations. Specifically, for the North Tower, of the eight percent of residential gross floor area devoted to inclusionary units, two percent will be reserved for households with incomes not exceeding 60% of the AMI. The remaining six percent will be reserved for households with incomes not exceeding 80% of the AMI;

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	339,543 sf of GFA (100%)	372	NA	NA	NA
Market Rate	312,379 sf of GFA (92%)	342	Market Rate	NA	NA
IZ	6,791 sf of GFA (2%)	8	Up to 60% AMI	Life of the project	Rental
IZ	20,373 sf of GFA (6%)	22	Up to 80% AMI	Life of the project	Rental

- b. **Trail Connection Lobby.** The PUD integrates the Metropolitan Branch Trail (“MBT”) by creating an open-air, two-story bicycle/pedestrian connection through the South Tower into the Plaza. The Trail Connection Lobby is accessed from the MBT on the second floor of the South Tower. Inside the Trail Connection Lobby, a grand stair with four bike troughs will mediate the grade difference allowing cyclists to easily access the Plaza located on the ground floor. An elevator that can accommodate a minimum of two bicycles will also be located in the Trail Connection Lobby to provide access from the MBT to the Plaza. The Trail Connection Lobby will provide bicycle storage for approximately 32 short-term bicycle spaces, information about the MBT and surrounding neighborhoods, station maps, bicycle tire pumps and repair areas, a drinking fountain, an emergency call box, free public WiFi, and a restroom open to the public during normal retail hours. The Trail Connection Lobby will be open to the public from 6:00 a.m. to 12:00 a.m. (midnight); and
- c. **Improvements to the Metropolitan Branch Trail.** The Applicant will improve the paving, landscaping, and lighting along the MBT adjacent to the North and South Towers, and will maintain the MBT improvements and landscaping adjacent to the North and South Towers for the life of the Project. Specifically, the Applicant will install pole lighting along the North Tower adjacent to the MBT, which will be connected to DDOT’s planned electrical power service and maintained by DDOT. Light fixtures will be installed on the South Tower adjacent to the MBT, which will be connected to the South Tower’s electrical service and will be maintained by the Applicant. The Applicant will also install a thermoplastic decorative design on the MBT directly in front of the Trail Connection Lobby. The Applicant will ensure that construction work on the MBT is undertaken in a safe and efficient manner that avoids closures during peak periods and maintains the MBT trail width in all locations. The Applicant will enter into a Maintenance of Traffic (“MOT”) plan with DDOT to ensure minimal trail closures and determine detour routing, supporting signage, and public outreach. The MOT will include the following elements:
- i. The Applicant will provide no less than 30 days’ notice of any MBT closures by posting notices at the intersection of the MBT and R Street, and at the MBT adjacent to the Marriott Hotel next to the NOMA Metrorail station;
 - ii. During the permitting process, the Applicant will work with DDOT to develop a detour routing path that will be utilized during any MBT closures; and
 - iii. The Applicant will present the approved MOT plan to ANC 5E and the Eckington Civic Association prior to its implementation.

42. **Sidewalks on Florida and New York Avenues.** The Applicant will extend the widened sidewalks and enhanced streetscapes along Florida Avenue to the Property’s southeast corner (to the south of the South Tower), and along New York Avenue to the Property’s northwest corner (to the west of the North Tower), consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14.
43. **LEED Certification.** The North Tower will achieve LEED-Silver certification under the USGBC LEED v.4, and will also include rooftop solar panels that will generate approximately one percent of the North Tower’s power requirements. The solar panels will meet DOE’s goal of having projects incorporate renewable energy technology into their development plans. The South Tower, if occupied as an office use, will achieve LEED-Gold certification. If the South Tower is constructed for a residential use, the South Tower will achieve LEED-Silver certification under the USGBC LEED v.4.

