

DISTRICT DEPARTMENT OF THE ENVIRONMENT**NOTICE OF PUBLIC HEARING**

The District Department of Environment (DDOE) invites the public to present its comments at a public hearing on the fiscal year (FY) 2009 and 2010 Project Priority Lists (PPL) for the District of Columbia's Construction Grant Program. The PPLs delineate projects likely to receive Federal and D.C. funds to construct or improve wastewater treatment facilities and other related infrastructures for FY 2009 and in future years.

Copies of the Draft FY 2009 PPLs and additional information are on file at the Martin Luther King, Jr. Library, 901 G St., NW, Washington, D.C. 20001, and may be inspected during normal business hours. In addition, the document can be downloaded at the following website address <http://www.ddoe.dc.gov> under the Information section at the Public Notices & Hearings bullet.

DATE: Tuesday, March 3, 2009
TIME: 6:00 p.m.
PLACE: District Department of the Environment
51 N Street, N.E., Washington, D.C. 20002
6th Floor Conference Room
New York Avenue Metro Stop

Persons who wish to testify are requested to furnish in writing, their names, addresses, telephone numbers, and the organization they represent, if any, to the attention of N. Shulterbrandt at the address below, by Thursday, February 26, 2009.

District Department of the Environment
Water Quality Division
51 N Street, N.E., 5th Floor
Washington, D.C. 20002

Other persons present at the hearing who wish to be heard, may testify if there is time after those on the witness list have been called and heard. Persons are urged to submit duplicate copies of their written statements. All presentations shall be limited to five minutes. The hearing will end earlier if all persons wishing to make comments have been heard. Persons may submit written testimony by mail to the address above. Such written testimony is to be clearly marked "PPL Public Hearing 2009," and received by Friday, March 6, 2009. DDOE will consider all comments in its final decision.

For additional information, call 202-535-2600.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

NOTICE OF PUBLIC HEARING

Wednesday, February 18, 2009

6:30 p.m.

COUNCIL OF GOVERNMENTS
777 NORTH CAPITOL STREET, NE
WASHINGTON, D.C. 20002
1ST FLOOR TRAINING ROOM

The Board of Directors of the District of Columbia Water and Sewer Authority, in accordance with Section 216 of the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, effective April 18, 1996, (D.C. Law 11-111; D.C. Code § 34-2202.16), will conduct a public hearing at the above-stated date, time, and place, to receive comments on the implementation of a retail rate for sanitary sewer service of Three Dollars and Thirty-One Cents (\$3.31) for each One Hundred Cubic Feet (Ccf) decreased from Three Dollars and Forty-Seven Cents (\$3.47) per Ccf and an impervious surface area charge of One Dollar and Twenty-Four Cents (\$1.24) per month per Equivalent Residential Unit (ERU).

The proposed rules are published elsewhere in this edition of the D.C. Register.

Each individual or representative of an organization who wishes to present testimony at the public hearing is requested to furnish his or her name, address, telephone number and name of organization (if any) by calling 787-2330 or emailing the request to Lmanley@dcwasa.com no later than 5:00 p.m., Monday, February 16, 2009. Other persons wishing to present testimony may testify after those on the witness list. Persons making presentations are urged to address their statements to relevant issues.

Oral presentations by individuals will be limited to five (5) minutes. Oral presentations made by representatives of an organization will not be longer than ten (10) minutes. Statements should summarize extensive written materials so there will be time for all interested persons to be heard. Oral presentations will be heard and considered, but for accuracy of the record, all statements should be submitted in writing. The hearing will end when all person wishing to make comments have been heard.

Persons may submit written testimony by mail to the address below. Such written testimony is to be clearly marked "SUBJECT," and received by 5: 00 p.m. Monday, February 16, 2009.

