



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Act 20-179, Law 20-22, District Real Property Tax Sale Emergency Act of 2013
- DC Council schedules a public oversight roundtable on the review the Department of Employment Services' Implementation of the Living Wage Act
- DC Council schedules a public roundtable on the impact of the government shutdown on the District of Columbia
- Office of the Chief Financial Officer publishes the 2014 statutory and special real property tax rates
- Executive Office of the Mayor solicits comments on the District's Transparency and Open Government Initiative
- Office of the Deputy Mayor for Planning and Economic Development announces funding availability for the FY14 Workforce Investment Hospitality Training program

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

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DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

441 4th STREET - SUITE 520 SOUTH - ONE JUDICIARY SQ. - WASHINGTON, D.C. 20001 - (202) 727-5090

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PERIODICAL POSTAGE PAID AT WASHINGTON, D.C.
POSTMASTER: Send address changes to D.C. Register, 441 - 4th Street, N.W., Suite 520 South, Washington, D.C. 20001

CONTENTS

ACTIONS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. ACTS

A20-173 Change Order No. 004 to Contract No. GM-11-M-0912-FM
Approval and Payment Authorization Emergency Act of
2013 [B20-342] 014934 - 014935

A20-174 Contract No. CW17400 Approval and Payment
Authorization Emergency Act of 2013 [B20-380] 014936 - 014937

A20-175 Modification to Delivery Order No. DCAM-2010-T-4007
under Federal Contract No. SP0600-10-D-4007 Approval
and Payment Authorization Emergency Act of 2013 [B20-427]..... 014938 - 014939

A20-176 Tax Lien Compensation and Relief Reporting
Emergency Act of 2013 [B20-441]..... 014940 - 014941

A20-177 Workers’ Compensation Statute of Limitations
Congressional Review Emergency Amendment
Act of 2013 [B20-443]..... 014942 - 014943

A20-178 YMCA Community Investment Initiative Real
Property Tax Exemption Congressional Review
Emergency Act of 2013 [B20-448]..... 014944 - 014946

A20-179 District Real Property Tax Sale Emergency Act
of 2013 [B20-449] 014947 - 014948

A20-180 Fiscal Year 2014 Budget Support Technical
Clarification Emergency Amendment
Act of 2013 [B20-451]..... 014949 - 014952

A20-181 Board of Ethics and Government Accountability
Establishment and Comprehensive Ethics Reform
Emergency Amendment Act of 2013 [B20-455]..... 014953 - 014954

A20-182 Federal Shutdown Response Emergency Act
of 2013 [B20-497] 014955 - 014956

A20-183 Chief Financial Officer Compensation Temporary
Amendment Act of 2013 [B20-391] 014957 - 014958

A20-184 CCNV Task Force Temporary Act of 2013 [B20-396] 014959 - 014961

A20-185 Income Tax Secured Bond Authorization
Act of 2013 [B20-256]..... 014962 - 014963

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

BILLS INTRODUCED AND PROPOSED RESOLUTIONS

Intent to Act on New Legislation -

Proposed Resolutions PR20-282, PR20-284, PR20-285, PR20-286, PR20-453, and PR20-507 through PR20-509 014964 - 014965

COUNCIL HEARINGS

Notice of Public Hearings -

B20-110 Belmont Park Designation and Establishment Act of 2013014966

B20-432 Calvin and Wilhelmina Rolark Way Designation Act of 2013014966

B20-439 Closing of a Public Alley in Square 150, S.O. 13-10218, Act of 2013.....014966

B20-525 Annie's Way Designation Act of 2013014966

B20-407 The Healthy Tots Act of 2013014967

B20-178 The Compulsory Pre-School Attendance Amendment Act of 2013014967

The State of Pre-Kindergarten Education in the District of Columbia..... 014967

PR20-446 Historic Preservation Review Board Donald Graham Davidson Confirmation Resolution of 2013 014968

PR20-447 Historic Preservation Review Board Nancy L. Pryor Metzger Confirmation Resolution of 2013 014968

PR20-448 Historic Preservation Review Board Maria Casarella Cunningham Confirmation Resolution of 2013 014968

Notice of Public Oversight Roundtables -

A Review of the Department of Employment Services' Implementation of the Living Wage Act 014969 - 014970

Public Housing Maintenance and Repairs (revised).....014971

The District of Columbia Health Benefit Exchange Authority (revised)014972

Notice of Public Roundtable -

The Impact of the Government Shutdown on the District of Columbia.....014973

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

OTHER COUNCIL ACTIONS

Reprogramming Requests -

- Reprog. Request to reprogram \$562,000 of Fiscal Year 2013
20-115 Local funds budget authority from the District
Department of Transportation (DDOT)014974 - 014976

- Reprog. Request to reprogram \$1,980,213 of Local Funds
20-116 budget authority from the Non-Departmental Account
to the Employees' Compensation Fund (ECF).....014974 - 014976

- Reprog. Request to reprogram \$1,500,000 of Local funds
20-117 budget authority from the Metropolitan Police
Department (MPD) to the Pay-As-You-Go (Paygo)
Capital agency to fund MPD's capital project PL110C014974 - 014976

- Reprog. Request to reprogram \$670,000 of Fiscal Year 2013
20-118 Local funds budget authority within the Office of
Unified Communications (OUC)).....014974 - 014976

- Reprog. Request to reprogram \$1,156,490 of Fiscal Year 2013
20-119 Local funds budget authority from the Department of
Employment Services (DOES) to the Unemployment
Compensation Fund (UCF)014974 - 014976

- Reprog. Request to reprogram \$1,500,000 of Fiscal Year 2013
20-120 Local funds budget authority from the District
Department of Transportation (DPW)..... 014974 – 014976

- Reprog. Request to reprogram \$12,000,000 of Fiscal Year 2013
20-121 Local funds budget authority from the Department of
General Services (DGS), the Department of Youth
Rehabilitation Services (DYRS), the Metropolitan
Police Department (MPD), Child and Family Services
Agency (CFSA), Non-Public Tuition (NPT) and D.C.
Public Schools (DCPS) to the Pay-As-You-Go (Paygo)
Capital Agency for the Department of Parks and
Recreation's (DPR), Park Improvement project QN750C014974 - 014976

- Reprog. Request to reprogram \$175,000 of Fiscal Year 2013
20-122 Local funds budget authority from the Department of
Corrections (DOC) to the Pay-As-You-Go (Paygo)
Capital agency014974 - 014976

- Reprog. Request to reprogram \$771,000 of Fiscal Year 2013
20-123 Local funds budget authority from the Department of
Health (DOH) to the Pay-As-You-Go (Paygo)
Capital Agency.....014974 - 014976

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

OTHER COUNCIL ACTIONS

Reprogramming Requests - cont'd

- Reprog. Request to reprogram 500,000 of Fiscal Year 2013
20-124 Special Purpose Revenue funds budget authority from the District Department of the Transportation (DDOT) to the Pay-As-You-Go Capital Agency (Paygo)014974 - 014976

- Reprog. Request to reprogram \$1,420,000 of Fiscal Year 2013
20-125 Local Funds budget Authority within the Department of General Services (DGS)014974 - 014976

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES

PUBLIC HEARINGS

- Alcoholic Beverage Regulation Administration -
ABC Board's Calendar – October 30, 2013.....014977 - 014978
CN Renewals – December 23, 2013.....014979 - 014980
CT Renewals – Class C Tavern - December 23, 2013014981 - 014983
Tortilla Coast - ANC 6B - Substantial Change 014984

PROPOSED RULEMAKING

- Public Service Commission - Formal Case No. 1108 to amend 15 DCMR (Public Utilities and Cable Television), Ch. 1 (Rules of Practice and Procedure), Sec. 150 (Confidential or Proprietary Information) to clarify the Commission’s Rules of Practice and Procedure Pertaining to Confidential or Proprietary Information.014985 - 014990

EMERGENCY AND PROPOSED RULEMAKING

- Health Care Finance, Dept. of – Amend 29 DCMR (Public Welfare), Ch. 19 (Home and Community-Based Waiver Services for Persons with Mental Retardation and Developmental Disabilities), to establish standards for providers who serve Individuals with the Home and Community-based Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver); Incorporates review comments from notice of emergency and proposed rulemaking published on July 12, 2013 at 60 DCR 10162 014991 - 015012

- Health Care Finance, Dept. of – Amend 29 DCMR (Welfare), Ch. 9 (Medicaid Program) to repeal Sec. 933 (Skilled Nursing), and amend Ch. 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities) to add Sec. 1931 (Skilled Nursing) to establish service authorization requirements for skilled nursing services.....015013 - 015018

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

EMERGENCY AND PROPOSED RULEMAKING CONT'D

Health Care Finance, Dept. of – Amend 29 DCMR (Welfare),
 Ch. 9 (Medicaid Program) to repeal Sec. 929 (Supported
 Employment) and amend Ch. 19 (Home and Community-Based
 Waiver for Individuals with Intellectual and Developmental
 Disabilities) to add Sec. 1933 (Supported Employment Services –
 Individual And Small Group Services) to establish requirements
 for providers of supported employment services 015019 - 015031

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

- 2013-189 Appointments - Age-Friendly DC Task Force
 (Tregoning, Kelly, Glaude, Bellamy, Orr, Mallory,
 Thompson, Quander, Berns, Smith, Hoskins, Sykes,
 Sarles, Wartell, Morganfield, Acosta-Velez, Thomas,
 Rosenthal, Levin, Mathes and Nicholas)..... 015032 - 015034

- 2013-190 Appointment - District of Columbia Healthy Youth
 and Schools Commission (Jean Gutierrez)..... 015035

- 2013-191 Appointment - Committee on Metabolic Disorders
 (Deepika Darbari)..... 015036

- 2013-192 Delegation of Rulemaking Authority to the Director of
 the Department of Human Services Pursuant to the
 Temporary Assistance for Needy Families Time Limit
 Amendment Act of 2013 015037

- 2013-193 Reappointment and Appointment - District of Columbia
 Workforce Investment Council (Tynesia Boyea-Robinson
 And Jesus Aguirre)..... 015038

- 2013-194 Limited Delegation of Authority to the Deputy Mayor
 for Planning and Economic Development Pursuant to the
 West End Parcels Development Omnibus Act of 2010..... 015039 - 015040

- 2013-195 Appointment - Commission on Asian and Pacific Islander
 Community Development (Ada Loo) 015041

- 2013-196 Fiscal Year 2014 Expenditure Restrictions 015042 - 015044

- 2013-197 Appointment - District of Columbia Healthy Youth and
 Schools Commission (Simone Banks-Mackey) 015045

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

BOARDS, COMMISSIONS, AND AGENCIES

Alcoholic Beverage Regulation Administration / ABC Board -
 ABC Board’s Meeting Agenda - October 30, 2013 015046 - 015051
 Investigative Meeting Agenda - October 30, 2013..... 015052 - 015053

Carlos Rosario PCS – Request for Bids - Bus Purchase 015054

Chief Financial Officer, Office of the -
 Notice of Statutory and Special Real Property Tax
 Rates For Tax Year 2014 015055

Child Support Services Division - Meeting
 Child Support Guideline Commission - November 7, 2013 015056

Community Affairs, Office of - Meeting
 The Commission of Caribbean Affairs - October 28, 2013 015057

Consumer and Regulatory Affairs, Department of -
 Business and Professional Licensing Boards –
 November 2013 Meeting Schedule 015058

Occupational and Professional Licensing Boards –
 November 2013 Meeting Agendas..... 015059 - 015065

D.C. Preparatory Academy PCS – Request for Proposals
 Third Party Inspection and Materials Testing Services..... 015066

Elections, Board of - Certification of ANC/SMD Vacancies
 5A04, 7F07 and 8E03 015067

Employee Appeals, Office of – 2013/2014 Public Meeting Schedule 015068

Environment, District Department of the - Permit
 #6213-R1 GTS Auto Service, Inc., 2310 18th Place NE015069
 #6760 Cellco Partnership (DBA Verizon Wireless),
 850 Quincy Street NW..... 015070 - 015071

Friendship Public Charter School - Request for Proposals
 Professional Development Services and Student
 Support Services..... 015072

Health Benefit Exchange Authority, DC
 Executive Board Meeting - October 23, 2013..... 015073

ACTIONS OF THE EXECUTIVE BRANCH AND INDEPENDENT AGENCIES CONT'D

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

Health, Dept. / Meetings

- Board of Marriage and Family Therapy –
- Special Meeting - November 8, 2013 015074
- Board of Medicine - October 30, 2013 015075

Housing Finance Agency, DC - Meeting - October 29, 2013 015076

Homeland Security Commission, DC –

- 2013 Closed Meeting Schedule..... 015077

Human Resources, Dept. of - Excepted Service Employees

- As of October 7, 2013 015078 - 015090

Mayor, Executive Office of the - Request for Comments

- District’s Transparency and Open Government Initiative 015091 - 015092

Mundo Verde PCS – Request for Proposals

- General Construction 015093

Planning and Economic Development, Office of the Deputy Mayor for -

- Funding Availability - FY14 - Workforce Investment
- Hospitality Training 015094 - 015095

Two Rivers PCS - Request for Proposal – Legal Services 015096

Water and Sewer Authority, DC -

- Board of Directors Meeting - November 7, 2013 015097

Zoning Adjustment, Board of -

- 18586 Mary McGrath - ANC3D..... 015098 - 015106

Zoning Commission – Orders

- 08-07 Four Points, LLC..... 015107 - 015134
- 85-10B Hillendale Homeowners Association (Order 481B)..... 015135 - 015137

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-173

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To approve, on an emergency basis, Change Order No. 004 to Contract No. GM-11-M-0912-FM between the District of Columbia government and Parkinson/Grunley Community Builders Joint Venture, LLC, for construction management at risk services at Moten Elementary School, and to authorize payment to Parkinson/Grunley Community Builders Joint Venture, LLC in the amount of \$1,500,000 for the goods and services received under Change Order No. 004.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Change Order No. 004 to Contract No. GM-11-M-0912-FM Approval and Payment Authorization Emergency Act of 2013".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202(a) of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02(a)), the Council approves Change Order No. 004 to Contract No. GM-11-M-0912-FM with Parkinson/Grunley Community Builders Joint Venture, LLC, for construction management at risk services, additional project scope, outstanding change requests, and the partial close-out of the project at Moten Elementary School and authorizes payment in the amount of \$1,500,000 for the goods and services received under this change order.

Sec. 3. Fiscal impact statement.

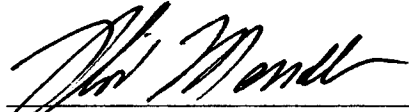
The Council adopts the fiscal statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

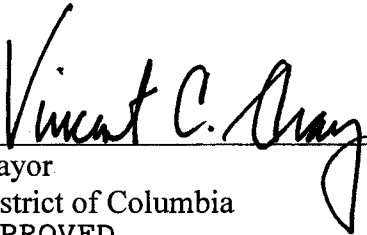
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-174

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
OCTOBER 4, 2013

To approve, on an emergency basis, Contract No. CW17400 with AmeriNational Community Services, Inc., to provide loan servicing, loan collection, and foreclosure services for District residents' loans under various Department of Community and Housing Development programs and to authorize payment for services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. CW17400 Approval and Payment Authorization Emergency Act of 2013".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves Contract No. CW17400 with ArneriNational Community Services, Inc. to provide loan servicing, loan collection, and foreclosure services for District residents' loans under various Department of Community and Housing Development programs, and authorizes payment in the total amount of \$1,4 million for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

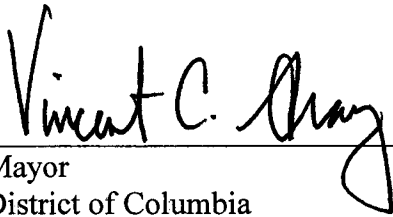
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-175

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To approve, on an emergency basis, Modification to Delivery Order No. DCAM-2010-T-4007 under federal Contract No. SP0600-10-D-4007 to provide and deliver fuel to various District locations and to authorize payment for the goods received and to be received under that delivery order.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modification to Delivery Order No. DCAM-2010-T-4007 under Federal Contract No. SP0600-10-D-4007 Approval and Payment Authorization Emergency Act of 2013".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 202 of the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-352.02), the Council approves the Modification to Delivery Order No. DCAM-2010-T-4007 with Fannon Petroleum Services, Inc., to provide fuel and authorizes payment in the estimated amount of \$22,603,881.21 for goods received and to be received under that order.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

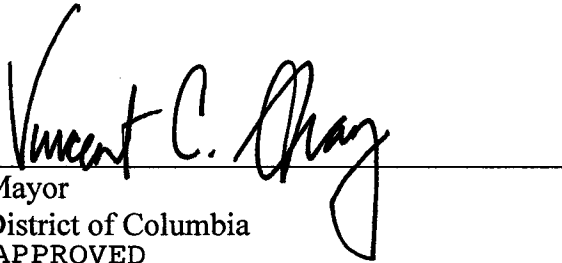
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ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT
D.C. ACT 20-176

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To require, on an emergency basis, the Office of the Chief Financial Officer to review all residential real property tax liens sold between September 1, 2003, and September 1, 2013, to consider whether any real property foreclosed upon after a tax lien of less than \$2,500 was sold was the result of excusable neglect or other equitable circumstances warranting relief, to identify what type of relief would provide substantial justice to individuals whose properties were improperly sold, and to submit a report on these matters to the Council by January 31, 2014.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Tax Lien Compensation and Relief Reporting Emergency Act of 2013".

Sec. 2. Review of residential tax lien sales.

The Office of the Chief Financial Officer, Office of Integrity and Oversight shall:

- (1) Conduct a broad review of all residential real property tax liens sold by the Office of the Chief Financial Officer between September 1, 2003, and September 1, 2013;
- (2) Conduct a specific, detailed review of all cases between September 1, 2003 and September 1, 2013 in which residential real properties were foreclosed upon after a tax lien of less than \$2,500 was sold to determine if there is excusable neglect or other equitable circumstances warranting relief;
- (3) Submit a report to the Council on or before January 31, 2014, containing:
 - (A) A list of all residential real property tax liens sold between September 1, 2003 and September 1, 2013, including the following for each:
 - (i) The address and Ward;
 - (ii) An indication as to whether the owner at the time of the sale, if known, was aged 60 years or older, a veteran, or disabled;
 - (iii) The amount of the underlying unpaid tax, plus any penalties and interest;
 - (iv) The amount of any attorney's fees or costs, if known; and
 - (v) An indication as to whether the property was ultimately foreclosed or redeemed;

ENROLLED ORIGINAL

- including:
- (B) A summary of each case reviewed under paragraph (2) of this section,
 - (i) A recommendation as to whether the former homeowner should be granted relief;
 - (ii) If relief is recommended, the equitable remedy that would provide substantial justice; and
 - (iii) A plan for providing the recommended relief.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c))(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-177

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on an emergency basis, due to Congressional review, the District of Columbia Workers' Compensation Act of 1979 to match federal statute of limitations for private-sector employees who are injured at work.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Workers' Compensation Statute of Limitations Congressional Review Emergency Amendment Act of 2013".