OP Reports

44. By report dated October 7, 2017, OP recommended that the Commission set down the PUD Modification for a public hearing. (Ex. 13.) The OP Setdown Report indicated that the PUD Modification would have a revised design with more varied massing, materials, finishes, and façade elements; would slightly reduce the PUD’s FAR and lot occupancy; and would meet the Green Area Ratio requirements. The OP Setdown Report also requested that the Applicant submit additional information to the case record prior to the public hearing. (See Ex. 13, p. 3.)
45. By report dated January 9, 2017, OP recommended approval of the PUD Modification, subject to the following conditions:
- a. Should the Applicant propose to develop the South Tower as a residential building, the Applicant returns to the Commission for a Modification of Significance, including a residential redesign of the building’s façade and details of how the residential tower conforms with the requirements for residential buildings, including IZ;
 - b. Document the elevator between the lobby and Level 2 is of sufficient size to accommodate bicycles;
 - c. Submit to DDOT for their approval:
 - a. How much, if any, the Metropolitan Branch Trail would be narrowed as a result of the new towers; and
 - b. A plan on how construction would impact the use and operation of the trail; and
 - d. Provide additional information on landscaping proposed for the rear yard of the apartment building facing the Metropolitan Branch Trail, including refinement of the exterior railings separating outdoor private space from the trail. (Ex. 32, p. 1.)

46. OP also encouraged the Applicant to increase the affordable housing proffer beyond the minimum required by either increasing the amount of square footage set aside for affordable housing and/or providing a deeper median income limit. (Ex. 32, pp. 1-2.)
47. On February 8, 2017, the Applicant submitted a letter and revised architectural drawings addressing items (b) and (d), above. (Ex. 38-39.) The Applicant responded to item (c) above at the public hearing. Finally, the Applicant responded to OP's suggestion to increase the affordable housing by proffering devoting two percent of the eight percent of the residential gross floor area devoted to inclusionary units to households with incomes not exceeding 60% of the AMI.

DDOT Report

48. On January 9, 2017, DDOT submitted a report on the application indicating that it had no objection to the PUD Modification, subject to the following conditions: (Ex. 31.)
 - a. Revise the bicycle lobby design to include the following elements:
 - a. Stair slope: Install a staircase with a slope of 34% or less subject to DDOT approval;
 - b. Bicycle ramp design: Select a design that reflects best practices for accommodating bicycles on staircases subject to DDOT approval;
 - c. Elevator design: Install an "oversized" elevator to satisfy the Z.C. Case No. 06-14 conditions to easily accommodate at least two bicycles with both wheels on the ground at a time; and
 - d. Internal walkway widths: Design the internal walkways to be at least eight feet wide to facilitate circulation;
 - b. Provide at least an eight-foot-wide temporary bicycle connection between the MBT and Florida Avenue if the North and South buildings are not constructed at the same time;
 - c. Commit to securing DDOT permits for any construction-related closures to the MBT. Closures should be limited to no more than two consecutive days and work should be during off-peak periods whenever feasible. If a covered walkway is required to support continued trail operations during construction it must be constructed such that it maintains as wide of a trail as possible. Develop a maintenance of traffic (MOT) plan subject to DDOT permit to ensure minimal closures and determine detour routing, supportive signage, and public outreach; and
 - d. Enhance the TDM plan to include the following elements:

- a. Install a Transit Screen in the lobbies of the North and South buildings. Transit screens should be installed in lieu of the Electronic Transportation Kiosk identified in the approved TDM plan;
- b. Provide the minimum ZR16 bicycle parking requirements (Option 1: 156 long-term spaces and 26 short-term spaces; Option 2: 155 long-term spaces and 34 short-term spaces);
- c. Provide the minimum ZR16 showers and locker requirements in the office building (six showers and 41 lockers);
- d. Offer an annual carsharing and Capital Bikeshare membership to each residential unit for a period of three years;
- e. Unbundle parking costs from leasing apartments or purchasing condos; and
- f. Provide five rolling shopping carts.