District of Columbia Water and Sewer Authority
Office of the Secretary
5000 Overlook Avenue, S.W.
Washington, D.C. 20032

Attention: SUBJECT "Written Testimony for Public Hearing, Wednesday February 18, 2009"

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

TIME AND PLACE: **Monday, March 30, 2009 @ 6:30 P.M.**
 Office of Zoning Hearing Room
 441 4th Street, N.W. Suite 220-S
 Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 09-01 (Text amendments to permit time extensions for Board of Zoning Adjustment Orders and to clarify procedures for modification of approved plans)

THIS CASE IS OF INTEREST TO ALL ANCs

The Office of Planning (“OP”), in a report dated December 22, 2008, petitioned the Zoning Commission for a text amendment to 11 DCMR §§ 3129 and 3130. Section 3129 currently authorizes the Board of Zoning Adjustment (“Board” or “BZA”) to consider minor modifications to plans if filed within six (6) months of an issued BZA order. The proposed amendment would make the time to request minor modifications to approved plans the same as the two year period allowed to file plans for a building permit with the Department of Consumer and Regulatory Affairs (“DCRA”). The amendment to § 3130 would permit the Board to grant a time extension to allow more time to file such plans. The amendments also establish a procedure through which the Board may consider other modifications to its orders, for example a change to conditions.

At its regular public meeting held January 12, 2009, the Zoning Commission setdown this case for a public hearing. The OP report served as the pre-hearing submittal for the case.

The proposed amendments to the Zoning Regulations are as follows, with addition to existing provisions shown in **bold and underlined** text, and deletions to existing provisions shown in ~~striketrough~~ text:

CHAPTER 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, is amended as follows:

1. By amending §3129, Modification of Approved Plans, to read as follows:

3129 MODIFICATION OF APPROVED PLANS.

3129.1 This section applies to all appeals and applications filed with the Board under this chapter; provided, however, this section only applies to chancery applications to the extent specified in § 3134.

3129.2 The Board shall consider requests to approve **minor** modifications to plans approved by the Board, as set forth in §§ 3125.7 and 3125.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefore and include a copy of the plans for which approval is now requested.

3129.3 A request for **minor** modification of plans shall be filed with the Board not later than ~~six months~~ **two (2) years** after the date of the final order approving the application.

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- 3129.4 All requests for minor modifications of plans shall be served on all other parties to the original application at the same time as the request is filed with the Board. A party shall have ten (10) days within which to submit written comments that such party may have concerning the requested modification.
- 3129.5 A decision on a request for minor modification of plans shall be made by the Board on the basis of the written request, the plans submitted therewith, and any responses thereto from other parties to the original application.
- ~~3129.6 No member shall vote on a request for modification of plans unless the member participated in and voted on the original decision or read the record.~~
- ~~3129.7 Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in approving the application.~~
- 3129.6 Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts the Board relied upon in its approving the application.**
- 3129.7 A request to modify other aspects of a Board order may be made at anytime, but shall require a hearing.**
- 3129.8 The scope of a hearing conducted pursuant to § 3129.7 shall be limited to impact of the modification on the subject of the original application, and shall not permit the Board to revisit its original decision.**
2. By amending § 3130, Time Limits on Board Action, as follows:
- (a) By amending § 3130.1 to read as follows:
- 3130.1 No order of the Board authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility, unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, **unless its validity is extended pursuant to § 3130.6.**
- (b) By adding a new § 3130.6 to read as follows:
- 3130.6 Subject to § 3130.7, the Board may grant, without a hearing, one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the applicable period; provided, that the Board determines that the following requirements are met:**
- (a) **The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;**

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- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, 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.

3130.7 A time extension granted pursuant to § 3130.6 shall not exceed two (2) years, or one (1) year for an Electronic Equipment Facility.

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

The public hearing on this case will be conducted as a rulemaking in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to that section, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

ANTHONY J. HOOD, GREGORY N. JEFFRIES, WILLIAM W. KEATING, III, MICHAEL G. TURNBULL, AND PETER G. MAY, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY RICHARD S. NERO, JR., ACTING DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.