Sec. 2. Section 36(b) of the District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1535(b)), is amended by adding a new sentence at the end to read as follows: "If the employer fails to commence an action against such third person within 90 days after the cause of action is assigned under this section, the right to bring the action shall revert to the person entitled to compensation."

Sec. 3. Applicability.

(a) This act applies to causes of action for negligence for which the 3-year statute of limitations has not expired.

(b) This act shall apply as of September 25, 2013.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

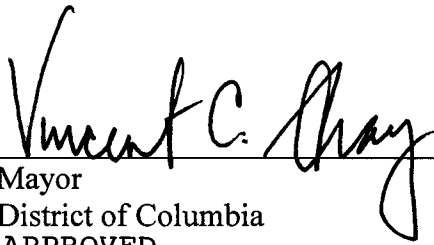
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-178

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on an emergency basis, due to Congressional review, Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain property owned or leased by YMCA of Metropolitan Washington or YMCA Community Investment Initiative, nonprofit organizations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “YMCA Community Investment Initiative Real Property Tax Exemption Congressional Review Emergency Act of 2013”.

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

“47-1089. YMCA Community Investment Initiative, Lot 2010, Square 234.”.

(b) A new section 47-1089 is added to read as follows:

“§ 47-1089. YMCA Community Investment Initiative, Lot 2010, Square 234.

“(a) The real property located at 1325 W Street, N.W., Washington, D.C., and described as Lot 2010, Square 234, shall be exempt from real property taxation, and interests in such property shall be exempt from possessory interest taxation so long as the real property continues to be used and occupied by the Young Men’s Christian Association of Metropolitan Washington (“YMCA DC”), even if it is owned by the or Young Men’s Christian Association Community Investment Initiative (“YMCA CII”) and is used for carrying out the charitable functions of the YMCA DC, subject to the provisions of §§ 47-1005, 47-1007, and 47-1009 as if the exemption had been granted administratively.

“(b)(1) Any transfer, assignment, or other disposition of all or any portion of the real property described in subsection (a) of this section to YMCA DC or YMCA CII, any security interest instrument with respect to such property given by YMCA DC or YMCA CII to a third party lender, or a lease of such property between YMCA DC and YMCA CII, shall be exempt from the tax imposed by section 303 of the District of Columbia Deed Recordation Tax Act of 1962, approved March 2, 1962 (76 Stat. 11; D.C. Official Code § 42-1103), so long as the real property continues to be used and occupied by YMCA DC; and

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“(2) Any transfer, assignment, or other disposition of all or any portion of the real property described in subsection (a) of this section by YMCA DC or YMCA CII, including a lease of such property between YMCA DC and YMCA CII, shall be exempt from the tax imposed by § 47-903, so long as the real property continues to be used and occupied by YMCA DC.

“(c) The exemptions set forth in this section shall apply to successor entities formed by YMCA DC for purposes of meeting requirements under the New Market Tax Credit provided by section 45D of the Internal Revenue Code of 1986, so long as the real property continues to be used and occupied by YMCA DC.

“(d) The Council orders that all real property tax, penalties, interest, fees, and other related charges assessed against the real property described in subsection (a) of this section through the end of the month during which this act becomes effective be forgiven, and that any payments already made be refunded. The Council further orders that all recordation and transfer taxes, penalties and interest collected with respect to the transfers described in subsection (b) of this section through the end of the month during which this act becomes effective be forgiven and payments already made be refunded.”.

Sec. 3. Applicability.

This act shall apply as of August 26, 2013.

Sec. 4. Fiscal impact statement.

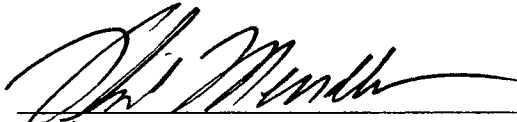
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

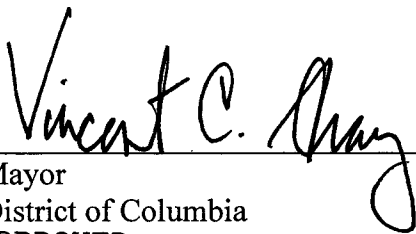
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a)

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



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-179

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on an emergency basis, Chapter 13 of Title 47 of the District of Columbia Official Code to cancel any tax sale that occurred for the July 2013 tax sale of a resident's real property who is a senior citizen, veteran, or disabled individual, to establish a \$2,000 threshold of taxes owed for any real property to go to a tax sale, to require the District to pay the owner of record before the tax sale any amount received by the District at the tax sale in excess of the amount of taxes due to the District, and to cap attorney fees at \$1,500.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Real Property Tax Sale Emergency Act of 2013".

Sec. 2. Chapter 13 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) Section 47-1332(a) is amended to read as follows:

"(a) The Mayor shall sell all real property on which the tax is in arrears unless otherwise provided by law; provided, that:

"(1) For the July 2013 tax sale only, no real property that is owned by a resident who is a veteran of the United States Armed Forces, including of the United States Merchant Marine in time of war, or is receiving a deduction pursuant to § 47-863 shall be offered for sale and any such sale that has been offered shall be cancelled; and

"(2) Upon the effective date of the District Real Property Tax Sale Emergency Act of 2013, passed on emergency basis on September 17, 2013 (Enrolled version of Bill 20-449), no real property shall be offered for sale for taxes if the amount of taxes owed to the District is less than \$2,000."

(b) A new section 47-1347.01 is added to read as follows:

"§ 47-1347.01. Reimbursement to prior owner.

"Beginning December 31, 2013, and applicable to tax sales for which no order has yet become final, concurrent with the final order of foreclosure by the Superior Court, the District shall pay to the owner of record before the tax sale (if the property was the primary residence of the record owner) the surplus, as defined in § 47-1330(7), paid by the purchaser at the tax sale

ENROLLED ORIGINAL

related to the final order. In such instance, the purchaser shall not be refunded or credited the surplus paid, notwithstanding any other provision of law to the contrary.”

(c) Section 47-1377(a)(2) is amended as follows:

(1) Designate the existing text as subparagraph (A).

(2) A new subparagraph (B) is added to read as follows:

“(B) Beginning July 1, 2013, reasonable attorneys’ fees shall be a maximum of \$1,500.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-180

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on an emergency basis, the Fiscal Year 2014 Budget Support Act of 2013 and the Fiscal Year 2014 Budget Support Emergency Act of 2013 to clarify the priority to be given to homeless families for tenant-based housing assistance and to improve the administrability of the tax abatement financial analysis process; to amend the District of Columbia Public Assistance Act of 1982 to provide the Mayor with authority to establish the review and redetermination schedule for persons receiving POWER benefits; and to amend section 47-2005 of the District of Columbia Official Code to clarify the scope of the processing exemption from the sales tax.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013".

Sec. 2. The Fiscal Year 2014 Budget Support Act of 2013, signed by the Mayor on August 28, 2013 (D.C. Act 20-157; 60 DCR 12472), is amended as follows:

(a) Section 2092 is amended to read as follows:

"Sec. 2092. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8c to read as follows:

""Sec. 8c. Placement of first-priority homeless families.

""(a) When funds which have been allocated for tenant-based assistance under section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), are made available because a family which has been receiving tenant-based assistance no longer requires or has become ineligible for the assistance, the Mayor and the District of Columbia Housing Authority shall use those funds to provide tenant-based assistance to homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.

ENROLLED ORIGINAL

“(b) Funding for tenant-based assistance which has been made available due to reasons other than the circumstances described in subsection (a) of this section shall not be subject to the requirements of subsection (a) of this section.”.

(b) Section 7162(a) is amended as follows:

(1) Strike the phrase “(iii) For exemptions or abatements related to a specific individual or entity, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement; and” and insert the phrase “(iii) For exemptions or abatements related to a person or small group of persons that can be readily identified, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement. If individual financial information is not available, the requirements of this sub-subparagraph may be met through an advisory opinion on whether the proposed exemption or abatement can reasonably be expected to meet the proposed public policy goal.” in its place.

(2) The phrase “(iv) For exemptions or abatements related to a category or group of property owners or taxpayers, a review and analysis of the public policy goal intended to be addressed, if applicable, by the exemption or abatement, including whether the exemption or abatement is appropriately targeted and likely to achieve the intended goal.” is repealed.

(3) Strike the phrase “for a bill that grants an exemption or abatement to a housing development” and insert the phrase “where applicable” in its place.

(c) Subsection (a) of this section shall apply as of the effective date of this act.

Sec. 3. The Fiscal Year 2014 Budget Support Emergency Act of 2013, effective July 30, 2013 (D.C. Act 20-130; 60 DCR 11384), is amended as follows:

(a) Section 2092 is amended to read as follows:

“Sec. 2092. The Homeless Services Reform Act of 2005, effective October 22, 2005 (D.C. Law 16-35; D.C. Official Code § 4-751.01 *et seq.*), is amended by adding a new section 8c to read as follows:

““Sec. 8c. Placement of first-priority homeless families.

“(a) When funds which have been allocated for tenant-based assistance under section 26c of the District of Columbia Housing Authority Act of 1999, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 6-228), are made available because a family which has been receiving tenant-based assistance no longer requires or has become ineligible for the assistance, the Mayor and the District of Columbia Housing Authority shall use those funds to provide tenant-based assistance to homeless families referred by the Department of Human Services and determined to have first priority to shelter pursuant to 29 DCMR § 2508.01(a)(1). The referrals shall be made in accordance with the special eligibility criteria set forth in 29 DCMR § 2556 through 29 DCMR § 2558.

ENROLLED ORIGINAL

“(b) Funding for tenant-based assistance which has been made available due to reasons other than the circumstances described in subsection (a) of this section shall not be subject to the requirements of subsection (a) of this section.””.

(b) Section 7162(a) is amended as follows:

(1) Strike the phrase “(iii) For exemptions or abatements related to a specific individual or entity, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement; and” and insert the phrase “(iii) For exemptions or abatements related to a person or small group of persons that can be readily identified, a review and analysis of the financial condition of the recipient of the proposed exemption or abatement and an advisory opinion stating whether or not it is likely that the recipient could be reasonably expected to meet its fiscal needs without the proposed exemption or abatement. If individual financial information is not available, the requirements of this sub-subparagraph may be met through an advisory opinion on whether the proposed exemption or abatement can reasonably be expected to meet the proposed public policy goal.” in its place.

(2) The phrase “(iv) For exemptions or abatements related to a category or group of property owners or taxpayers, a review and analysis of the public policy goal intended to be addressed, if applicable, by the exemption or abatement, including whether the exemption or abatement is appropriately targeted and likely to achieve the intended goal.” is repealed.

(3) Strike the phrase “for a bill that grants an exemption or abatement to a housing development” and insert the phrase “where applicable” in its place.

(c) Subsection (a) of this section shall apply as of the effective date of this act.

Sec. 4. Section 572a(b) of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.72a(b)), is amended by striking the phrase “shall be subject to annual review and redetermination” and inserting the phrase “shall be subject to review and redetermination by the Mayor” in its place.

Sec. 5. (a) Section 47-2005(11) of the District of Columbia Official Code is amended by striking the phrase “refining;” and inserting the phrase “refining of tangible personal property for sale or resale;” in its place.

(b) This section shall apply as of August 1, 2013.

Sec. 6. Applicability.

Except as otherwise provided, this act shall apply as of October 1, 2013.

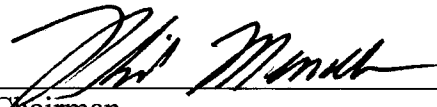
Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

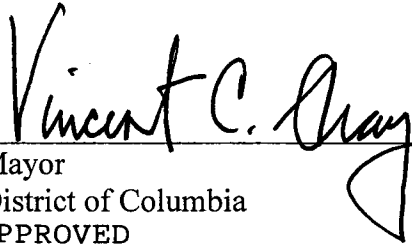
ENROLLED ORIGINAL

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-181

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on an emergency basis, the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 to remove the requirement that Advisory Neighborhood Commissioners file a confidential disclosure of financial interest requirement, and to require that an Advisory Neighborhood Commissioner certify that the commissioner has filed and paid income and property taxes, diligently safeguarded the assets of the taxpayers, reported known illegal activity, not been offered or accepted a bribe, not directly or indirectly received government funds through improper means, not raised or received funds in violation of federal or district law, and not received or been given anything of value based on any understanding that the commissioner's official actions or judgment or vote would be influenced.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2013".

Sec. 2. Section 225 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011, effective April 27, 2012 (D.C. Law 19-124; D.C. Official Code §1-1162.25), is amended as follows:

(a) Subsection (a) is amended by striking the phrase "Advisory Neighborhood Commissioners and members of the Washington Metropolitan Area Transit Authority Board of Directors" and inserting the phrase "Members of the Washington Metropolitan Area Transit Authority Board of Directors" in its place.

(b) A new subsection (a-1) is added to read as follows:

"(a-1)(1) An Advisory Neighborhood Commissioner who, as of September 15, 2013, has not filed a report for calendar year 2012 required by this section shall not be required to do so.

"(2) Effective January 1, 2014, an Advisory Neighborhood Commissioner in office for at least 30 days shall be required to file a certification required by section 224(a)(1)(G) for the preceding year. The certification required by this section shall be due May 15th of each year and shall be filed publicly with the Ethics Board."

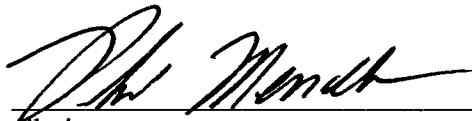
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Sec. 3. Fiscal impact statement.

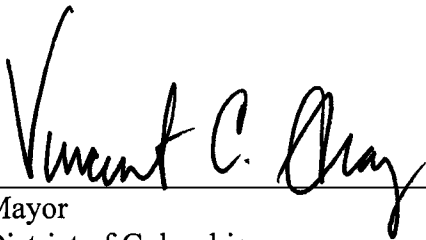
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-182

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To establish, on an emergency basis, the government of the District of Columbia's response to the federal shutdown, or lapse in appropriations, by designating personnel as essential, authorizing the District to employ personal services, and providing for the compensation of personnel through available funds in the emergency cash reserve fund and contingency cash reserve fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Federal Shutdown Response Emergency Act of 2013".

Sec. 2. Legislative branch operations during appropriations lapse.

(a) Until January 1, 2014, for the purposes of continued District government operations during a lapse in federal appropriations, all employees and activities in the legislative branch are designated as essential.

(b) In addition to employing essential personnel as provided in subsection (a) of this section, the Council may employ personal services and may compensate employees for services provided during a lapse in federal appropriations, as the Council determines appropriate, if there are adequate local funds available to compensate for those services.

Sec. 3. Executive branch operations during appropriations lapse.

(a) Until January 1, 2014, for the purposes of continued District government operations during a lapse in federal appropriations, the Council adopts the Mayor's designation that all employees and activities of any District government office, agency, department, or instrumentality, other than the District of Columbia Courts, are essential, unless otherwise determined by the Mayor.

(b) In addition to employing essential personnel as provided in subsection (a) of this section, the Mayor may employ personal services and may compensate employees for services provided during a lapse in federal appropriations, as the Mayor determines appropriate, if there are adequate local funds available to compensate for those services

ENROLLED ORIGINAL

Sec. 4. Payment of essential personnel and compensation for services during appropriations lapse.

During a lapse in federal appropriations, and provided that adequate funding is available, funds in the emergency cash reserve fund or contingency cash reserve fund, established by section 450A of the District of Columbia Home Rule Act, approved November 22, 2000 (114 Stat. 2440; D.C. Official Code § 1-204.50A), may be expended for the following:


- (1) To compensate all employees designated as essential pursuant to sections 2 and 3;
 - (2) To compensate any person authorized to provide services pursuant to this act;
- or
- (3) To pay for any activities designated as essential.

Sec. 5. Fiscal impact statement.

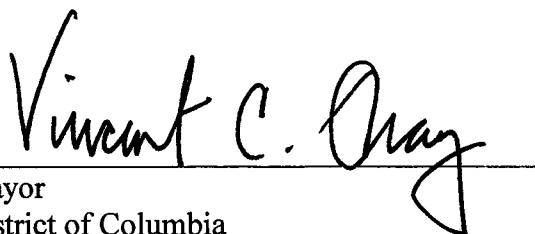
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-183

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend, on a temporary basis, the District of Columbia Home Rule Act to authorize the Council to establish the rate of pay for the Chief Financial Officer; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to set a new rate of pay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Chief Financial Officer Compensation Temporary Amendment Act of 2013”.

Sec. 2. Section 424(b)(2)(E) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24b (b)(5)), is amended to read as follows:

“(E) *Pay.* – The Chief Financial Officer shall be paid at an annual rate established by act by the Council that is at least equal to the rate of basic pay payable for level I of the Executive Schedule. An act of the Council that decreases the annual rate shall apply only to terms of the Chief Financial Officer that begin after the effective date of the act establishing the decreased annual rate.”.

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended by adding a new section 1109a to read as follows:

“Sec. 1109a. Compensation – Chief Financial Officer.

“In accordance with section 424(b)(2)(E) of the District of Columbia Home Rule Act, approved April 17, 1995 (109 Stat. 142; D.C. Official Code § 1-204.24b(b)(5)), the Chief Financial Officer shall be paid at an annual rate of up to \$250,000.”.

Sec. 4. Applicability.

This act shall apply upon enactment of section 2 by Congress.

Sec. 5. Fiscal impact statement.

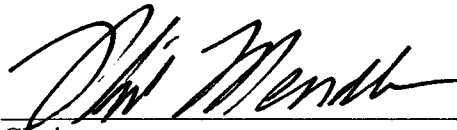
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

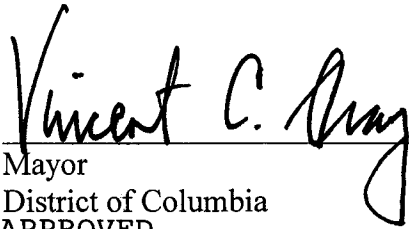
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-184

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To establish, on a temporary basis, the Center for Creative Non-Violence and District Government Task Force to advise the Council and the Mayor regarding the future use of the building and property owned by the District located at 425 2nd Street, N.W., and the future use of property owned by the Center for Creative Non-Violence adjacent to the District property, to establish better shelter space and homeless services, and to explore options for affordable workforce housing and transitional housing for homeless District residents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "CCNV Task Force Temporary Act of 2013".