(Ex. 31, pp. 2-3.)

49. By memorandum dated February 9, 2017, the Applicant responded to the DDOT Hearing Report by indicating that it would comply with all of the conditions listed above. At the public hearing, DDOT testified that it was satisfied with the Applicant's responses to its concerns and conditions.

ANC 5E Report

50. On March 13, 2017, ANC 5E submitted a report, in which it stated “[t]he ANC recommends the approval of the modification if the developer increased the affordable housing component to eight percent at 80% of AMI and 2% at 60% of AMI.” As noted above, the Applicant had already agreed to do this in its March 6, 2017 submission.

ANC 6C Report

51. On March 13, 2017, ANC 6C filed a written report in which it stated that “[t]he commissioners voted unanimously, 6:0:0, to send a letter to the Zoning Commission indicating that ANC 6C has no objection to the requested modifications to the PUD.” ANC 6C expressed no issues or concerns in its written report. As discussed later in this Order, the Commission afforded the views of ANC 6C the “great weight” to which it is entitled.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to provide for higher quality development through flexibility in building controls, including building height

- and density, provided that the PUD results in a project superior to what would result from the matter-of-right standards, offers a commendable number or quality of meaningful public benefits, protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan. (Subtitle X § 300.1.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider and approve this application for a modification to the approved Consolidated PUD. Any modifications proposed to an approved PUD that cannot be approved by the Zoning Administrator shall be submitted to and approved by the Commission pursuant to Subtitle Z, Chapter 7. Pursuant to Subtitle X § 704.3, the application shall meet the requirements for, and be processed as, a second-stage PUD application. In this case, the Commission treated the PUD Modification as a second-stage PUD application.
 3. The Commission may establish general standards and, in individual cases, set standards and conditions for height and bulk lesser or greater than the standards established for the affected districts in the Zoning Regulations. (Subtitle X § 300.6.)
 4. Development of the Property, as modified, carries out the purposes of Subtitle X, Chapter 3 to provide high quality development that is superior to what would result from the matter-of-right standards.
 5. The PUD Modification meets the minimum area requirements of Subtitle X § 301.
 6. The PUD Modification, as approved by the Commission, complies with the applicable height, bulk, and density standards of the Zoning Regulations. The uses for the PUD Modification are appropriate for the Property. The impact of the project on the surrounding area and the operation of city services and facilities are acceptable given the quality of the public benefits in the project.
 7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan.
 8. The project benefits and amenities are reasonable tradeoffs for the requested development flexibility.
 9. Approval of the PUD Modification is appropriate because the proposed development is consistent with the present character of the area and is not inconsistent with the Comprehensive Plan. In addition, the proposed development will promote the orderly development of the Property in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
 10. The Commission is required under § 13(d) of the Advisory Neighborhood Commissions Act of 1975 effective March 26, 1976 (D.C. Law 1-21; D.C. Official Code § 1-309.10(d)) to give "great weight" to the issues and concerns raised in the written report of the affected ANC, or, in this instance, the affected ANCs. In this instance, ANC 5D did not submit a written report.

11. ANC 6D submitted a written report stating that it did not object to the PUD Modification, and did not articulate any issues or concerns with the PUD Modification. As such, there is nothing to which the Commission can give great weight.
12. ANC 5E submitted a written report in which it recommended approval, subject to the developer agreeing to reserve two percent of the residential gross floor area to households earning 60% of the average median income, apparently unaware that the Applicant had already agreed to do so. In any event, this requirement has been made a condition of this Order.
13. The Commission is required under § 5 of the Office of Zoning Independence Act of 1990, effective September 20, 1990 (D.C. Law 8-163, D.C. Official Code § 6-623.04) to give great weight to OP's recommendations. For the reasons stated above, the Commission concurs with OP's recommendation for approval of the PUD Modification and has given the OP recommendation the great weight it is entitled.
14. The PUD Modification application is subject to compliance with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission of the District of Columbia **ORDERS APPROVAL** of the application for modifications to a previously approved consolidated PUD for the Property located at Square 3584, Lots 814, 815, 820, 821, and 822, originally approved in Z.C. Order No. 06-14, as amended by Z.C. Order No. 06-14B, subject to the conditions listed below. The conditions of Z.C. Order No. 06-14B continue to apply to the Phase I Building, located at Square 3584, Lots 23, 801, 802, and 813.