Sec. 2. Establishment of the Center for Creative Non-Violence and District Government Task Force.

(a) There is established the Center for Creative Non-Violence and District Government Task Force ("Task Force"). The purpose of the Task Force shall be to develop recommendations for the improvement of the District's services to homeless Center for Creative Non-Violence ("CCNV") residents. The Task Force may consider options regarding the future use of the District-owned property located at 425 2nd Street, N.W. ("District property"), and the property owned by CCNV adjacent to the District property. The Task Force shall explore how the District might establish better shelter space and homeless services and options for affordable workforce housing and transitional housing for homeless District residents.

(b) The Task Force shall meet beginning 30 days from the appointment of the Task Force members.

(c)(1) The Task Force shall be composed as follows:

- (A) The Mayor, or his or her designee;
- (B) The Chairperson of the Council's Committee on Human Services, who shall also chair the Task Force;
- (C) The Director of the Department of General Services, or his or her designee;
- (D) The Director of the Department of Human Services, or his or her designee;

ENROLLED ORIGINAL

- (E) The Director of the Department of Behavioral Health, or his or her designee;
- (F) The First District Commander of the Metropolitan Police Department, or his or her designee.
- (G) A representative of CCNV; and
- (H) One representative of the Interagency Council on Homelessness.
- (2) The Task Force members set forth in paragraph (1)(G) and (H) of this subsection shall be selected by the organization the member will represent.
- (d) All appointments to the Task Force shall be made within 30 days of the effective date of the CCNV Task Force Emergency Act of 2013, effective August 2, 2013 (D.C. Act 20-147; 60 DCR 11809). Vacancies shall be filled in the same manner as the initial appointment was made.
- (e) The Task Force may add additional members to serve as *ex officio* non-voting members as subject matter experts.
- (f) The Task Force may establish its own rules of procedure.
- (g) No later than 6 months after the appointment of Task Force members pursuant to subsection (c) of this section, the Task Force shall submit its recommendations to the Council and to the Mayor.
- (h) This section shall sunset 6 months after the appointment of the Task Force, or upon the Task Force's submission of its report to the Mayor and Council, whichever occurs earlier.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).


Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

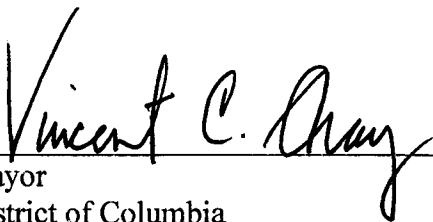
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

ENROLLED ORIGINAL

AN ACT

D.C. ACT 20-185

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 4, 2013

To amend section 47-340.28 of the District of Columbia Official Code to authorize the issuance of additional revenue bonds of the District of Columbia payable from and secured by individual income tax and business franchise tax revenues for the purposes of financing capital projects of the District government.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Income Tax Secured Bond Authorization Act of 2013".

Sec. 2. Section 47-340.28(a) of the District of Columbia Official Code is amended by striking the amount "\$5,180,985,000", and inserting the amount "\$9,180,985,000" in its place.

Sec. 3. Fiscal impact statement.

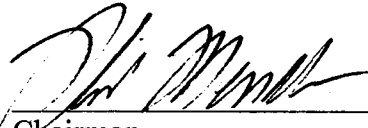
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. Effective date.

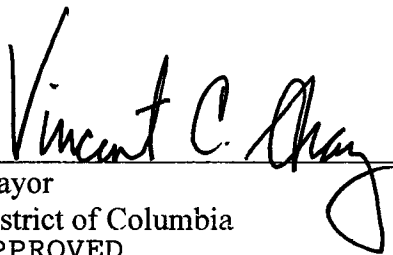
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
October 4, 2013

**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.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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PROPOSED RESOLUTIONS

PR20-282 District of Columbia Occupational Safety and Health Board Kathleen McKirchy
Confirmation Resolution of 2013

Intro. 05-15-13 by Chairman Mendelson at the request of the Mayor and re-referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-284 District of Columbia Occupational Safety and Health Board Michael Kirkpatrick
Confirmation Resolution of 2013

Intro. 05-15-13 by Chairman Mendelson at the request of the Mayor and re-referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-285 District of Columbia Occupational Safety and Health Board Aryan Rodriguez Bocquet
Confirmation Resolution of 2013

Intro. 05-15-13 by Chairman Mendelson at the request of the Mayor and re-referred to the Committee on Business, Consumer, and Regulatory Affairs

PR20-286 District of Columbia Occupational Safety and Health Board Earl Woodland Confirmation
Resolution of 2013

Intro. 05-15-13 by Chairman Mendelson at the request of the Mayor and re-referred to the Committee on Business, Consumer, and Regulatory Affairs

PROPOSED RESOLUTIONS Con't

PR20-453 Commission on African Affairs Ify Nwabukwu Confirmation Resolution of 2013

Intro. 09-18-13 by Chairman Mendelson at the request of the Mayor and re-referred to the Committee on Government Operations

PR20-507 Board of Library Trustees Brenda Lee Richardson Confirmation Resolution of 2013

Intro. 10-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-508 Board of Library Trustees Donald F. Richardson Confirmation Resolution of 2013

Intro. 10-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education

PR20-509 District of Columbia Board of Nursing Home Administration Keysha K. Dale Confirmation Resolution of 2013

Intro. 10-17-13 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**Bill 20-110 “Belmont Park Designation and Establishment Act of 2013”
Bill 20-432 “Calvin and Wilhelmina Rolark Way Designation Act of 2013”
Bill 20-439 “Closing of a Public Alley in Square 150, S.O. 13-10218, Act of 2013”
Bill 20-525 “Annie’s Way Designation Act of 2013”**

on

**Thursday, November 14, 2013
11:00 a.m., Council Chamber, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on **Bill 20-110**, the “Belmont Park Designation and Establishment Act of 2013,” **Bill 20-432**, the “Calvin and Wilhelmina Rolark Way Designation Act of 2013,” **Bill 20-439**, the “Closing of Public Alley in Square 150, S.O. 13-10218, Act of 2013” and **Bill 20-525**, the “Annie’s Way Designation Act of 2013.” The public hearing will be held Thursday, November 14, 2013, at 11:00 a.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of **Bill 20-110** is to approve the designation of the public right-of-way adjacent Lot 197 in Square 2526 in Ward 2 as Belmont Park and establish it as a public park under the auspices of the Department of Parks and Recreation. The stated purpose of **Bill 20-432** is to approve the symbolic designation of the 500 block of Foxhall Place, S.E. in Ward 8 as Calvin and Wilhelmina Rolark Way. The stated purpose of **Bill 20-439** is to order the closing a public alley in Square 150 bounded by Seaton Street, N.W., Florida Ave, N.W., and 17th Street, N.W. in Ward 1. Approval of **Bill 20-439** will allow for the elimination a paper alley located on the applicant’s property. The stated purpose of **Bill 20-525** is to approve the symbolic designation of 1600 block of Church Street, N.W. in Ward 2 as Annie’s Way.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8126, or e-mail Crispus Gordon, III, Legislative Assistant, at cgordon@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Tuesday, November 12, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on November 12, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of Bill 20-110, Bill 20-432, Bill 20-439, and Bill 20-525 can be obtained through the Legislative Services Division of the Secretary of the Council or on <http://dcclims1.dccouncil.us/lims>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Friday, November 29, 2013.

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON EDUCATION
NOTICE OF PUBLIC HEARING**

1350 Pennsylvania Avenue, NW, Suite 119, Washington, DC 20004

**COUNCILMEMBER DAVID A. CATANIA
CHAIRMAN, COMMITTEE ON EDUCATION
ANNOUNCES A PUBLIC HEARING**

on

Bill 20-407: The Healthy Tots Act of 2013

And

Bill 20-178: The Compulsory Pre-School Attendance Amendment Act of 2013

And

The State of Pre-Kindergarten Education in the District of Columbia

on

**Wednesday, December 11, 2013 at 11 a.m.
Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Councilmember David A. Catania, Chairman of the Committee on Education, announces the scheduling of a Public Hearing by the Committee on Education on Bill 20-407: The Healthy Tots Act of 2013, Bill 20-178: The Compulsory Pre-School Attendance Amendment Act of 2013, and the state of pre-kindergarten education in the District of Columbia. The public hearing will take place at 11 a.m. in room 412 of the John A. Wilson Building.

The purpose of the public oversight roundtable is to hear from members of the public and District education officials on the Compulsory Pre-School Attendance Amendment Act of 2013, the Healthy Tots Act of 2013, and the overall state of Pre-K programs in the District. In addition to discussion on both bills, the hearing will also address universal Pre-K access, comprehensive monitoring and quality, and the child care subsidy rate expansion.

Those who wish to testify are asked contact Jamaal Jordan with the Committee on Education, (202) 724-8061, or via email at jjordan@dccouncil and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business on Monday, December 9, 2013.

Individuals wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Education, Council of the District of Columbia, Suite 119 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004. The record will close at 5:00 p.m. on Wednesday, December 18, 2013.

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

1350 Pennsylvania Avenue, NW, Washington, DC 20004

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC HEARING**

on

**PR 20-446, Historic Preservation Review Board Donald Graham Davidson
Confirmation Resolution of 2013;**

**PR 20-447, Historic Preservation Review Board Nancy L. Pryor Metzger
Confirmation Resolution of 2013; and**

**PR 20-448, Historic Preservation Review Board Maria Casarella Cunningham
Confirmation Resolution of 2013**

on

**Friday, December 6, 2013
12:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public hearing of the Committee of the Whole on PR 20-446, the Historic Preservation Review Board Donald Graham Davidson Confirmation Resolution of 2013, PR 20-447, the Historic Preservation Review Board Nancy L. Pryor Metzger Confirmation Resolution of 2013, and PR 20-448, the Historic Preservation Review Board Maria Casarella Cunningham Confirmation Resolution of 2013. The public hearing will be held Friday, December 6, 2013, at 12:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 20-446 and PR 20-447 is to confirm the reappointment of Donald Graham Davidson and Nancy L. Prior Metzger, respectively, as public members of the Historic Preservation Review Board (Board). The stated purpose of PR 20-448 is to confirm the reappointment of Maria Casarella Cunningham as a licensed architect member of the Board. The purpose of this hearing is to receive testimony from government and public witnesses as to the fitness of the nominees.

Those who wish to testify are asked to telephone the Committee of the Whole, at (202) 724-8196, or e-mail Jessica Jacobs, Legislative Counsel, at jjacobs@dccouncil.us and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Wednesday, December 4, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Wednesday, December 4, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. Copies of PR 20-446, PR 20-447, and PR 20-448 can be obtained through the Legislative Services Division of the Secretary of the Council's office or at <http://dcclims1.dccouncil.us/lims>.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, DC 20004. The record will close at 5:00 p.m. on Friday, December 20, 2013.

**Council of the District of Columbia
Committee on Business, Consumer, and Regulatory Affairs
Notice of Public Oversight Roundtable**

John A. Wilson Building 1350 Pennsylvania Avenue, NW, Suite G-6 Washington, DC 20004

**Councilmember Vincent B. Orange, Sr., Chair
Committee on Business, Consumer, and Regulatory Affairs
Announces a Public Oversight Roundtable**

on

**A Review of the Department of Employment Services' Implementation
of the Living Wage Act**

**Thursday, October 31, 2013, 1:00 P.M.
John A. Wilson Building, Room 412
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004**

Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable by the Committee on Business, Consumer, and Regulatory Affairs. The purpose of the roundtable is to review the Department of Employment Services' implementation of the Living Wage Act. The public oversight roundtable is scheduled for Thursday, October 31, 2013 at 1:00 p.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Ave., NW, Washington, DC 20004.

The *Washington Post* recently questioned the Department of Employment Services' implementation of the Way to Work Amendment Act of 2006 (District of Columbia Code §2-220.01), known as the "Living Wage Act". According to the report, the living wage, which is \$12.50 per hour, has not kept up with the consumer price index as required by the law since it was last increased in 2010. The Living Wage Act requires companies under District contract of \$100,000 or more to pay employees' a living wage. If the living wage had been reconfigured according to the law, it would now stand at \$13.40 per hour. In March, the Department of Employment Services advised the Council of the District of Columbia that it was preparing to "calculate and review the rate." The public roundtable will examine the status of the agency's efforts.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Faye Caldwell or Gene Fisher of the Committee on Business, Consumer, and Regulatory Affairs at (202) 727-6683 or by email at fcaldwell@dccouncil.us or gfisher@dccouncil.us and provide their name(s), address, telephone number, email address and organizational affiliation, if any, by close of business Thursday, October 24, 2013. Each witness is requested to bring 20 copies of his/her written testimony. Representatives of organizations and

government agencies will be limited to 5 minutes in order to permit each witness an opportunity to be heard. Individual witnesses will be limited to 3 minutes.

If you are unable to testify at the oversight roundtable, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Thursday, November 14, 2013. Copies of written statements should be submitted to the Committee on Business, Consumer, and Regulatory Affairs, Council of the District of Columbia, Suite G-6 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Council of the District of Columbia
Committee on Economic Development
Notice of Public Oversight Roundtable
1350 Pennsylvania Avenue, N.W. Washington, DC 20004

REVISED

**COUNCILMEMBER MURIEL BOWSER, CHAIRPERSON
COMMITTEE ON ECONOMIC DEVELOPMENT**

ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE

On

Public Housing Maintenance and Repairs

NOVEMBER 12, 2013

10:00

ROOM 120

JOHN A. WILSON BUILDING

1350 PENNSYLVANIA AVENUE, N.W.

On November 12, 2013, Councilmember Muriel Bowser, Chairperson of the Committee on Economic Development, will hold a public oversight roundtable to consider maintenance issues in public housing. The Committee has received numerous complaints from public housing residents regarding inadequate maintenance of public housing sites, including mold, vermin and lack of electricity. Residents have also expressed concern over inadequate inspections and repairs of public housing units by the District of Columbia Housing Authority. The Committee will take testimony from public housing residents and housing providers, as well as agency officials from the District of Columbia Housing Authority.

The public oversight roundtable will begin at 10 o'clock in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Individuals and representatives of organizations wishing to testify should contact Kate Kountzman, Legislative Counsel to the Committee on Economic Development, at (202) 724-8198, or kkountzman@dccouncil.us and furnish their name, address, telephone number, and organizational affiliation, if any, by the close of business November 11, 2013. Persons presenting testimony may be limited to 3 minutes in order to permit each witness an opportunity to be heard.

If you are unable to testify at the roundtable, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Economic Development, Council of the District of Columbia, Suite 110 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

This notice is revised to reflect that the public oversight roundtable will occur on November 12th instead of November 14th.

**Council of the District of Columbia
Committee on Health
Notice of Public Oversight Roundtable
1350 Pennsylvania Ave., N.W., Washington, D.C. 20004**

REVISED

**COUNCILMEMBER YVETTE M. ALEXANDER, CHAIRPERSON
COMMITTEE ON HEALTH ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE**

on

The District of Columbia Health Benefit Exchange Authority

**Monday, November 18, 2013
11:00 a.m., Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004**

Councilmember Yvette M. Alexander, Chairperson of the Committee on Health, announces a public oversight roundtable on the implementation of the District of Columbia Health Benefit Exchange. The roundtable will be held at 11:00 a.m. on Monday, October 18, 2013 in Room 412 of the John A. Wilson Building. **Please note that this reflects a new date and location.**

The purpose of this public oversight roundtable is to provide the public with an opportunity to comment on the District's Health Benefit Exchange Authority and its continuing efforts to implement the Affordable Care Act.

Those who wish to testify should contact Melanie Williamson, Legislative Counsel, at (202) 741-2112 or via e-mail at mwilliamson@dccouncil.us and provide their name, address, telephone number, organizational affiliation and title (if any) by close of business on Thursday, November 14, 2013. Persons wishing to testify are encouraged, but not required, to submit 15 copies of written testimony. If submitted by the close of business on Thursday, November 14, 2013, the testimony will be distributed to Councilmembers before the hearing. Witnesses should limit their testimony to four minutes; less time will be allowed if there are a large number of witnesses.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted either to Ms. Williamson, or to Ms. Nyasha Smith, Secretary to the Council, Room 5 of the Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004. The record will close at 5:00 p.m. on December 2, 2013.

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

**CHAIRMAN PHIL MENDELSON
COMMITTEE OF THE WHOLE
ANNOUNCES A PUBLIC ROUNDTABLE**

on

The Impact of the Government Shutdown on the District of Columbia

on

**Friday, October 25, 2013
1:00 p.m., Hearing Room 412, John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004**

Council Chairman Phil Mendelson announces a public roundtable of the Committee of the Whole on the impact of the recent government shutdown on the District of Columbia. The public roundtable will be held Friday, October 25 at 1:00 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The purpose of the oversight roundtable is to receive testimony on the impact on the District of Columbia of the federal appropriations lapse that occurred between October 1, 2013 and October 16, 2013, and how the District can be prepared in the future. Issues to be explored include the following: an itemization of the shutdown's financial cost to the District; the source and amount of funds that the District obligated or expended during the shutdown; the plan for paying back the reserve accounts; how the District could be affected by future lapses in federal appropriations; what, if any, limitations remain on fiscal year 2014 following the enactment of the Continuing Appropriations Act, 2014; and any other recommendations that may be presented by the Chief Financial Officer or the Executive.

Testimony for this roundtable is by invitation only by the Committee. Questions about the hearing may be directed to the Committee of the Whole, at (202) 724-8196, or e-mail Evan Cash, Committee Director, at ecash@dccouncil.us.

Written statements may be submitted and will be made a part of the official record. Copies of written statements should be submitted to the Committee of the Whole, Council of the District of Columbia, Suite 410 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004. The record will close at 5:00 p.m. on Thursday, November 7, 2013.

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, N.W., Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-115: Request to reprogram \$562,000 of Fiscal Year 2013 Local funds budget authority from the District Department of Transportation (DDOT) was filed in the Office of the Secretary on October 16, 2013. This reprogramming is needed to expand the non-automobile transportation related improvements in neighborhoods participating in the parking performance program.