A. PROJECT DEVELOPMENT

1. The PUD, as modified herein, shall be developed in accordance with the plans titled "Washington Gateway – Modification to Approved Consolidated PUD," prepared by SK+I and Gensler, and dated March 6, 2017, marked as Exhibits 46A1-46A8 ("Plans"), as modified by the guidelines, conditions, and standards herein.

B. PUBLIC BENEFITS

1. North Tower

- a. **Prior to the issuance of a Certificate of Occupancy for the North Tower and for the life of the Project**, the Applicant shall demonstrate to the Zoning Administrator the following:

- i. **For the life of the Project**, the Applicant shall:
 - A. Provide a total of approximately 339,543 square feet of residential gross floor area (“GFA”) of housing;
 - B. Devote no less than eight percent of the residential GFA equaling not less than 27,164 square feet of GFA as inclusionary units pursuant to 11-C DCMR Chapter 10;
 - C. Of the GFA devoted to inclusionary units, no less than two percent equaling not less than 6,791 square feet of GFA shall be reserved for households earning equal to or less than 60% of the AMI; and
 - D. Of the not less than 20,373 square feet of GFA shall be reserved for households earning equal to or less than 80% of the AMI;
- b. The affordable housing units shall be distributed in accordance with Sheet A-310 of the Plans marked as Exhibit 46A6 of the record, and shall be provided in accordance with the chart below; and
- c. The covenant required by D.C. Official Code §§ 6-1041.05(a)(2)(2012 Repl.) shall include a provision or provisions requiring compliance with this condition.

Residential Unit Type	GFA/Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type
Total	339,543 sf of GFA (100%)	372	NA	NA	NA
Market Rate	312,379 sf of GFA (92%)	342	Market Rate	NA	NA
IZ	6,791sf of GFA (2%)	8	Up to 60% AMI	Life of the project	Rental
IZ	20,373 sf of GFA (6%)	22	Up to 80% AMI	Life of the project	Rental

2. **South Tower/Office Use**

- a. If the South Tower is devoted to office use, the Applicant shall comply with the provisions of 11-C DCMR § 1505, requiring a contribution to the Housing Production Trust Fund for the penthouse habitable space.

3. **South Tower/Residential Use**
 - a. If the South Tower is devoted to residential use, no building permit shall be issued for the South Tower unless the Commission has approved the revised project as a Modification of Consequence. The Commission shall not approve a Modification of Consequence unless the Applicant has provided:
 - i. A residential redesign of the building’s façade; and
 - ii. An explanation of how the South Tower satisfies all requirements for residential buildings, including Inclusionary Zoning.
4. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall provide evidence to the Zoning Administrator that it has constructed the Trail Connection Lobby in substantial accordance with Sheets A-201A, A-202, and A207 through A-212 of the Plans (Ex. 46A4-46A5), and has incorporated the following elements into the lobby design: (i) a grand stair with risers of approximately 5.5 inches, treads approximately 15 inches long, and four bike troughs; (ii) an elevator that can accommodate a minimum of two bicycles; (iii) bicycle storage that is accessed by wide internal walkways and can accommodate a minimum of 32 short-term bicycle spaces; (iv) information about the MBT and surrounding neighborhoods; (v) station maps; (vi) bicycle tire pumps and repair areas; (vii) a drinking fountain; (viii) an emergency call box; (ix) free public Wi-Fi; and (x) a restroom open to the public for use during normal retail hours.
5. **For the life of the Project**, the Applicant shall provide public access from New York Avenue and the Metropolitan Branch Trail in accordance with the following daily schedule:
 - a. The New York Avenue staircase shall be open from 7:00 a.m. to 7:00 p.m.; and
 - b. The Trail Connection Lobby, including the stairs and elevator to the Plaza, shall be open from 6:00 a.m. to 12:00 a.m. (midnight).
6. The Applicant shall construct or install at its sole expense, the following improvements for the MBT:
 - a. **Prior to the issuance of a Certificate of Occupancy for the North Tower**, the Applicant shall demonstrate to the Zoning Administrator that it has installed the paving, landscaping, and lighting along the MBT adjacent to the North Tower, consistent with Sheets L-102, L-104, L-201, and L-301 of the Plans; (Ex. 46A2.)