RECEIVED: 14 day review begins October 17, 2013

Reprog. 20-116: Request to reprogram \$1,980,213 of Local Funds budget authority from the Non-Departmental Account to the Employees' Compensation Fund (ECF) was filed in the Office of the Secretary on October 16, 2013. This reprogramming ensures that resources are available to support services for injured District employees.

RECEIVED: 14 day review begins October 17, 2013

Reprog. 20-117: Request to reprogram \$1,500,000 of Local funds budget authority from the Metropolitan Police Department (MPD) to the Pay-As-You-Go (Paygo) Capital agency to fund MPD's capital project PL110C was filed in the Office of the Secretary on October 17, 2013. This reprogramming is needed to support the costs of renovations at the Washington Times Building at 2850 New York Avenue N.E.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-118: Request to reprogram \$670,000 of Fiscal Year 2013 Local funds budget authority within the Office of Unified Communications (OUC) was filed in the Office of the Secretary on October 17, 2013. This reprogramming is needed to transfer Local funds budget authority from personal services to non-personal services to support operational needs.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-119: Request to reprogram \$1,156,490 of Fiscal Year 2013 Local funds budget authority from the Department of Employment Services (DOES) to the Unemployment Compensation Fund (UCF) was filed in the Office of the Secretary on October 17, 2013. This reprogramming will resolve a projected deficit resulting from increased benefit expenditures for employees that were separated from the District.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-120: Request to reprogram \$1,500,000 of Fiscal Year 2013 Local funds budget authority from the District Department of Transportation (DPW) was filed in the Office of the Secretary on October 17, 2013. This reprogramming supports higher-than-anticipated fringe benefits costs in the Public Space Cleaning, Sanitation Collections and Removals, and Sanitation Disposal activities within DPW.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-121: Request to reprogram \$12,000,000 of Fiscal Year 2013 Local funds budget authority from the Department of General Services (DGS), the Department of Youth Rehabilitation Services (DYRS), the Metropolitan Police Department (MPD), Child and Family Services Agency (CFSA), Non-Public Tuition (NPT) and D.C. Public Schools (DCPS) to the Pay-As-You-Go (Paygo) Capital Agency for the Department of Parks and Recreation's (DPR), Park Improvement project QN750C was filed in the Office of the Secretary on October 17, 2013. This reprogramming ensures that DPR will be able to modernize playgrounds and other existing recreational facilities throughout the District.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-122: Request to reprogram \$175,000 of Fiscal Year 2013 Local funds budget authority from the Department of Corrections (DOC) to the Pay-As-You-Go (Paygo) Capital agency was filed in the Office of the Secretary on October 17, 2013. This reprogramming is needed in support of technology updates within the Public Safety and Justice Cluster.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-123: Request to reprogram \$771,000 of Fiscal Year 2013 Local funds budget authority from the Department of Health (DOH) to the Pay-As-You-Go (Paygo) Capital Agency was filed in the Office of the Secretary on October 17, 2013. This reprogramming is needed to support renovations of facilities located at the DC General Campus and DC Village.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-124: Request to reprogram \$500,000 of Fiscal Year 2013 Special Purpose Revenue funds budget authority from the District Department of the Transportation (DDOT) to the Pay-As-You-Go Capital Agency (Paygo) was filed in the Office of the Secretary on October 17, 2013. This reprogramming will support the rehabilitation of a bridge over the Interstate 395, which will include modifications to its electrical and mechanical systems.

RECEIVED: 14 day review begins October 18, 2013

Reprog. 20-125: Request to reprogram \$1,420,000 of Fiscal Year 2013 Local Funds budget Authority within the Department of General Services (DGS) was filed in the Office of the Secretary on October 17, 2013. This reprogramming is needed to correctly expense final District-wide electricity and natural gas costs.

RECEIVED: 14 day review begins October 18, 2013

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, OCTOBER 30, 2013
2000 14TH STREET, N.W., SUITE 400S,
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members:

Nick Alberti, Donald Brooks, Herman Jones, Mike Silverstein

- Show Cause Hearing (Status) 9:30 AM**
Case # 12-CMP-00449; Shamiana, LLC, t/a Heritage India/Asia, 2400 Wisconsin Ave NW, License #20640, Retailer CR, ANC 3B
Failed to File Quarterly Statements (2nd Quarter 2012)
- Show Cause Hearing (Status) 9:30 AM**
Case # 13-AUD-00027; S & W D.C., LLC, t/a Smith & Wollensky, 1112 19th Street NW, License #60001, Retailer CR, ANC 2B
Failed to File Quarterly Statements (4th Quarter 2012)
- Show Cause Hearing (Status) 9:30 AM**
Case # 12-CMP-00406; P Street Gourmet Empanadas, LLC, t/a Panas Gourmet Empanadas, 2029 P Street NW, License #88954, Retailer DR, ANC 2B
Failed to File Quarterly Statements (1st Quarter 2012)
- Show Cause Hearing (Status) 9:30 AM**
Case # 12-CMP-00741; Sushi Para Company, t/a Sushi Sai, 4221 Connecticut Ave NW, License #88557, Retailer CR, ANC 3F
Failed to File Quarterly Statements (3rd Quarter 2012)
- Show Cause Hearing (Status) 9:30 AM**
Case # 13-AUD-00030; The Cheesecake Factory Restaurants, Inc., t/a The Cheesecake Factory, 5345 Wisconsin Ave NW, License #14760, Retailer CR ANC 3E
Failed to File Quarterly Statements (4th Quarter 2012)
- Show Cause Hearing (Status) 9:30 AM**
Case # 12-CMP-00537; AVC Solutions Corp, t/a Baja Fresh, 1333 New Hampshire Ave NW, License #83801, Retailer DR, ANC 2B
Failed to File Quarterly Statements (2nd Quarter 2012), No ABC Manager on Duty

Board's Calendar
Page -2- October 24, 2013

9:30 AM

Show Cause Hearing (Status)

Case # 13-CMP-00161; Woodward Bros, Inc. t/a The Rhino-Bar And Pumphouse, 3295 M Street NW, License #523, Retailer CT, ANC 2E
Sale to Minor, Failed to Take Steps Necessary to Ascertain Legal Drinking Age

10:00 AM

Show Cause Hearing

Case # 13-CC-00022; Mac's Liquors, Inc., t/a Mac's Wine & Liquors, 401 Rhode Island Ave NE, License #60758, Retailer A, ANC 5E
No ABC Manager on Duty

11:00 AM

Show Cause Hearing

Case # 12-CMP-00648; Rajaji, Inc., t/a Rajaji Curry House, 2603 Connecticut Ave NW, License #70945, Retailer CR, ANC 3C
Failed to Post In a Conspicuous Place the Name of the Licensee, the License Class and the License Number, Failed to Post License in a Conspicuous Place, Failed to Have Warning Signs Posted, Failed to Post Minimum Age Required for the Purchase of an Alcohol Beverage

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

1:30 PM

Show Cause Hearing

Case # 13-CMP-00042; Inner Circle 1420, t/a Tattuo, 1413 K Street NW License #75156, Retailer CN, ANC 2F
Failed to Post License in a Conspicuous Place

2:00 PM

Protest Hearing

Case # 13-PRO-00113; Good Hope Market, LLC, t/a Dollar Plus Store 1429 Good Hope Road SE, License #92680, Retailer A, ANC 8A
New Application

3:30 PM

Show Cause Hearing

Case # 13-CMP-00118; Carnival, Inc., t/a Sunset Liquors, 1627 1st Street NW License #60657, Retailer A, ANC 5E
Failed to Post In a Conspicuous Place the Name of the Licensee, the License Class and the License Number, Trade Name Change Without Board Approval

4:30 PM

Show Cause Hearing

Case # 13-AUD-00038; Mixtec, Inc., t/a Mixtec, 1792 Columbia Road NW License #7374, Retailer CR, ANC 1C
Failed to File Quarterly Statements (4th Quarter 2012)

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/25/2013
PETITION DATE: 12/9/2013
HEARING DATE: 12/23/2013

License Number: ABRA-081805
License Class/Type: C Nightclub
SMD: 2C01

Applicant: Boutique Lounges, LLC
Trade Name: Recess Bar
Premise Address: 727 15TH ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	10 am - 2 am	10 am - 2 am	-
MON:	10 am - 2 am	10 am - 2 am	-
TUE:	10 am - 2 am	10 am - 2 am	-
WED:	10 am - 2 am	10 am - 2 am	-
THU:	10 am - 2 am	10 am - 2 am	-
FRI:	10 am - 3 am	10 am - 3 am	-
SAT:	10 am - 3 am	10 am - 3 am	-

License Number: ABRA-084711
License Class/Type: C Nightclub
SMD: 2C01

Applicant: Jam Ventures, LLC
Trade Name: Opera Ultra Lounge
Premise Address: 1400 I ST NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 3 am	12 pm - 2 am	-
MON:	12 pm - 3 am	12 pm - 2 am	-
TUE:	12 pm - 3 am	12 pm - 2 am	-
WED:	12 pm - 3 am	12 pm - 2 am	-
THU:	12 pm - 3 am	12 pm - 2 am	-
FRI:	12 pm - 4 am	12 pm - 3 am	-
SAT:	12 pm - 4 am	12 pm - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/25/2013
PETITION DATE: 12/9/2013
HEARING DATE: 12/23/2013

License Number: ABRA-008511
License Class/Type: C Nightclub
SMD: 3B02

Applicant: B J Enterprises Inc
Trade Name: J P's
Premise Address: 2412 Wisconsin AVE NW

Endorsements:

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 2 am	12 pm - 2 am	-
MON:	11 am - 2 am	11 am - 2 am	-
TUE:	11 am - 2 am	11 am - 2 am	-
WED:	11 am - 2 am	11 am - 2 am	-
THU:	11 am - 2 am	11 am - 2 am	-
FRI:	11 am - 3 am	11 am - 3 am	-
SAT:	11 am - 3 am	11 am - 3 am	-

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/25/2013
PETITION DATE: 12/9/2013
HEARING DATE: 12/23/2013

License Number: ABRA-074353 Applicant: Tea Room, LLC
License Class/Type: C Tavern Trade Name: Science Club
SMD: 2B06 Premise Address: 1136 19TH ST NW

Endorsements: Entertainment, Sidewalk Cafe

Days	Hours of Operation	Hours of Sales/Service	Hours of Sidewalk Cafe Operation	Hours of Sales Sidewalk Cafe	Hours of Entertainment
SUN:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	11 am - 2 am
MON:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	11 am - 2 am
TUE:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	11 am - 2 am
WED:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	11 am - 2 am
THU:	11 am - 2 am	11 am - 2 am	11 am - 1 am	11 am - 1 am	11 am - 2 am
FRI:	11 am - 3 am	11 am - 3 am	11 am - 1 am	11 am - 1 am	11 am - 3 am
SAT:	11 am - 3 am	11 am - 3 am	11 am - 1 am	11 am - 1 am	11 am - 3 am

License Number: ABRA-060475 Applicant: Perculus Inc.
License Class/Type: C Tavern Trade Name: The Reef
SMD: 1C03 Premise Address: 2442 - 2446 18TH ST NW

Endorsements: Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Summer Garden Operation	Hours of Sales Summer Garden	Hours of Entertainment
SUN:	11 am - 2 am	11 am - 2 am	11 am - 2 am	11 am - 2 am	10 pm - 2 am
MON:	11 am - 2 am	11 am - 2 am	11 am - 2 am	11 am - 2 am	10 pm - 2 am
TUE:	11 am - 2 am	11 am - 2 am	11 am - 2 am	11 am - 2 am	10 pm - 2 am
WED:	11 am - 2 am	11 am - 2 am	11 am - 2 am	11 am - 2 am	10 pm - 2 am
THU:	11 am - 2 am	11 am - 2 am	11 am - 2 am	11 am - 2 am	10 pm - 2 am
FRI:	11 am - 3 am	11 am - 3 am	11 am - 3 am	11 am - 3 am	10 pm - 3 am
SAT:	11 am - 3 am	11 am - 3 am	11 am - 3 am	11 am - 3 am	10 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/25/2013
PETITION DATE: 12/9/2013
HEARING DATE: 12/23/2013

License Number: ABRA-082192
License Class/Type: C Tavern
SMD: 1B02

Applicant: Moka, LLC
Trade Name: Portico
Premise Address: 1914 9TH ST NW

Endorsements: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 2 am	12 pm - 2 am	-
MON:	12 pm - 2 am	12 pm - 2 am	-
TUE:	12 pm - 2 am	12 pm - 2 am	-
WED:	12 pm - 2 am	12 pm - 2 am	-
THU:	12 pm - 2 am	12 pm - 2 am	8 pm - 2 am
FRI:	12 pm - 3 am	12 pm - 3 am	8 pm - 2 am
SAT:	12 pm - 3 am	12 pm - 3 am	8 pm - 2 am

License Number: ABRA-074712
License Class/Type: C Tavern
SMD: 1D04

Applicant: Dalunas, LLC
Trade Name: Marx Cafe American Bar
Premise Address: 3203 MT PLEASANT ST NW

Endorsements: Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
MON:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
TUE:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
WED:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
THU:	11 am - 2 am	11 am - 1:30 am	6 pm - 1:30 am
FRI:	11 am - 3 am	11 am - 2:30 am	6 pm - 1:30 am
SAT:	11 am - 3 am	11 am - 2:30 am	6 pm - 1:30 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, NW, 4th Floor, Washington, DC 20009.

RENEWAL NOTICES

POSTING DATE: 10/25/2013
PETITION DATE: 12/9/2013
HEARING DATE: 12/23/2013

License Number: ABRA-090527
License Class/Type: C Tavern
SMD: 6A06

Applicant: Avery's LLC
Trade Name: Avery's Bar and Lounge
Premise Address: 1370 H ST NE

Endorsements: Cover Charge, Dancing, Entertainment

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
SUN:	12 pm - 2 am	12 pm - 2 am	12 pm - 2 am
MON:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
TUE:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
WED:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
THU:	4 pm - 2 am	4 pm - 2 am	6 pm - 2 am
FRI:	4 pm - 3 am	4 pm - 3 am	6 pm - 3 am
SAT:	4 pm - 3 am	4 pm - 3 am	12 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 25, 2013
Petition Date: December 9, 2013
Roll Call Hearing Date: December 23, 2013

License No.: ABRA-085922
Licensee: Clover Capitol Hill, LLC
Trade Name: Tortilla Coast
License Class: Retailer's Class "C" Restaurant
Address: 400 1st Street SE.
Contact: Debra Topcike: 202-362-9842

WARD 6

ANC 6B

SMD 6B01

Notice is hereby given that this applicant has applied for a substantial change to its 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 at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date.

NATURE OF SUBSTANTIAL CHANGE

Requesting to add Entertainment Endorsement (Karaoke) to License.

HOURS OF LIVE ENTERTAINMENT ENDORSEMENT

Sunday: 6pm-9pm, Monday through Wednesday: 6pm-10pm, Thursday and Friday: 6pm-11pm, Saturday: 6pm-10pm

APPROVED HOURS OF OPERATION

Sunday through Thursday: 11:30am-12am, Friday and Saturday: 11:30am-2:30am

APPROVED HOURS OF ALCOHOLIC BEVERAGE SALES AND CONSUMPTION

Sunday through Thursday: 11:30am-12am, Friday and Saturday: 11:30am-2:30am

APPROVED SIDEWALK CAFÉ HOURS OF OPERATION AND SALES AND CONSUMPTION OF ALCOHOL

Sunday through Thursday: 11:30am-12am, Friday and Saturday: 11:30am-2:30am

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKINGFORMAL CASE NO. 1108, IN THE MATTER OF THE INVESTIGATION OF THE PUBLIC SERVICE COMMISSION INTO ITS RULES OF PRACTICE AND PROCEDURE PERTAINING TO CONFIDENTIAL OR PROPRIETARY INFORMATION

1. The Public Service Commission of the District of Columbia (“Commission”) hereby gives notice pursuant to Sections 34-802 and 2-505 of the District of Columbia Official Code¹ of its intent to amend Chapter 1, “Rules of Practice and Procedure” of Title 15 of the District of Columbia Municipal Regulations (“DCMR”), in not less than 30 days from the date of publication of this Notice of Proposed Rulemaking (“NOPR”) in the *D.C. Register*.

2. The proposed amendments modify Section 150 (“Confidential or Proprietary Information”) of Chapter 1 of the Commission’s rules. The purpose of the amendments is to clarify the Commission’s treatment of information claimed by a party to be confidential, including procedures for challenges to claims of confidentiality by other parties and procedures to be applied in the event the Commission requires a party to substantiate its claim of confidentiality for certain information.

3. Section 150 is amended to read as follows:

150 CONFIDENTIAL OR PROPRIETARY INFORMATION

150.1 Any materials submitted by a party which it claims are confidential or proprietary shall be filed under seal and shall not be used except in connection with the proceeding in which the material is filed.

150.2 All submissions filed under seal shall include a request for confidential or proprietary treatment, including justification for such request. Such requests shall state with specificity the grounds upon which the request is based.

150.3 All requests for confidential or proprietary treatment shall be presumed granted unless the Commission on its own, or in response to a Confidential/Proprietary Information Determination, determines that confidential or proprietary treatment is not justified. In making that determination, the Commission shall follow the procedures set forth in Section 150.7 or Section 150.8 of this chapter.

150.4 All submissions filed under seal shall be made available only to parties and persons who have signed an appropriate confidentiality or proprietary agreement with the party claiming that its information is confidential or proprietary.

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

Information obtained pursuant to the execution of a confidentiality or proprietary agreement shall be held solely for use in or in preparation of filings, including briefs, comments, documents, exhibits, data responses, cross-examination, other pleadings, petitions for reconsideration or appeals in the regulatory proceeding in which the information was originally obtained.

150.5

If any party intends to use or actually uses confidential or proprietary information in briefs, comments, testimony, exhibits, data responses, cross-examination, or other documents to be filed in a case in which the information is obtained pursuant to a confidentiality or proprietary agreement, the following shall apply:

- (a) A confidential version of the briefs, comments, testimony, exhibits, data responses, or other documents containing the alleged confidential or proprietary information shall be sealed and delivered to the Commission Secretary by that party and to those other parties who have signed an appropriate confidentiality or proprietary agreement. The pages containing the confidential or proprietary information shall be clearly marked and the cover of the filings shall indicate that confidential or proprietary information is contained inside. An original and fifteen (15) copies of the confidential or proprietary document shall be filed under seal with the Commission Secretary in non-rate proceedings and an original and twenty-five (25) copies in rate proceedings;
- (b) Simultaneously with the filing of the confidential or proprietary version of the document, an original and fifteen (15) copies of a public version of the filing containing the alleged confidential or proprietary information shall be redacted and filed with the Commission Secretary by that party in non-rate proceedings and an original and twenty-five (25) copies in rate proceedings. The public version shall be served upon parties who have not signed an appropriate confidentiality or proprietary agreement. The confidential or proprietary material shall be removed in a manner that will not alter the number of pages submitted so that the text in the confidential and public versions of the document appears on the same page. The following notice shall be inserted in place of the confidential or proprietary information: “This portion contains information which is alleged to be confidential or proprietary. Please contact [the filing party] for an appropriate confidentiality or proprietary agreement or file with the Commission for a Confidential/Proprietary Information Determination. Parties may seek a Confidential/Proprietary Information Determination at any time in the proceeding.”
- (c) Cross-examination by any party involving information which another party alleges to be confidential or proprietary shall be conducted during proceedings which shall be closed to all those who have not signed an appropriate proprietary or confidentiality agreement; provided, that there has been no prior Commission determination that such information is not

confidential or proprietary. Two transcripts of the proceeding shall be prepared and filed with the Commission Secretary; one that shall include the confidential or proprietary information and one that shall exclude the confidential or proprietary information. The transcript of the proceeding containing the confidential or proprietary information shall be kept under seal; and

- (d) If any party challenges the appropriateness of a claim that information is confidential or proprietary, the procedures set forth under Section 150.7 of this chapter shall apply.

150.6 If a party who has not signed a confidentiality or proprietary agreement with the party claiming its information is confidential or proprietary desires to obtain confidential or proprietary information from a party that has the information, either through data requests, during cross-examination, or through sealed briefs, comments, testimony, exhibits, or other such documents, the requesting party shall:

- (a) Contact the party claiming its information is confidential or proprietary for an appropriate confidentiality or proprietary agreement, which shall be signed and returned to the party; or
- (b) File with the Commission for a Confidential/Proprietary Information Determination under Section 150.7.

150.7 If at any time during a Commission proceeding a party wishes to challenge a claim of the party who asserts that its information is confidential or proprietary, the following procedures shall apply:

- (a) The party challenging the claim that information is confidential or proprietary shall file with the Commission for a Confidential/Proprietary Information Determination, which shall consist of a request for a ruling on whether the particular information is confidential or proprietary, hereafter referred to as “Confidential/Proprietary Information Determination Request” (“CPID Request”). The CPID Request shall be filed with the Commission Secretary and served on the party claiming that the information sought is confidential or proprietary and on the signatories to the confidentiality or proprietary agreement. Parties to the proceeding who have not signed the confidentiality or proprietary agreement shall only receive notice from the filing party that a CPID Request has been filed in lieu of a copy of the filing;
- (b) When any CPID Request has been filed, the party claiming that its information is confidential or proprietary shall deliver under seal all of the relevant documents to the Commission Secretary for an *in camera* inspection by the Commission and shall also deliver to the Commission

Secretary the relevant confidential or proprietary agreements signed by each party permitted access to the alleged confidential or proprietary information;

- (c) The party claiming that its information is confidential or proprietary shall, within five (5) days after the filing of the CPID Request, file an initial brief stating in detail the basis of its claim. Within five (5) days thereafter, the party that filed a CPID Request shall file a brief in response to the initial brief of the party claiming that its information is confidential or proprietary. Within three (3) days after the filing of the brief in response, the party claiming that its information is confidential or proprietary may file a reply brief. If either the initial or reply brief of the party claiming that its information is confidential or proprietary, or the brief in response of the party challenging the claim, uses information that allegedly is confidential or proprietary, those briefs shall be filed under seal. In that instance, the parties shall not be required to file a public version of their briefs;
- (d) The burden of ultimately persuading the Commission that the subject information is confidential or proprietary is upon the party claiming that its information is confidential or proprietary; and
- (e) A party shall not make public information regarding the disputed confidential or proprietary information until a ruling is received from the Commission. Following the ruling, the information shall be made available only in accordance with the Commission's ruling; provided that an application for reconsideration of the Commission's order filed by the party claiming that the information is confidential or proprietary will act as a stay of such order pending reconsideration.

150. 8 The Commission, in any proceeding before it, may, at its option, elect to require that a party claiming that its information is proprietary or confidential substantiate its claim. If the Commission so elects, then the following procedures shall apply:

- (a) The Commission shall issue an order notifying the party claiming that its information is confidential or proprietary and any signatories to the confidentiality or proprietary agreement that the party must substantiate its claim before the Commission;
- (b) The party claiming that its information is proprietary or confidential shall file an initial brief stating in detail the basis of its proprietary or confidential claim within five (5) days of the notification;
- (c) Within five (5) days thereafter, any party may file a brief in response to the initial brief filed by the party claiming that its information is proprietary or confidential;

- (d) Within three (3) days of that filing, the party claiming that its information is confidential or proprietary may file a reply brief. If either the initial or reply brief of the party claiming that its information is confidential or proprietary, or the brief of any other party, uses information that is proprietary or confidential, those pleadings shall be filed under seal. In that instance, the parties shall not be required to file a public version of their briefs;
- (e) The burden of ultimately persuading the Commission that the subject information is confidential or proprietary is upon the party claiming that its information is confidential or proprietary; and
- (f) A party shall not make public information regarding the disputed confidential or proprietary information until a ruling is received from the Commission. Following the ruling, the information shall be made available only in accordance with the Commission's order; provided, that an application for reconsideration of the Commission's order filed by the party claiming that its information is confidential or proprietary will act as a stay of such order pending reconsideration.

- 150.9 If an appeal is taken from a final Commission order in the proceeding, all information under seal at the time shall remain under seal until the appellate court issues a final order on the appeal.
- 150.10 The parties retain the right to object to the admissibility of any specific confidential or proprietary information on any proper grounds, including relevancy or materiality to the proceeding.
- 150.11 When the Commission's order in the proceeding is final and no longer subject to appeal, the sealed portion of the Commission's record shall be retained under seal by the Commission. All parties and persons having material furnished pursuant to a confidentiality or proprietary agreement (including, but not limited to, notes or records made from such material) or copies of confidential documents kept under seal by the Commission during the course of such proceeding (including, but not limited to, briefs, comments, testimony, exhibits, transcripts, and data responses) shall, upon request by the party claiming that its information is confidential or proprietary, deliver all such material to that party.
- 150.12 Access to the documents kept under seal by the Commission shall be limited to the Commission, its staff, its agents, and those parties to the proceeding in which the request is made who have executed a confidentiality or proprietary agreement.
- 150.13 All persons or parties executing a confidentiality or proprietary agreement shall be responsible for the protection of the confidential or proprietary information in their control.

4. Any person interested in commenting on the subject matter of this proposed rulemaking must submit comments and reply comments in writing no later than thirty (30) days and forty-five (45) days, respectively, from the date of publication of this Notice in the *D.C. Register*. Comments and reply comments are to be addressed to Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington D.C. 20005. After the comment period expires, the Commission will take final rulemaking action.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

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.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the adoption, on an emergency basis, of amendments to Chapter 19 (Home and Community-based Waiver Services for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The notice of second emergency and proposed rules amends the previously published standards governing providers who participate in the Home and Community-based Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver). These rules amend the previously published rules by: (1) describing the cost report submission procedures and establishing requirements for the frequency of the submission of cost-reports; (2) specifying the on-site audit procedures and specifying the frequency of on-site visits by representatives of the U.S. Department of Health and Human Services and the Department of Health Care Finance; (3) revising and clarifying the components of a supervision plan; (4) clarifying words and/or phrases to reflect more person-centered language and simplify interpretation of the rule.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of ID/DD Waiver services. The ID/DD Waiver serves some of the District's most vulnerable residents. The welfare of these residents highly depends on the availability of the multiple services made available under the waiver. In order to ensure that the residents' health, safety, and welfare are not threatened by the lapse in access to the approved services under the waiver, it is necessary that that these rules be published on an emergency basis.

An initial notice of emergency and proposed rulemaking was published in the *D.C. Register* on July 12, 2013 at 60 DCR 10162. Numerous comments were received and taken into account in the release of this notice of emergency and proposed rulemaking which responds to the comments. This emergency rulemaking was adopted on October 9, 2013 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) calendar days or until February 5, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

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

Chapter 19, HOME AND COMMUNITY-BASED WAIVER SERVICES FOR PERSONS WITH MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, of Title 29, PUBLIC WELFARE, of the DCMR, is amended as follows:

Section 1900, GENERAL PROVISIONS, through Section 1909, FAIR HEARINGS are deleted in their entirety and amended to read as follows:

CHAPTER 19 HOME AND COMMUNITY-BASED WAIVER FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

1900 GENERAL PROVISIONS

- 1900.1 The purpose of this chapter is to establish criteria governing Medicaid eligibility for services under the Home and Community-Based Services (HCBS) Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of Waiver services.
- 1900.2 The Waiver is authorized pursuant to Section 1915 (c) of the Social Security Act, approved by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services (CMS), and shall be effective through November 19, 2017, plus any extensions thereof.
- 1900.3 The Waiver shall be operated by the Department on Disability Services (DDS), Developmental Disabilities Administration (DDA), under the supervision of the Department of Health Care Finance (DHCF).
- 1900.4 Enrollment of people eligible to receive Waiver services shall not exceed the ceiling established by the approved Waiver application.
- 1900.5 Each provider shall be subject to the administrative procedures set forth in Chapter 13 of Title 29 of the District of Columbia Municipal Regulations (DCMR) during the provider’s participation in the program.

1901 COVERED SERVICES AND RATES

1901.1 Services available under the Waiver shall include the following:

- (a) Art Therapies
- (b) Behavioral Supports
- (c) Day Habilitation
- (d) Dental
- (e) Employment Readiness
- (f) Environmental Accessibilities Adaptations
- (g) Family Training
- (h) Host Home without Transportation
- (i) Individualized Day Supports
- (j) In-Home Supports
- (k) Occupational Therapy
- (l) One-Time Transitional Services
- (m) Personal Care Services
- (n) Personal Emergency Response System (PERS)
- (o) Physical Therapy

- (p) Residential Habilitation
- (q) Respite
- (r) Shared Living
- (s) Skilled Nursing
- (t) Small Group Supported Employment
- (u) Speech, Hearing and Language Services
- (v) Supported Employment
- (w) Supported Living
- (x) Supported Living with Transportation
- (y) Vehicle Modifications
- (z) Wellness Services

1901.2 Medicaid provider reimbursement for Waiver services shall be made according to the District of Columbia Medicaid fee schedule available online at <https://www.dc-medicaid.com/dcwebportal/nonsecure/feeScheduleDownload>.

1902 ELIGIBILITY REQUIREMENTS

1902.1 Any person eligible to receive Waiver services shall meet all of the following requirements:

- (a) Has a special income level up to 300% of the SSI federal benefit or be aged and disabled with income up to 100% of the federal poverty level or be medically needy as set forth in 42 CFR §§ 435.320, 435.322, 435.324 and 435.330;
- (b) Be a person that has an intellectual disability;
- (c) Be eighteen (18) years of age or older;
- (d) Be a resident of the District of Columbia as defined in D.C. Official Code § 7-1301.03(22);
- (e) Has a Level of Care (LOC) determination that the person requires services furnished in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) or be a person with related conditions pursuant to the criteria set forth in § 1902.4; and
- (f) Meets all other eligibility criteria applicable to Medicaid recipients including citizenship and alienage requirements.

1902.2 Waiver services shall not be furnished to a person who is an inpatient of a hospital, ICF/IID, or nursing facility.

1902.3 Each person enrolled in the Waiver shall be re-certified annually as having met all of the eligibility requirements as set forth in § 1902.1 for continued participation in the Waiver.

- 1902.4 A person shall meet the LOC determination set forth in § 1902.1(e) if one of the following criteria has been met:
- (a) The person's primary disability is an intellectual disability with an intelligence quotient (IQ) of fifty-nine (59) or less;
 - (b) The person's primary disability is an intellectual disability with an IQ of sixty (60) to sixty-nine (69) and the person has at least one (1) of the following additional conditions:
 - (1) Mobility deficits;
 - (2) Sensory deficits;
 - (3) Chronic health problems;
 - (4) Behavior problems;
 - (5) Autism;
 - (6) Cerebral Palsy;
 - (7) Epilepsy; or
 - (8) Spina Bifida.
 - (c) The person's primary disability is an intellectual disability with an IQ of sixty (60) to sixty-nine (69) and the person has severe functional limitations in at least three (3) of the following major life activities:
 - (1) Self-care;
 - (2) Understanding and use of language;
 - (3) Functional academics;
 - (4) Social skills;
 - (5) Mobility;
 - (6) Self-direction;
 - (7) Capacity for independent living; or
 - (8) Health and safety.
 - (d) The person has an intellectual disability, has severe functional limitations in at least three (3) of the major life activities as set forth in § 1902.4(c)(1) through § 1902.4(c)(8), and has one (1) of the following diagnoses:
 - (1) Autism;
 - (2) Cerebral Palsy;
 - (3) Prader Willi; or
 - (4) Spina Bifida.

1903 LEVEL OF CARE AND FREEDOM OF CHOICE

- 1903.1 The DC Level of Need (LON) is a comprehensive assessment tool, initiated by the Service Coordinator and completed with the person, their advocate and other

members of their support team who serve as the resource for providing the information that is entered into the LON.

- 1903.2 The LON is reviewed on an annual basis and/or whenever the person experiences a significant change in their life anytime during the year. The LON documents the person's health, intellectual and developmental health diagnoses, and support needs in all major life activities to determine the LOC determination criteria specified in §1902.4.
- 1903.3 The person shall meet the LOC as described under § 1902. The following describes the process for the initial evaluation and re-evaluation:
- (a) A Qualified Developmental Disabilities Professional (Q/DDP), employed by DDS, shall perform the initial evaluation and re-evaluation of the LOC and make a LOC determination; and
 - (b) Re-evaluations of the LOC shall be conducted every twelve (12) months or earlier when indicated.
- 1903.4 Written documentation of each evaluation and re-evaluation shall be maintained by DDS for a minimum period of three (3) years, except when there is an audit or investigation, in which case, the records shall be maintained by DDS until the review has been completed.
- 1903.5 Once a person has been determined eligible for services under the Waiver, the person and/or legal representative shall document the choice of institutional or HCBS on a Freedom of Choice form.
- 1903.6 The Freedom of Choice form shall consist of:
- (a) The choice of institutional services; and
 - (b) The choice of HCBS.
- 1903.7 Each person who is not given the choice of HCBS as an alternative to institutional care in an ICF/IID as set forth in § 1902.1(e), shall be entitled to a fair hearing in accordance with 42 CFR Part 431, Subpart E.

1904 PROVIDER QUALIFICATIONS

- 1904.1 HCBS Waiver provider agencies shall complete an application to participate in the Medicaid Waiver program and shall submit to DDS both the Medicaid provider enrollment application and the following organizational information:
- (a) A resume and three letters of reference demonstrating that the owner(s)/operator(s) have a degree in the Social Services field or a related field with at least three (3) years of experience of working with

- people with intellectual and developmental disabilities; or a degree in a non-Social Services field with at least five (5) years of experience working with people with intellectual and developmental disabilities;
- (b) Documentation proving that the program manager of the HCBS Waiver provider agency has a Bachelor's degree in the Social Services field or a related field with at least five (5) years of experience in a leadership role or equivalent management experience working with people with intellectual and developmental disabilities or a Master's degree in the Social Services field or a related field with at least three (3) years of experience in a leadership role or equivalent management experience working with people with intellectual and developmental disabilities;
 - (c) A copy of the business license issued by the Department of Consumer and Regulatory Affairs (DCRA);
 - (d) A description of ownership and a list of major owners or stockholders owning or controlling five (5%) percent or more outstanding shares;
 - (e) A list of Board members and their affiliations;
 - (f) A roster of key personnel, with qualifications, resumes, background checks, local license, if applicable, and a copy of their position descriptions;
 - (g) A copy of the most recent audited financial statement of the agency, if available;
 - (h) A copy of the basic organizational documents of the provider, including an organizational chart, and current Articles of Incorporation or partnership agreements, if applicable;
 - (i) A copy of the Bylaws or similar documents regarding conduct of the agency's internal affairs;
 - (j) A copy of the certificate of good standing from the DCRA;
 - (k) Organizational policies and procedures, such as personnel policies and procedures required by DDS and available at <http://dds.dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies?nav=1&vgnextrefresh=1>;
 - (l) A continuous quality improvement plan;
 - (m) A copy of professional/business liability insurance of at least one (1) million dollars;

- (n) A sample of all documentation templates, such as progress notes, evaluations, intake assessments, discharge summaries, and quarterly reports; and
- (o) Any other documentation deemed necessary to support the approval as a provider.

1904.2 Professional service provider applicants who are in private practice as an independent clinician and are not employed by an enrolled HCBS Waiver provider agency or a Home Health Agency, shall complete and submit to DDS the Medicaid provider enrollment application and the following:

- (a) Documentation to prove ownership or leasing of a private office, even if services are always furnished in the home of the person receiving services;
- (b) A copy of a professional license in accordance with District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), as amended, and the applicable state and local licenses in accordance with the licensure laws of the jurisdiction where services are provided; and
- (c) A copy of the insurance policy verifying at least one (1) million dollars in liability insurance.

1904.3 Home Health Agencies shall complete and submit to DDS the Medicaid provider enrollment application and the following documents:

- (a) A copy of the Home Health Agency license pursuant to the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*), and implementing rules; and
- (b) If skilled nursing is utilized, a copy of the registered nurse or licensed practical nurse license in accordance with District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), as amended, and the applicable state and local licenses in accordance with the licensure laws of the jurisdiction where services are provided.