- b. **Prior to the issuance of a Certificate of Occupancy for the North Tower**, the Applicant shall demonstrate to the Zoning Administrator that it has installed pole lighting along the North Tower adjacent to the MBT that is designed to connect to DDOT’s electrical power service;
 - c. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall demonstrate to the Zoning Administrator that it has installed the paving, landscaping, and lighting along the MBT adjacent to the South Tower, consistent with Sheets L-102, L-104, L-201, and L-301 of the Plans; (*Id.*)
 - d. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall demonstrate to the Zoning Administrator that it has mounted light fixtures to the South Tower adjacent to the MBT that are designed to connect to the South Tower’s electrical service;
 - e. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall install a thermoplastic decorative design on the MBT directly in front of the Bike Lobby. The Applicant shall maintain the thermoplastic decorative design **for the life of the Project**; and
 - f. The Applicant shall maintain the MBT improvements and landscaping adjacent to the North and South Towers **for the life of the project**.
7. **Prior to the issuance of a Certificate of Occupancy for the North or South Tower, whichever is first**, the Applicant shall include landscaping, streetscape, and open space treatment for the Project as shown on the Plans. The Applicant or its successors shall maintain all landscaping, streetscape, and open space treatments in good growing condition.
8. **Prior to the issuance of a building permit for the North or South Tower, whichever is first**, the Applicant shall enter into a MOT plan with DDOT to ensure minimal closures of the MBT and determine detour routing, supporting signage, and public outreach. The MOT shall include the following elements:
- a. **The Applicant shall provide no less than 30 days’ notice** of any MBT closures, and shall post notices at the intersection of the MBT and R Street, and at the MBT adjacent to the Marriott Hotel next to the NOMA Metrorail station;
 - b. During the permitting process, the Applicant shall work with DDOT to develop a detour routing path that will be utilized during any MBT closures; and

- c. The Applicant shall present the approved MOT plan to ANC 5E and the Eckington Civic Association prior to its implementation.
9. **Prior to the issuance of a Certificate of Occupancy for the North Tower**, the Applicant shall extend the widened sidewalks and enhanced the streetscapes along New York Avenue to the Property’s northwest corner, as shown on Sheets L-102 through L-104, L-201, L-301, and L-302 of the Plans, and consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14. (Ex. 46A2.)
10. **Prior to the issuance of a Certificate of Occupancy for the South Tower**, the Applicant shall extend the widened sidewalks and enhanced the streetscapes along Florida Avenue to the Property’s southeast corner, as shown on Sheets L-102 through L-104, L-201, L-301, and L-302 of the Plans, and consistent with Finding of Fact Nos. 26(c) and (e) of Z.C. Order No. 06-14. (Ex. 46A2.)
11. **Prior to the issuance of a Certificate of Occupancy for the North Tower**, the Applicant shall:
 - a. Furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the North Tower has been designed to include at least the minimum number of points necessary to achieve LEED- Silver certification under LEED v.4; and
 - b. Install rooftop solar panels in accordance with Sheet A-308 of the Plans. (Ex. 46A6.)
12. **Prior to the issuance of a Certificate of Occupancy for the South Tower, if constructed for office use**, the Applicant shall furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the South Tower has been designed to include at least the minimum number of points necessary to achieve LEED-Gold certification.
13. **Prior to the issuance of a Certificate of Occupancy for the South Tower, if constructed for residential use**, The Applicant shall furnish a copy of the associated LEED certification application submitted to the USGBC, which shall indicate that the South Tower has been designed to include at least the minimum number of points necessary to achieve LEED-Silver under the USGBC LEED v.4.
14. The Applicant shall provide evidence to the Zoning Administrator that it has achieved the following LEED Certifications:
 - a. North Tower: LEED Silver certification under LEED v.4;
 - b. South Tower if constructed for office use: LEED Gold; and