1904.4 In order to provide services under the Waiver and qualify for Medicaid reimbursement, DDS approved HCBS Waiver providers shall meet the following requirements:

- (a) Maintain a copy of the approval letter issued by DHCF;
- (b) Maintain a current District of Columbia Medicaid Provider Agreement that authorizes the provider to bill for services under the Waiver;

- (c) Obtain a National Provider Identification (NPI) number from the National Plan and Provider Enumeration System website;
- (d) Comply with all applicable District of Columbia licensure requirements and any other applicable licensure requirements in the jurisdiction where services are delivered;
- (e) Maintain a copy of the most recent Individual Support Plan (ISP) and Plan of Care that has been approved by DDS for each person;
- (f) Maintain a signed copy of a current Human Care Agreement with DDS for the provision of services, if determined necessary by DDS;
- (g) Ensure that all staff are qualified, properly supervised, and trained according to DDS policy;
- (h) Ensure that a plan is in place to provide services for non-English speaking people pursuant to DDA's Language Access Policy available at <http://dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies/VI.+Administrative+DDA/Language+Access+Policy>;
- (i) Ensure that each staff person providing services has the Hepatitis B vaccination and tested negative for tuberculosis;
- (j) Ensure that staff are trained in infection control procedures consistent with the standards established by the Federal Centers for Disease Control and Prevention (CDC) and the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), as set forth in 29 CFR § 1910.1030;
- (k) Ensure compliance with the provider agency's policies and procedures and DDS policies such as, reporting of unusual incidents, human rights, language access, employee orientation objectives and competencies, individual support plan, most integrated community based setting, health and wellness standards, behavior management, and protection of the person's funds, available at <http://dds.dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies?nav=1&vgnextrefresh=1>;
- (l) Provide a written staffing schedule for each site where services are provided, if applicable;
- (m) Maintain a written staffing plan, if applicable;
- (n) Develop and implement a quality assurance system to evaluate the effectiveness of services provided;
- (o) Ensure that a certificate of occupancy is obtained, if applicable;
- (p) Ensure that a certificate of need is obtained, if applicable;

- (q) Obtain approval from DDS for each site where residential, day, employment readiness, and supported employment services are provided prior to purchasing or leasing property;
- (r) Ensure that, if services are furnished in a private practice office space, spaces are owned, leased, or rented by the private practice and used for the exclusive purpose of operating the private practice;
- (s) Ensure that a sole practitioner shall individually supervise assistants and aides employed directly by the independent practitioner, by the partnership group to which the independent practitioner belongs, or by the same private practice that employs the independent practitioner.
- (t) Complete the DDA abbreviated readiness process, if applicable; and
- (u) Adhere to the specific provider qualifications in each service rule.

1904.5 Each service provider under the Waiver for which transportation is included shall:

- (a) Ensure that each vehicle used to transport a person has valid license plates;
- (b) Ensure that each vehicle used to transport a person has at least the minimum level of motor vehicle insurance required by law;
- (c) Present each vehicle used to transport a person for inspection by a certified inspection station every six (6) months, or as required in the jurisdiction where the vehicle is registered, and provide proof that the vehicle has passed the inspection by submitting a copy of the Certificate of Inspections to DDS upon request;
- (d) Ensure that each vehicle used to transport a person is maintained in safe, working order;
- (e) Ensure that each vehicle used to transport a person meets the needs of the person;
- (f) Ensure that each vehicle used to transport a person has seats fastened to the body of the vehicle;
- (g) Ensure that each vehicle used to transport a person has operational seat belts;
- (h) Ensure that each vehicle used to transport a person can maintain a temperature conducive to comfort;
- (I) Ensure that each vehicle used to transport a person is certified by the Washington Metropolitan Area Transit Commission;
- (j) Ensure that each person is properly seated when the vehicle is in operation;

- (k) Ensure that each person is transported to and from each appointment in a timely manner;
- (l) Ensure that each person is provided with an escort on the vehicle, when needed;
- (m) Ensure that each vehicle used to transport a person with mobility needs is adapted to provide safe access and use;
- (n) Ensure that each staff/employee/contractor providing services meets the requirements set forth in § 1906 of these rules; and
- (o) Ensure that each staff/employee/contractor providing services be certified in Cardiopulmonary Resuscitation (CPR) and First Aid.

1905 PROVIDER ENROLLMENT PROCESS

- 1905.1 Prospective providers shall send a letter of interest to DDA to enroll as a Medicaid provider of Waiver services.
- 1905.2 Upon receipt of the letter of interest, prospective providers shall be invited by DDA via email to attend an informational meeting at DDA. Preceding the meeting, providers shall obtain a copy of the Medicaid provider enrollment application at DDS.dc.gov.
- 1905.3 Upon receipt of the Medicaid provider enrollment application by DDA, prospective providers shall receive an invitation to be interviewed or a denial letter. The denial letter shall be issued by DDA within sixty (60) business days from the time a Medicaid provider enrollment application is received by DDA and shall meet the requirements set forth in § 1905.5.
- 1905.4 If the Medicaid provider enrollment application is incomplete, DDA shall issue a denial letter, in accordance with § 1905.5, within sixty (60) business days from the time a Medicaid provider enrollment application is received.
- 1905.5 The denial letter shall include the following:
- (a) The basis and reasons for the denial of the prospective provider's Medicaid provider enrollment application;
 - (b) The prospective provider's right to dispute the denial of the application and to submit written argument and documentary evidence to support its position; and
 - (c) Specific reference to the particular sections of relevant statutes and/or regulations.
- 1905.6 The provider interviews shall be conducted by an application review committee at DDA.

- 1905.7 Pursuant to the committee's recommendation and the overall merit of the application, DDA shall either issue a denial letter to the prospective providers or send the application of the DDA-recommended provider to DHCF for its review within thirty-five (35) business days of the committee's review date. The denial letter shall be issued in accordance with the requirements set forth in § 1905.5.
- 1905.8 Within thirty (30) business days of DHCF's receipt of DDA's recommendation, DHCF shall issue an approval or denial letter to the prospective providers. The denial letter shall be issued in accordance with the requirements set forth in § 1905.5.
- 1905.9 If a denial letter was issued by DDA or DHCF, the prospective provider shall be prohibited from submitting an application to enroll as a provider for a period of one year from the date the Medicaid provider enrollment application was received by DDA.
- 1905.10 Each provider shall be subject to the administrative procedures set forth in Chapter 13 of Title 29 DCMR; to the provider certification standards established by DDS, currently known as the Provider Certification Review process; and to all policies and procedures promulgated by DDS that are applicable to providers during the provider's participation in the Waiver program.

1906 REQUIREMENTS FOR DIRECT SUPPORT PROFESSIONALS

- 1906.1 The basic requirements for all employees and volunteers providing direct services are as follows:
- (a) Be at least eighteen (18) years of age;
 - (b) Obtain annual documentation from a physician or other health professional that he or she is free from tuberculosis and hepatitis B;
 - (c) Possess a high school diploma or general educational development (GED) certificate;
 - (d) Possess an annual CPR and First Aid certificate;
 - (e) Complete pre-service and in-service training as described in DDS policy;
 - (f) Have the ability to communicate with the person to whom services are provided;
 - (g) Be able to read, write, and speak the English language;
 - (h) Participate in competency based training needed to address the unique support needs of the person, as detailed in his or her ISP; and

- (i) Have proof of compliance with the Health-Care Facility Unlicensed Personnel Criminal Background Check Act of 1998, effective April 20, 1999 (D.C. Law 12-238; D.C. Official Code § 44-551 *et seq.*); as amended by the Health-Care Facility Unlicensed Personnel Criminal Background Check Amendment Act of 2002, effective April 13, 2002 (D.C. Law 14-98; D.C. Official Code §44-551 *et seq.*) for the following employees or contract workers:
- (1) Individuals who are unlicensed under Chapter 12, Health Occupations Board, of Title 3 of the D.C. Official Code, who assist licensed health professionals in providing direct patient care or common nursing tasks;
 - (2) Nurse aides, orderlies, assistant technicians, attendants, home health aides, personal care aides, medication aides, geriatric aides, or other health aides; and
 - (3) Housekeeping, maintenance, and administrative staff for whom it is foreseeable to come in direct contact with Waiver recipients or patients.

1906.2 Volunteers who work under the supervision of an individual licensed pursuant to Chapter 12 of Title 3 of the D.C. Official Code shall be exempt from the unlicensed personnel criminal background check requirement set forth in § 1906.1(i).

1907 INDIVIDUAL SUPPORT PLAN (ISP)

1907.1 The ISP is the plan that identifies the supports and services to be provided to the person and the evaluation of the person's progress on an on-going basis to assure that the person's needs and desired outcomes are being met.

1907.2 The ISP shall include all Waiver and non-waiver supports and services the person is receiving or shall receive consistent with his or her needs.

1907.3 The ISP shall be developed by the person and his or her support team.

1907.4 At a minimum, the composition of the support team shall include the person being served, his or her substitute decision maker and other individuals directly involved in the person's life as agreed to by the person and the DDS Service Coordinator.

1907.5 The ISP shall be reviewed and updated annually by the support team. The ISP may be updated more frequently if there is a significant change in the person's status or any other significant event in the person's life which affects the type or amount of services and supports needed by the person or if requested by the person.

- 1907.6 The Plan of Care shall be derived from the ISP and shall describe services to be furnished to the person, the frequency of the services, and the type of provider to furnish the services.
- 1907.7 The provider shall:
- (a) Ensure that the service provided is consistent with the person's ISP and Plan of Care;
 - (b) Participate in the annual ISP and Plan of Care meeting or Support Team meetings when indicated; and
 - (c) Develop a service delivery plan, within thirty (30) days of the initiation of services, which shall address how the service will be delivered to each person, after notification by DDS that a service has been authorized.
- 1907.8 DHCF shall not reimburse a provider for services that are not authorized in the ISP, not included in the Plan of Care, furnished prior to the development of the ISP, furnished prior to receiving a service authorization from DDS, or furnished pursuant to an expired ISP.
- 1907.9 Each provider shall submit to the person's DDS Service Coordinator a quarterly report which summarizes the person's progress made toward achieving the desired goals and outcomes and identification and response to any issue relative to the provision of the service.

1908 REPORTING REQUIREMENTS

- 1908.1 Each Waiver provider shall submit quarterly reports to the DDS Service Coordinator no later than seven (7) business days after the end of the first quarter, and each subsequent quarter thereafter.
- 1908.2 For purposes of reporting, the first quarter shall begin on the effective date of a person's ISP.
- 1908.3 Each Waiver provider shall submit assessments, quarterly reports as set forth in § 1909.2(o), service delivery plans as set forth in § 1909.2(i), and physician orders, if applicable, to the DDS Medicaid Waiver unit for the authorization of services.
- 1908.4 Each Waiver provider shall complete all documents required for authorization of services as set forth in each service rule and shall submit the documents to the DDS Service Coordinator at the ISP meeting. Failure to submit all required documents prior to the effective date of the ISP may result in a delay of the approval of services. The date of the authorization of services shall be the date of receipt of the required documents by the Medicaid Waiver Unit, if the documents are submitted after the effective date of the ISP.

- 1908.5 Each Waiver provider shall report on a quarterly basis to the person served, his or her family and/or guardian, and the DDS Service Coordinator about the programming and support provided to fulfill the objectives and outcomes identified in the ISP and Plan of Care, and any revisions to the ISP and Plan of Care, when necessary, to promote continued skill acquisition, no later than seven (7) business days after the end of the first quarter, and each subsequent quarter thereafter.
- 1908.6 Each Waiver provider shall report all serious reportable incidents to DDS pursuant to the timelines established under DDA's Incident Management and Enforcement Policy and Procedures, available at <http://dds.dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies?nav=1&vgnextrefresh=1>.

1909 RECORDS AND CONFIDENTIALITY OF INFORMATION

- 1909.1 Each Waiver provider shall allow appropriate personnel of DHCF, DDS and other authorized agents of the District of Columbia government or of other jurisdictions where services are provided, and the federal government full access to all records during announced and unannounced audits and reviews.
- 1909.2 Each Waiver provider entity shall maintain the following records for each person receiving services for monitoring and audit reviews:
- (a) General information including each person's name, Medicaid identification number, address, telephone number, date of birth, sex, name and telephone number of emergency contact person, physician's name, address and telephone number, and the DDS Service Coordinator's name and telephone number;
 - (b) A copy of the most recent DDS approved ISP and Plan of Care indicating the requirement for and identification of a provider who shall provide the services in accordance with the person's needs, if applicable;
 - (c) A record of all service authorization and prior authorizations for services;
 - (d) A record of all requests for change in services;
 - (e) The person's medical records;
 - (f) A discharge summary, if applicable;
 - (g) A written staffing plan, if applicable;
 - (h) A back-up plan detailing who shall provide services in the absence of staff when the lack of immediate care poses a serious threat to the person's health and welfare;
 - (i) A service delivery plan containing the following information:

- (1) The name of the person receiving services;
 - (2) The results of the provider's functional assessment for service delivery, if applicable;
 - (3) A schedule of the person's activities in the community, if applicable, including strategies to execute goals identified in the service delivery plan and the date and time of the activity, if applicable;
 - (4) The staff as identified in the staffing plan, if applicable;
 - (5) Age-appropriate and measurable goals based on the assessment tool consistent with the duration of time spent at the person's home, provider's facility or the community venue, as applicable; and
 - (6) Teaching strategies utilized to execute goals in the service delivery plan and the person's response to the teaching strategy, if applicable.
- (j) Any records relating to adjudication of claims;
- (k) Any records necessary to demonstrate compliance with all rules and requirements, guidelines, and standards for the implementation and administration of the Waiver;
- (l) A supervision plan for each staff member who is classified as a Direct Support Professional (DSP), developed and implemented by a provider designated staff member, containing the following information:
- (1) The name of the DSP and date of hire;
 - (2) The DSP's place of employment, including the name of the provider entity or day services provider;
 - (3) The name of the DSP's supervisor who shall have at least three (3) years' experience working with persons with intellectual and developmental disabilities;
 - (4) A documentation of performance goals for the DSP;
 - (5) A description of the DSP's duties and responsibilities;
 - (6) A comment section for the DSP's feedback;
 - (7) A statement of affirmation by the DSP's supervisor confirming statements are true and accurate;
 - (8) The signature, date, and title of the DSP; and

- (9) The signature, date, and title of the DSP’s supervisor.
- (m) Daily progress notes, as set forth in each service rule, containing the following information:
 - (1) The progress in meeting the specific goals in the ISP and Plan of Care that are addressed on the day of service and relate to the provider’s scope of service;
 - (2) The health or behavioral events or change in status that is not typical to the person;
 - (3) A listing of all community activities attended by the person;
 - (4) The start time and end time of any services received including the DSP’s signature; and
 - (5) The matters requiring follow-up on the part of the Waiver service provider or DDS.
- (n) Reports on a quarterly basis, containing the following information:
 - (1) An analysis of the goals identified in the ISP and Plan of Care and monthly progress towards reaching the goals;
 - (2) The service interventions provided and the effectiveness of those interventions;
 - (3) A summary analysis of all habilitative support activities that occurred during the quarter;
 - (4) Any modifications or recommendations that may be required to the service delivery plan, ISP, and Plan of Care from the summary analysis; and
 - (5) A copy of any ISP amendments to the provider’s service delivery plan to implement the changes made pursuant to the summary analysis under (3).

1909.3 Each Waiver provider shall maintain all records, including but not limited to, progress reports, financial records, medical records, treatment records, and any other documentation relating to costs, payments received and made, and services provided, for six (6) years from service initiation or until all audits, investigations, or reviews are completed, whichever is longer.

1909.4 Each Waiver provider agency and independent practitioner shall maintain records to document staff training and licensure requirements, for a period of no less than six (6) years.

1909.5 Each Waiver provider shall secure service records for each person in a locked room or file cabinet and limit access only to authorized individuals.

- 1909.6 The disclosure of treatment information by a Waiver provider shall be subject to all provisions of applicable federal and District laws and rules, for the purpose of confidentiality of information.
- 1909.7 For residential providers, the records, including program, medical, and financial records for the current ISP, shall be located at the person's residence. Providers shall archive their records annually and ensure that they are available upon request.
- 1909.8 For non-facility based providers, including Supported Employment and Individualized Day, a policy that identifies where records are located and archived, and that ensures that the records are available upon request, shall be developed;
- 1909.9 If the provider maintains electronic records, the electronic records shall be immediately available in an established electronic record keeping system. The electronic record keeping system shall meet the following requirements:
- (a) Has reasonable controls to ensure the integrity, accuracy, authenticity, and reliability of the records kept in electronic format;
 - (b) Be capable of retaining, preserving, retrieving, and reproducing the electronic records;
 - (c) Be able to readily convert paper originals stored in electronic format back into legible and readable paper copies;
 - (d) Be able to create back-up electronic file copies; and
 - (e) Provide appropriate level of security for records to comply with federal requirements for safeguarding information.

Section 1911, REQUIREMENTS FOR PERSONS PROVIDING DIRECT SERVICES, is deleted in its entirety and amended to read as follows:

1911 INDIVIDUAL RIGHTS

- 1911.1 Each Waiver provider shall develop and adhere to policies which ensure that each person receiving services has the following rights:
- (a) To be treated with courtesy, dignity, and respect;
 - (b) To participate in the planning of his or her supports and services;
 - (c) To receive treatment, care, and services consistent with the ISP;

- (d) To receive services by competent personnel who can communicate with the person;
- (e) To refuse all or part of any treatment, care, or service and be informed of the consequences;
- (f) To be free from mental and physical abuse, neglect, and exploitation from staff providing services;
- (g) To be assured that for purposes of record confidentiality, the disclosure of the contents of his or her personal records is subject to all the provisions of applicable District and federal laws and rules;
- (h) To voice a complaint regarding treatment or care, lack of respect for personal property by staff providing services without fear of retaliation;
- (i) To have access to his or her records; and
- (j) To be informed orally and in writing of the following:
 - (1) Services to be provided, including any limitations;
 - (2) The amount charged for each service, the amount of payment received/authorized for him or her and the billing procedures, if applicable;
 - (3) Whether services are covered by health insurance, Medicare, Medicaid, or any other third party source;
 - (4) Acceptance, denial, reduction, or termination of services;
 - (5) Complaint and referral procedures;
 - (6) The name, address, and telephone number of the provider; and
 - (7) The telephone number of the DDS customer complaint line.

1911.2 Each provider shall notify DDS of any incidents as set forth in DDS's Policy and Procedure entitled "Incident Management and Enforcement".

Section 1912, COMMUNITY SUPPORT TEAM SERVICES, is deleted in its entirety and amended to read as follows:

1912 INITIATING, CHANGING, OR TERMINATING ANY APPROVED SERVICE

- 1912.1 A provider shall provide DDS and DHCF, at least thirty (30) calendar days advance written notice of intent to initiate, reduce, or terminate services.
- 1912.2 In accordance with 42 CFR § 431.210 and D.C. Official Code § 4-205.55(a)(2), a provider shall give people receiving services or the person's representative and the DDS Service Coordinator at least thirty (30) calendar days advance written notice prior to the effective date of the termination or reduction of services, and be responsible for notifying DDS of any person who is undergoing treatment of an acute condition.
- 1912.3 The written notice shall comply with the requirements of 42 CFR §431.210 and D.C. Official Code §4-205.55(a)(2) and the provider shall transfer the person's original record to the new service provider at the time of the transfer, unless the person is deceased or no longer chooses to participate in the Waiver program.
- 1912.4 The DDS Service Coordinator shall be responsible for initiating, changing, or terminating Waiver services for each person in accordance with the ISP and identifying those people for whom HCBS are no longer an appropriate alternative.
- 1912.5 The provider shall notify DDS in writing whenever any of the following circumstances occur:
- (a) Death of a person;
 - (b) Hospitalization of a person or any other circumstance in which Waiver services are interrupted for more than seven (7) days;
 - (c) The person is discharged or terminated from services; or
 - (d) Any other delay in the implementation of Waiver services.
- 1912.6 In the event of a person's death, a provider shall comply with all written notice requirements and any policies established by DDA in accordance with DDA's Incident Management and Enforcement Policy and Procedures available at <http://dds.dc.gov/DC/DDS/Developmental+Disabilities+Administration/Policies?nav=1&vgnextrefresh=1>.
- 1912.7 When the health and safety of the person or provider agency personnel is endangered, the thirty (30) calendar days advance notice shall not be required. The provider shall notify the person or the person's representative and the DDS Service Coordinator as soon as possible and send a written notice on the date of termination in accordance with 42 CFR § 431.210 and D.C. Official Code § 4-205.55(a)(2).

A new Section 1937 (Cost Reports and Audits) is added to read as follows:

1937 COST REPORTS AND AUDITS

- 1937.1 Each waiver provider shall report costs annually to DHCF no later than ninety (90) days after the end of the provider's cost reporting period, which shall correspond to the fiscal year used by the provider for all other financial reporting purposes, unless DHCF has approved an exception. All cost reports shall cover a twelve (12) month cost reporting period.
- 1937.2 A cost report that is not completed shall be considered an incomplete filing, and DHCF shall notify the waiver provider within thirty (30) days of the date on which DHCF received the incomplete cost report.
- 1937.3 All of the facility's accounting and related records, including the general ledger and records of original entry, and all transaction documents and statistical data, shall be permanent records and be retained for a period of not less than five (5) years after the filing of a cost report.
- 1937.4 DHCF shall evaluate expenditures subject to the requirements in this Section through annual review of cost reports.
- 1937.5 DHCF, or its designee, shall review each cost report for completeness, accuracy, compliance, and reasonableness through a desk audit.
- 1937.6 On-site audits shall be conducted no less than once every three (3) years. Each waiver provider shall allow access, during on-site audits or review by DHCF or U.S. Department of Health and Human Services auditors, to relevant financial records and statistical data to verify costs previously reported to DHCF.

Section 1999, DEFINITIONS, is deleted in its entirety and amended to read as follows:

1999 DEFINITIONS

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

Abbreviated Readiness Process- A process that assures that existing providers that have been approved as HCBS Waiver providers possess and demonstrate the capability to effectively serve people with disabilities and their families by providing the framework for identifying qualified providers ready to begin serving people in the Waiver and assisting those providers already in the DDS/DDA system who may need to improve provider performance.

Archive – Maintenance and storage of records.

Home Health Agency - Shall have the same meaning as "home care agency" and shall meet the definitions and licensure requirements as set forth in the Health-Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C. Official Code § 44-501 *et seq.*), and implementing rules.

Individual Support Plan (ISP) - An ISP identifies the supports and services to be provided to the person and the evaluation of the person's progress on an on-going basis to assure that the person's needs and desired outcomes are being met.

Intermediate Care Facility for Individuals with Intellectual Disabilities - Shall have the same meaning as an "Intermediate Care Facility for Individuals with Mental Retardation" as set forth in Section 1905(d) of the Social Security Act.

Qualified Developmental Disabilities Professional - A qualified developmental disabilities professional shall oversee the initial habilitative assessments of people, develop, monitor, and review ISPs, and integrate and coordinate Waiver services.

Plan of Care - A written service plan that meets the requirements set forth in Section 1907.6 of Title 29 DCMR, is signed by the person receiving services, and is used to prior authorize Waiver services.

Provider - Any entity that meets the Waiver service requirements, has signed a Medicaid Provider Agreement with DHCF to provide those services, and is enrolled by DHCF to provide Waiver services.

Registered Nurse - An individual who is licensed or authorized to practice registered nursing pursuant to the District of Columbia Health Occupations Revisions Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*), as amended, or licensed as a registered nurse in the jurisdiction where services are provided.

Service Coordinator – The DDS staff responsible for coordinating a person's services pursuant to their ISP and Plan of Care.

Service Delivery Plan- The plan that specifies how the authorized services will be delivered to the person.

Serious Reportable Incident - Events that due to severity require immediate response, notification to, and investigation by DDS in addition to the internal review and investigation by the provider agency. Serious reportable incidents include death, allegations of abuse, neglect or exploitation, serious physical injury, inappropriate use of restraints, suicide attempts, serious medication errors, missing persons, and emergency hospitalization.

Skilled Nursing- Health care services that are delivered by a registered or practical nurse acting within the scope of their practice and shall meet the definitions and licensure requirements as set forth in the District of Columbia Health Occupations Revision Act of 1985, effective March 25,

1986 (D.C. Law 6-99; D.C. Official Code § 3-1201 *et seq.*), as amended, and implementing rules.

Waiver - Shall mean the HCBS Waiver for Individuals with Intellectual and Developmental Disabilities as approved by the Council of the District of Columbia (Council) and CMS, as may be further amended and approved by the Council and CMS.

Comments on these rules should be submitted in writing to Linda Elam, Ph.D., M.P.H., Medicaid Director, Department of Health Care Finance, Government of the District of Columbia, 899 North Capitol Street, NE, 6th Floor, Washington DC 20002, via telephone on (202) 442-9115, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days of the date of publication of this notice in the *D.C. Register*. Additional copies of these rules are available from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

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 Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the repeal of Section 933 and adoption, on an emergency basis, of a new Section 1931, entitled “ Skilled Nursing Services,” of Chapter 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (ID/DD Waiver) was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. Skilled nursing services are medical and educational services that address healthcare needs related to prevention and primary care activities. These rules amend the previously published rules by: (1) deleting Section 933 and codifying the rules in Section 1931; (2) specifying the new service authorization requirement for skilled nursing services; and (3) specifying the documents to be maintained for audit and monitoring reviews.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of waiver participants who are in need of skilled nursing services. The ID/DD Waiver serves some of the District’s most vulnerable residents. Skilled nursing services are commonly used services under the ID/DD Waiver. The new service authorization requirements for providers of skilled nursing services will promote more efficient service delivery management practices and hence enhance the health, safety, and welfare of the participants who utilize skilled nursing services. In order to ensure that the residents’ health, safety, and welfare are not threatened by the lapse in access to the new service authorization requirements mandated under skilled nursing services under the approved waiver, it is necessary that that these rules be published on an emergency basis.

The emergency rulemaking was adopted on October 3, 2013, and become effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 31, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 933 (Skilled Nursing) of Chapter 9 (Medicaid Program) of Title 29 (Public Welfare) of the DCMR is repealed.

A new Section 1931 (Skilled Nursing) is added to Chapter 19 (Home and Community Based Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the DCMR to read as follows:

1931 SKILLED NURSING SERVICES

- 1931.1 The purpose of this section is to establish standards governing Medicaid eligibility for skilled nursing services under the Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities (Waiver) and to establish conditions of participation for providers of skilled nursing services.
- 1931.2 Skilled nursing services are medical and educational services that address healthcare needs related to prevention and primary healthcare activities. These services include health assessments and treatment, health related trainings and education for persons receiving Waiver services and their caregivers.
- 1931.3 To be eligible for Medicaid reimbursement, the person shall exhaust all available skilled nursing visits provided under the State Plan for Medical Assistance (Medicaid State Plan) prior to receiving skilled nursing services under the Waiver.
- 1931.4 To be eligible for Medicaid reimbursement, the person shall have a condition of circulatory or respiratory function complications, gastrointestinal complications, neurological function complications, or the existence of another severe medical condition that requires monitoring or care at least every other hour.
- 1931.5 To be eligible for Medicaid reimbursement, skilled nursing services shall:
- (a) Be ordered by a physician when it is reasonable and necessary to the treatment of the person's illness or injury, and include a letter of medical necessity, a summary of the person's medical history, and a skilled nurse checklist; and
 - (b) Authorized in accordance with each person's Individual Support Plan (ISP) and Plan of Care after all Medicaid State Plan skilled nursing visits have been exhausted.
- 1931.6 The physician's order described in Section 1931.5 shall include the scope, frequency, and duration of skilled nursing services and shall identify the type of professional (*i.e.*, registered nurse or licensed practical nurse) to provide the services.
- 1931.7 In order to be eligible for Medicaid reimbursement, the duties of a registered nurse (RN) delivering skilled nursing services shall be consistent with the scope of practice standards for registered nurses set forth in § 5414 of Title 17 of the

District of Columbia Municipal Regulations (DCMR). They may include, at a minimum, but are not limited to the following duties:

- (a) Preparing an initial routine physical assessment, including an individualized service nursing plan and evaluation;
- (b) Assisting in the development of the Health Management Care Plan;
- (c) Coordinating the person's care and referrals;
- (d) Administering medications and treatment as prescribed by a legally authorized healthcare professional licensed in the District of Columbia or consistent with the requirements in the jurisdiction where services are provided;
- (e) Administering medication or oversight of non-licensed medication administration personnel;
- (f) Providing oversight and supervision to the licensed practical nurse (LPN), when delegating and assigning nursing interventions;
- (g) Providing updates to Department on Disability Services (DDS) every sixty (60) days, if there are any changes to the person's needs or physician's order;
- (h) Training the person, LPN, family, caregivers, and any other individual, as needed; and
- (i) Recording progress notes during each visit and summary notes at least quarterly.

1931.8

In order to be eligible for Medicaid reimbursement, the duties of an LPN delivering skilled nursing services shall be consistent with the scope of practice standards for a licensed practical nurse set forth in Chapter 55 of Title 17 of the DCMR. They may include, at minimum, but are not limited to the following duties:

- (a) Recording progress notes during each visit and summary notes at least quarterly;
- (b) Immediately reporting, immediately, any changes in the person's condition, to the supervising registered nurse;
- (c) Providing wound care, tube feeding, diabetic care, and other treatment regimens prescribed by the physician; and

- (d) Administering medications and treatment as prescribed by a legally authorized healthcare professional licensed in the District of Columbia. If services are provided in another jurisdiction, the services shall be consistent with that jurisdiction's requirements.
- 1931.9 Medicaid reimbursable skilled nursing services shall be provided by an RN or LPN under the supervision of an RN, or unlicensed trained personnel in accordance with the standards governing delegation of nursing interventions set forth in Chapters 54 and 55 of Title 17 of the DCMR.
- 1931.10 In order to be eligible for Medicaid reimbursement, each person providing skilled nursing services shall:
- (a) Be employed by a home health agency that has a current District of Columbia Medicaid Provider agreement authorizing the service provider to bill for skilled nursing services; and
- (b) Comply with Section 1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the DCMR.
- 1931.11 In order to be eligible for Medicaid reimbursement, each home health agency providing skilled nursing services shall comply with Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.
- 1931.12 To be eligible for Medicaid reimbursement, skilled nursing services shall have prior authorization from DDS. The person or the support team shall submit at least three (3) bids to the DDS service coordinator for cost comparison.
- 1931.13 In order to be eligible for Medicaid reimbursement, the RN shall monitor and supervise the provision of services provided by the licensed practical nurse, including a site visit at least once every sixty-two (62) days, or more frequently, if specified in the person's ISP.
- 1931.14 The RN shall ensure that the person's clinical record includes notes that are clearly written and contain a statement of the person's progress or lack of progress, medical conditions, functional losses, and treatment goals that demonstrate that the person's services are and continue to be reasonable and necessary.
- 1931.15 In order to be eligible for Medicaid reimbursement, each provider shall maintain records pursuant to the requirements described under Section 1908 (Reporting Requirements) and Section 1909 (Records and Confidentiality of Information) under Chapter 19 of Title 29 of the DCMR.
- 1931.16 In order to be eligible for Medicaid reimbursement, each home health agency providing skilled nursing services shall ensure that the LPN or the trained

unlicensed personnel is properly supervised and that the service provided is consistent with the person's ISP.

- 1931.17 Each provider shall review and evaluate skilled nursing services provided to each person, at least quarterly.
- 1931.18 Services shall only be authorized for Medicaid reimbursement in accordance with the following provider requirements:
- (a) The person has exhausted all nursing visits allowable under the Medicaid State Plan;
 - (b) DDS provides a written service authorization before the commencement of services;
 - (c) The service name and home health agency delivering services must be identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services documents the amount and frequency of services to be received; and
 - (e) Services shall not conflict with the service limitations described under Section 1931.20.
- 1931.19 Medicaid reimbursement for skilled nursing services is only available for individuals who live independently in their natural homes or host homes, and shall not be available when provided in a residential habilitation or supported living setting.
- 1931.20 Medicaid reimbursement is not available under the Waiver for skilled nursing visits that exceed fifty-two (52) visits per person annually.
- 1931.21 Upon exhaustion of the hours available for skilled nursing services under the Medicaid State Plan, Medicaid reimbursement may be available for one-to-one extended nursing services for twenty-four (24) hours a day, up to three hundred and sixty-five (365) days, with prior approval from DDS, for persons on a ventilator or requiring frequent tracheal suctioning.
- 1931.22 Prior approval for one-to-one extended nursing services shall be obtained from the Medicaid Waiver Supervisor or designated DDS staff person after submission of documentation demonstrating the need for the extended services.
- 1931.23 Medicaid reimbursement governing the provision of skilled nursing services shall be developed using the following two (2) rate structures:
- (a) Skilled nursing services rate; and
 - (b) Extended skilled nursing services rate.

- 1931.24 The Medicaid reimbursement rate for skilled nursing services shall be sixty-five dollars (\$65.00) per visit for services provided by an RN or LPN for four (4) hours or less in duration. The Medicaid reimbursement rate for extended RN visits shall be thirty-two dollars (\$32) per hour or eight dollars (\$8) per fifteen minutes for extended RN visits for four (4) hours or less in duration. The Medicaid reimbursement rate for extended LPN visits shall be twenty dollars (\$20.00) per hour or five dollars (\$5) per fifteen minutes for extended visits for four (4) hours or less in duration.
- 1931.25 A provider shall provide at least eight (8) minutes of service in a span of fifteen (15) continuous minutes to be able to bill a unit of service.

Comments on the emergency and proposed rules shall be submitted, in writing, to Linda Elam, Ph.D., MPH, Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone at (202) 442-9115, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of the emergency and proposed rules may be obtained from the above address.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF EMERGENCY AND PROPOSED RULEMAKING

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 Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the repeal of Section 929 and adoption, on an emergency basis, of a new Section 1933 of Chapter 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing the participation requirements for providers who provide supported employment services to participants in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (ID/DD Waiver) and to establish conditions of participation for providers.

The ID/DD Waiver was approved by the Council of the District of Columbia and renewed by the U.S. Department of Health and Human Services, Centers for Medicaid and Medicare Services for a five-year period beginning November 20, 2012. These rules amend the previously published rules by: (1) deleting Section 929 and codifying the rules in Section 1933; (2) changing the name of the service from supported employment to supported employment (individual and small group) services; (3) establishing guidelines for the delivery of supported employment services in small groups; (4) requiring providers to follow specific service delivery requirements to promote more efficient service utilization management practices; and (5) providing updated definitions for terms and phrases used in this chapter.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of supported employment- individual and small group services. Small group supported employment services are services and training activities provided in regular business, industry, and community settings for groups of two (2) to eight (8) workers with disabilities. By taking emergency action, these rules will clarify the duties and responsibilities of small group supported employment providers and increase their accountability. In addition, these rules will provide the District with the tools needed to increase oversight and to closely monitor the quality and appropriateness of services being delivered to beneficiaries.

The emergency rulemaking was adopted on September 25, 2013, and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days until January 23, 2014, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 929 (Supported Employment) of Chapter 9 (Medicaid Program), Title 29, PUBLIC WELFARE of the DCMR is repealed and a new Section 1933, Chapter 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities), Title 29, is added to read as follows:

1933 SUPPORTED EMPLOYMENT SERVICES - INDIVIDUAL AND SMALL GROUP SERVICES

1933.1 This section shall establish standards governing Medicaid eligibility for supported employment services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and shall establish conditions of participation for providers of supported employment services.

1933.2 Medicaid reimbursable supported employment services are designed to provide opportunities for persons with disabilities to obtain competitive work in integrated work settings, at minimum wage or higher and at a rate comparable to workers without disabilities performing the same tasks.

1933.3 Medicaid reimbursable supported employment services may be delivered individually or in a small group.

1933.4 Medicaid reimbursable small group supported employment services are services and training activities that may be provided in a business, industry, or community setting for groups of two (2) to eight (8) workers with disabilities.

1933.5 In order to receive Medicaid reimbursement for supported employment services, the person receiving services shall:

- (a) Be interested in obtaining full-time or part-time employment in an integrated work setting; and
- (b) Demonstrate that a previous application for the District of Columbia Rehabilitation Services Administration (RSA) funded supported employment services was made, by the submission of a letter documenting either ineligibility for RSA services or the completion of RSA services with the recommendation for long-term employment support.

1933.6 Medicaid reimbursable supported employment services shall:

- (a) Provide opportunities for persons with disabilities to achieve successful integrated employment consistent with the person’s goals;
- (b) Be recommended by the person’s Support Team; and

- (c) Be identified in the person's Individual Support Plan (ISP), Plan of Care, and Summary of Supports.

1933.7 The three (3) models of supported employment services eligible for Medicaid reimbursement are as follows:

- (a) An Individual Job Support Model, which evaluates the needs of the person and places the person into an integrated competitive or customized work environment through a job discovery process;
- (b) A Small Group Supported Employment Model, which utilizes training activities for groups of two (2) to eight (8) workers with disabilities to place persons in an integrated community based work setting; and
- (c) An Entrepreneurial Model, which utilizes training techniques to develop ongoing support for a small business that is owned and operated by the person.

1933.8 Medicaid reimbursable supported employment services for the entrepreneurial model shall include the following activities:

- (a) Assisting the person to identify potential business opportunities;
- (b) Assisting the person in the development of a business and launching a business;
- (c) Identification of the supports that are necessary in order for the person to operate the business; and
- (d) Ongoing assistance, counseling and guidance once the business has been launched.

1933.9 Medicaid reimbursable supported employment services shall consist of the following activities:

- (a) Intake and assessment;
- (b) Job placement and development;
- (c) Job training and support; and
- (d) Long-term follow-along services.