- c. South Tower if constructed for residential use: LEED-Silver under the USGBC LEED v.4.

The Applicant shall provide this evidence **within one year from the date of issuance of the first Certificate of Occupancy for occupiable space in a story above grade plane for the North and South Towers, respectively.** The Zoning Administrator may, for good cause and upon written request, extend the time period to submit the evidence of certification.

C. **TRANSPORTATION MITIGATION MEASURES**

1. The Applicant shall implement the following TDM measures for the North and South Towers **for the life of the Project, unless stated otherwise:**

- a. North Tower

- i. Install one TransitScreen in the lobby of the North Tower instead of the Electronic Transportation Kiosk identified in the Transportation Impact Study included as Exhibit 29 of Z.C. Case No. 06-14;
- ii. Install the minimum number of long- and short-term bicycle parking spaces required for the North Tower under the 2016 Zoning Regulations;
- iii. **For a period of three years following the issuance of a certificate of occupancy for any new residential building,** the Applicant shall offer to each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit, for a maximum total benefit of \$94,350.00;
- iv. Unbundle the parking costs from the lease or purchase of residential units;
- v. Purchase five rolling shopping carts for use by residents of the North Tower; and
- vi. Install two EV-charging stations in the North Tower; and

- b. **South Tower**

- i. Install one TransitScreen in the lobby of the South Tower instead of the Electronic Transportation Kiosk identified in the

Transportation Impact Study included as Exhibit 29 of Z.C. Case No. 06-14;

- ii. Install the minimum number of long- and short-term bicycle parking spaces required for the South Tower under the 2016 Zoning Regulations;
- iii. If the South Tower is developed as office use, install the minimum number of showers and lockers in the South Tower, as required under the 2016 Zoning Regulations;
- iv. If the South Tower is developed as residential use, then for a period of three years following the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall offer each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit;
- v. If the South Tower is developed as residential use, unbundle the parking costs from the lease or purchase of residential units; and
- vi. Install two EV-charging stations in the South Tower.

D. FLEXIBILITY

1. The Applicant shall have flexibility from the loading requirements of the Zoning Regulations and shall also have flexibility in the following areas:
 - a. To provide a range in the number of units in the North Tower of 372 plus or minus 10%;
 - b. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms provided that the variations do not change the exterior configuration of the building;
 - c. To make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
 - d. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details, locations and dimensions, including:

window mullions and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes necessary to comply with all applicable District of Columbia laws and regulations or that are otherwise necessary to obtain a final building permit;

- e. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved Plans; and
- f. To vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on Sheet A-310 of the Plans. (Ex. 46A6.)

E. MISCELLANEOUS

- 1. The timing requirements for both the North Tower and the South Tower will be bifurcated, with each tower separately subject to the requirements of 11 DCMR X § 702.2, as follows:
 - a. The approval of the PUD Modification for the North Tower shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of this Order;
 - b. The approval of the PUD Modification for the South Tower shall be valid for a period of two years from the effective date of this Order. Within such time, an application must be filed for a building permit, with construction to commence within three years of the effective date of this Order; and
 - c. The Applicant may seek extensions of the time for each tower, respectively, in accordance with 11 DCMR Z § 705. If, no application for a permit is filed, construction has not started within the period specified, or no extension is granted, the approval for the unconstructed portion of the PUD shall expire, and the zoning shall revert to the pre-existing regulations and map.
- 2. No building permit shall be issued for the PUD Modification until the Applicant has recorded in the land records of the District of Columbia a modification to the recorded covenant required by Z.C. Order No. 06-14. The modified covenant shall be between the Applicant and the District of Columbia, satisfactory to the Office of the Attorney General and the Zoning Division, Department of Consumer

and Regulatory Affairs, and shall bind the Applicant and all successors in title to construct and use the Property in accordance with Z.C. Order Nos. 06-14 and 06-14B, as modified by this Order or any subsequent amendment thereof by the Commission. The Applicant shall file a certified copy of the modified covenant with the records of the Office of Zoning.

3. The Applicant shall file with the Zoning Administrator a letter identifying how it is in compliance with the conditions of this Order at such time as the Zoning Administrator requests and shall simultaneously file that letter with the Office of Zoning.
4. The Applicant is required to comply fully with the provisions the D.C. Human Rights Act of 1977, D.C. Law 2-38, as amended, D.C. Official Code § 2-1401.01 *et seq.*, (“Act”). This Order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 *et seq.* (Act), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, 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.

On May 22, 2017, upon the motion of Commissioner Shapiro, as seconded by Vice Chairman Miller, the Zoning Commission took **FINAL ACTION** to **APPROVE** the application at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, Peter G. May, and Michael G. Turnbull to approve).

In accordance with the provisions of 11-Z DCMR § 604.9, this Order shall become final and effective upon publication in the *D.C. Register*; that is on May 4, 2018.

BY THE ORDER OF THE D.C. ZONING COMMISSION

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

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 17-24
Z.C. Case No. 17-24
(Zoning Map Amendment @ U.S. Reservation 421 from Unzoned to RA-1)
April 9, 2018**

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

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FILING
Z.C. Case No. 18-05
(WMATA – Map and Text Amendments @ Square 487)
April 19, 2018

THIS CASE IS OF INTEREST TO ANC 2C

On April 12, 2018, the Office of Zoning received an application from WMATA (the “Petitioner”) for approval of map and text amendments for the above-referenced property.

The property that is the subject of this petition consists of Lot 17, Square 487 in northwest Washington, D.C. (Ward 2), on property located at 600 5th Street, N.W. The property is currently zoned D-2. The Petitioner is proposing a map amendment to rezone the property to D-5-R and a text amendment to make future residential density of the subject property subject to Inclusionary Zoning (“IZ”) regulations.¹

The D-2 zone is intended to accommodate high-density housing with a limited amount and type of commercial use on only the ground floor and to ensure the scale of new development is compatible with the scale of the historic areas in the vicinity of lower 16th Street, N.W., 17th Street, N.W. near the White House, and Judiciary Square. The D-2 zone allows a maximum height of 90 feet (100 feet with IZ); maximum lot occupancy of 100%; and a maximum total density of 6.0 FAR (7.2 for IZ) with a maximum of 3.5 FAR for non-residential.

The D-5-R zone is intended to promote high-density residential development through housing requirements and incentives in areas near Mount Vernon Square and in the Mount Vernon Triangle while accommodating high-density commercial and mixed-use development. The D-5-R zone allows a maximum height of 130 feet (the height of each parcel is based on the right-of-way width of the street it fronts); maximum lot occupancy of 100%; and the maximum density is 6.0 for non-residential density and a minimum residential density of 3.5 FAR.²

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.

¹ IZ governs the affordable housing requirements for residential development in the District. Typically, residential development within the D-5-R zone is not subject to IZ requirements or bonuses.

² The maximum density is what is achievable given height and bulk constraints, any credits generated through either the Transfer of Development Rights (“TDR”) or Combined Lot Development Rights (“CLR”), and any applicable sub-area regulations.

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