1933.10 Intake and assessment services determine the interests, strengths, preferences, and skills of the person in order to ultimately obtain competitive employment and to further identify the necessary conditions for the person's successful participation

in employment. The purpose of the intake and assessment is to facilitate and ensure a person's success in integrated competitive employment.

1933.11 Medicaid reimbursable intake and assessment activities include, but are not limited to, the following:

- (a) Conducting a person-centered vocational and situational assessment;
- (b) Developing a person-centered employment plan that includes the person's job preferences and desires, through a discovery process and the development of a positive personnel profile;
- (c) Assessing person-centered employment information, including the person's interest in doing different jobs, transportation to and from work, family support, and financial issues;
- (d) Counseling an interested person on the tasks necessary to start a business, including referral to resources and nonprofit associations, such as the Senior Core of Retired Executives, that provide information specific to owning and operating a business; and
- (e) Providing individual or group employment counseling.

1933.12 After intake and completion of the assessments, each provider of Medicaid reimbursable supported employment services shall complete and deliver a comprehensive vocational assessment report to the Department on Disability Services (DDS) Service Coordinator that includes the following information:

- (a) Employment-related strengths and weaknesses of the person;
- (b) Availability of family and community supports for the person;
- (c) The assessor's concerns about the health, safety, and wellbeing of the person;
- (d) Accommodations and supports that may be required for the person on the job; and
- (e) If a specific job or entrepreneurial effort has been targeted:
 - (1) Individualized training needed by the person to acquire and maintain skills that are commensurate with the skills of other employees;
 - (2) Anticipated level of interventions that will be required for the person by the job coach;

- (3) Type of integrated work environment in which the person can potentially succeed; and
 - (4) Activities and supports that are needed to improve the person's potential for employment.
- 1933.13 Medicaid reimbursable job placement and development includes activities to facilitate the person's ability to work in a setting that is consistent with their strengths, abilities, priorities, and interests, as well as the identification of potential employment options.
- 1933.14 Job placement and development activities eligible for Medicaid reimbursement include, but are not limited to, the following:
 - (a) Conducting workshops or other activities designed to assist the person in completing employment applications or preparing for interviews;
 - (b) Conducting workshops or other activities to instruct the person on appropriate work attire, work ethic, attitude, and expectations;
 - (c) Assisting the person with the completion of job applications;
 - (d) Assisting the person with job exploration and placement, including assessing opportunities for the person's advancement and growth;
 - (e) Visiting employment sites and attending employment networking events;
 - (f) Making telephone calls and conducting face-to-face informational interviews with prospective employers, utilizing the internet, magazines, newspapers, and other publications as prospective employment leads;
 - (g) Collecting descriptive data regarding various types of employment opportunities, for purposes of job matching and customized employment;
 - (h) Negotiating employment terms with or on behalf of the person;
 - (i) Working with the person to develop and implement a plan to start a business, including developing a business plan, developing investors or start-up capital, and other tasks necessary to starting a small business; and
 - (j) Working with the person and employer to develop group placements.
- 1933.15 Job training and support activities are those activities designed to assist and support the person after he or she has obtained employment. The expectation is that the person's reliance upon job training and support activities will decline as a

result of job skills training and support from supervisors and co-workers in the existing work setting to maintain employment.

1933.16 Medicaid reimbursable job training and support activities include, but are not limited to, the following:

- (a) On-the-job training in work and work-related skills required to perform the job;
- (b) Work site support that is intervention-oriented and designed to enhance work performance and modify inappropriate behaviors;
- (c) Supervision and monitoring of the person in the workplace;
- (d) Training in related skills essential to obtaining and maintaining employment, such as the effective use of community resources, break or lunch rooms, attendance and punctuality, mobility training, re-training as job responsibilities change, and attaining new jobs;
- (e) Monitoring and providing information and assistance regarding wage and hour requirements, appropriateness of job placement, integration into the work environment, and need for functional adaptation modifications at the job site;
- (f) Ongoing benefits counseling;
- (g) Consulting with other professionals and the person's family, as necessary; and
- (h) Providing support and training to the person's employer, co-workers, or supervisors so that they can provide workplace support, as necessary.

1933.17 Medicaid reimbursable long-term follow-along activities are stabilization services needed to support and maintain a person in an integrated competitive employment site or in their own business.

1933.18 Medicaid reimbursable long-term follow-along activities include, but are not limited to, the following:

- (a) Periodic monitoring of job stability;
- (b) Intervening to address issues that threaten job stability;
- (c) Providing re-training, cross-training, and additional supports as needed, when job duties change;

- (d) Facilitating integration and natural supports at the job site;
- (e) Benefits counseling prior to and after the person reaches Substantial Gainful Activity (SGA) to ensure a person maintains eligibility for benefits and that earnings are being properly reported; and
- (f) Facilitating job advancement, professional growth, and job mobility.

1933.19 Each provider of Medicaid reimbursable supported employment services shall be responsible for delivering ongoing supports to the person to promote job stability after they become employed. Once the person is stable on the job, the provider shall make a minimum of two (2) visits to the job site per month for the purpose of monitoring job stability.

1933.20 Medicaid reimbursable small group supported employment intake and assessment, and job placement services shall be billed for each person in the group on an individual basis. Small group supported employment services shall enable the person enrolled into the workforce to become part of an integrated work setting. Services eligible for Medicaid reimbursement shall include the following:

- (a) Job training and support in an integrated setting; and
- (b) Long-term follow-along services.

1933.21 When applicable, each provider of Medicaid reimbursable supported employment services shall coordinate with DDS and the employer to provide functional adaptive modifications for each person to accomplish basic work related tasks at the work site.

1933.22 When applicable, each provider of Medicaid reimbursable supported employment services shall coordinate with the employer to ensure that each person has an emergency back-up plan for job training and support.

1933.23 Each provider of Medicaid reimbursable supported employment services shall be a Waiver provider agency and shall comply with the following requirements:

- (a) Be a member of the person's Support team;
- (b) Be certified by the U.S. Department of Labor, if applicable; and
- (c) Comply with the requirements described under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.

1933.24 Each professional or paraprofessional providing Medicaid reimbursable supported employment services for a Waiver provider shall meet the requirements in Section

1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

- 1933.25 Professionals authorized to provide Medicaid reimbursable supported employment activities without supervision shall include the following:
- (a) A Vocational Rehabilitation Counselor;
 - (b) An individual with a Master's degree and a minimum of one (1) year of experience working with persons with intellectual and developmental disabilities in supported employment;
 - (c) An individual with a bachelor's degree and two years of experience working with persons with intellectual and developmental disabilities in supported employment; or
 - (d) A Rehabilitation Specialist.
- 1933.26 Paraprofessionals shall be authorized to perform Medicaid reimbursable supported employment activities under the supervision of a professional. Supervision is not intended to mean that the paraprofessional performs supported employment activities in the presence of the professional, but rather that the paraprofessional has a supervisor who meets the qualifications of a professional as set forth in Section 1933.25.
- 1933.27 Paraprofessionals authorized to perform Medicaid reimbursable supported employment activities are as follows:
- (a) A Job Coach; or
 - (b) An Employment Specialist.
- 1933.28 Services shall be authorized for Medicaid reimbursement in accordance with the following Waiver provider requirements:
- (a) DDS provides a written service authorization before the commencement of services;
 - (b) The provider conducts a comprehensive vocational assessment and develops an individualized employment plan with training goals and techniques within the first two (2) hours of service delivery;
 - (c) The service name and provider delivering services are identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services document the amount and frequency of services to be received;

- (e) Services shall not conflict with the service limitations described under Sections 1933.29-1933.38; and
- (f) If extended services are required, the provider shall submit a supported employment extension request. The request is a written justification that must be submitted to the Service Coordinator at least fifteen (15) calendar days before the exhaustion of Supported Employment hours.

- 1933.29 Supported employment services shall not qualify for Medicaid reimbursement if the services are available to the person through programs funded under Title I of the Rehabilitation Act of 1973, enacted September 26, 1973, Section 110 (Pub. L. 93-112; 29 U.S.C. § 720 *et seq.*), or Section 602(16) and (17) of the Individuals with Disabilities Education Act, enacted October 30, 1990, 20 U.S. C. 1401 (16) and (71) (Pub. L. 91-230; 20 U.S.C. § 1400 *et seq.*), hereinafter referred to as the “Acts”.
- 1933.30 Court-ordered vocational assessments authorizing intake and assessment services qualify for Medicaid reimbursement under the Waiver if services provided through programs funded under the Acts referenced in Section 1933.29 cannot be provided in the timeframe set forth in the Court's Order.
- 1933.31 Medicaid reimbursable supported employment services may be provided either exclusively as a vocational service or in combination with individualized day supports, employment readiness or day habilitation services. Medicaid reimbursement is not available if supported employment services are provided concurrently with in-home supports, individualized day supports, employment readiness, or day habilitation.
- 1933.32 Medicaid reimbursement is not available if supported employment services are provided in specialized facilities that are not part of the general workforce. Medicaid reimbursement is not available for volunteer work.
- 1933.33 Medicaid reimbursable supported employment services shall not include payment for supervision, training, support, adaptations, or equipment typically available to other workers without disabilities in similar positions.
- 1933.34 Medicaid reimbursable supported employment services shall be provided for a maximum of eight (8) hours per day, five (5) days per week. The provider shall submit a supportive employment extension request to the Service Coordinator at least fifteen (15) calendar days before the exhaustion of supported employment hours. Failure to submit the request within the allotted time period may result in a denial of the request for services. Any denial of the request for services shall be accompanied by a written notice which meets the requirements set forth in 42 CFR § 431.210 and D.C. Official Code § 4-205.55. A copy of the notice shall be maintained in the person’s records.

- 1933.35 Medicaid reimbursement is not available for incentive payments, subsidies, or unrelated vocational training expenses such as the following:
- (a) Incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment services program;
 - (b) Payments that are processed and paid to users of supported employment service programs;
 - (c) Payment for vocational training that is not directly related to the person's success in the supported employment services program; and
 - (d) Payments to persons employed by the Waiver provider.
- 1933.36 In accordance with the provisions described under Section 1933.35(d), if a person receiving supported employment services secures employment with the Waiver provider, the employment shall not substitute for that person's full-time or part-time supported employment service in an integrated work setting.
- 1933.37 Medicaid reimbursement is not available for time spent in transportation to and from the employment program and shall not be included in the total amount of services provided per day. Time spent in transportation to and from the program for the purpose of training the person on the use of transportation services is Medicaid reimbursable and may be included in the number of hours of services provided per day for a period of time specified in the person's ISP and Plan of Care.
- 1933.38 Medicaid reimbursement shall only be available for adaptations, supervision and training for supported employment services provided at the work site in which persons without disabilities are employed. Medicaid reimbursement shall not be available for supervisory activities, which are rendered as a normal part of the business setting.
- 1933.39 Medicaid reimbursable intake and assessment activities shall be billed at the unit rate. This service shall not exceed three-hundred and twenty (320) units or eighty (80) hours annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate shall be forty-two dollars and sixty-eight cents (\$42.68) per hour if performed by a professional listed in Section 1933.25 of this rule. The Medicaid reimbursement rate shall be twenty-five dollars and thirty-two cents (\$25.32) per hour if performed by a paraprofessional listed in Section 1933.26 under the supervision of a professional.
- 1933.40 Medicaid reimbursable job placement activities shall be billed at the unit rate. This service shall not exceed nine-hundred and sixty (960) units or two-hundred and forty (240) hours annually. A standard unit of service is fifteen (15) minutes

and the provider shall provide at least eight (8) continuous minutes of service to bill for one (1) unit of service. The Medicaid reimbursement rate shall be forty-two dollars and sixty-eight cents (\$42.68) per hour when performed by a professional listed in Section 1933.25 of this rule. The Medicaid reimbursement rate shall be twenty-five dollars and thirty-two cents (\$25.32) per hour if performed by a paraprofessional listed in Section 1933.26 under the supervision of a professional.

- 1933.41 Medicaid reimbursable job training and support activities shall not exceed one thousand, two-hundred and eighty (1280) units per ISP year.
- 1933.42 Medicaid reimbursable follow-along activities shall not exceed one-thousand four hundred and eight (1408) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate for both professionals and paraprofessionals shall be five dollars and twenty-two cents (\$5.22) per unit and twenty dollars and eighty eight cents (\$20.88) per hour.
- 1933.43 If extended job placement services, job training, support activities, and follow-along activities are required, the provider shall submit a written justification in support of the extended services to the DDS Service Coordinator and the DDA waiver office a minimum of fifteen (15) business days before the exhaustion of the approved services. Failure to submit the request within the allotted time period may result in a denial of the approval of services. Any denial of the request for services shall be accompanied by a written notice which meets the requirements set forth in 42 CFR § 431.210 and D.C. Official Code § 4-205.55. A copy of the notice shall be maintained in the person's records. Services shall continue if DDS does not respond to the written request within ten (10) business days of receipt.
- 1933.44 Medicaid reimbursable small group supported employment services related job training and support activities shall not exceed one-thousand, two-hundred and eighty (1280) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate shall be three dollars and eighty one cents (\$3.81) per billable unit or fifteen dollars and twenty four cents (\$15.24) per hour, when performed by a professional or paraprofessional listed in Sections 1933.25 and 1933.26.
- 1933.45 Medicaid reimbursable small group supported employment related long-term follow-along activities shall not exceed one-thousand four-hundred and eight (1408) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate for both professionals and paraprofessionals shall be five dollars and twenty-two cents (\$5.22) per unit and twenty dollars and eighty-eight cents (\$20.88) per hour. Job coach services may be billed while supporting a group of two (2) to eight (8) people enrolled in the Waiver.

Section 1999 (DEFINITIONS) is amended by adding the following:

Employment Specialist - An individual with a four-year college degree and a minimum of one (1) year of experience in a supported employment program or equivalent; an individual with a four-year college degree and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization; or a high school graduate with three (3) years of experience in a supported employment program or equivalent.

Group Supported Employment - An integrated setting in competitive employment in which a group of two to four individuals or four to eight individuals with disabilities are working at a particular work setting. The individuals may be disbursed throughout the company and among workers without disabilities or congregated as a group in one part of the business.

Individual Supported Employment - A supported employment strategy in which a job coach places a person into competitive or customized employment through a job discovery process, provides training and support, and then gradually reduces time and assistance at the work site.

Integrated Work Setting - A work setting that provides a person enrolled in the Waiver with daily contact with other employees without disabilities and/or the general public.

Job Coach – An individual with a four-year college degree and a minimum of one (1) year of experience in a supported employment program or equivalent; an individual with a college degree in a social services discipline and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization; or an individual with a high school degree and three (3) years of experience in a supported employment program, or equivalent.

Long-term follow along activities - Ongoing support services considered necessary to assure job retention.

Person centered –An approach that focuses on what is important to the individual based on his or her needs, goals, and abilities rather than using a general standard applicable to all people.

Rehabilitation Specialist - An individual with a Master's degree in Rehabilitation Counseling or a similar degree from an accredited university; an individual with a Master's degree in a social services discipline and

a minimum of one (1) year of experience in a supported employment program or equivalent; or an individual with a Master's degree in a social services discipline and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization.

Situational Assessment - A type of assessment that provides the person an opportunity to explore job tasks in work environments in the community to identify the type of employment that may be beneficial to the person and the support required by each person to succeed in his/her work environment. This assessment shall include observation of the person at the work site, identification of work site characteristics, training procedures, identification of supports needed for the person, and recommendations and plans for future services, including the appropriateness of continuing supported employment.

Substantial Gainful Activity (SGA) - Activities that the person is engaged in that result in a sum earnings greater than a fixed monthly amount, set by federal standards and determined by the nature of one's disability and the national wage index.

Vocational Assessment - An assessment designed to assist a person, their family and service providers with specific employment related data that will generate positive employment outcomes. The assessment should address the person's life, relationships, challenges, and perceptions as they relate to potential sources of community support and mentorship.

Vocational Rehabilitation Counselor - An individual with a Master's degree in Vocational Counseling, Vocational Rehabilitation Counseling or a similar degree from an accredited university; an individual with a Master's degree in a social services discipline and a minimum of one (1) year of experience in a supported employment program or equivalent; or an individual with a Master's degree in a social services discipline and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization.

Comments on these proposed rules shall be submitted, in writing, to Linda Elam, Ph.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 899 North Capitol Street, NE, Suite 6037, Washington, D.C. 20002, via telephone at (202) 442-9115, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules may be obtained from the above address.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-189
October 16, 2013

SUBJECT: Appointments – Age-Friendly DC Task Force

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to Mayor's Order 2013-172, dated September 20, 2013, it is hereby **ORDERED** that:

- A. **HARRIET TREGONING**, Director, Office of Planning, is appointed, as a government representative to the Age-Friendly DC Task Force (hereinafter referred to as the "Task Force"), and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.
- B. **MICHAEL P. KELLY**, Director, Department of Housing and Community Development, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- C. **STEVE GLAUDE**, Director, Office of Community Affairs, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- D. **TERRY BELLAMY**, Director, District Department of Transportation, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- E. **DEREK ORR**, Director, Office of Disability Rights, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- F. **LISA MALLORY**, Director, Department of Employment Services, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.


- G. **JOHN THOMPSON**, Executive Director, Office on Aging, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- H. **PAUL QUANDER**, Deputy Mayor, Office of the Deputy Mayor for Public Safety and Justice, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- I. **DAVID BERNS**, Director, Department of Human Services, is appointed, as a government representative to the Task Force, and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- J. **ABIGAIL SMITH**, Acting Deputy Mayor, Office of the Deputy Mayor for Education, is appointed, as a government representative to the Task Force and shall serve at the pleasure of the Mayor so long as she continues in her official capacity with the District.
- K. **VICTOR HOSKINS**, Deputy Mayor, Office of the Deputy Mayor for Planning and Economic Development, is appointed, as a government representative to the Task Force and shall serve at the pleasure of the Mayor so long as he continues in his official capacity with the District.
- L. **KATHY SYKES**, Senior Advisor, Environmental Protection Agency's Aging Initiative, is appointed, as a non-government representative to the Task Force with a particular focus on domain #1, Outdoor Spaces and Buildings, and shall serve a term to end December 31, 2017.
- M. **RICHARD SARLES**, General Manager/CEO, Washington Metropolitan Area Transit Authority, is appointed, as a non-government representative to the Task Force with a particular focus on domain #2, Transportation, and shall serve a term to end December 31, 2017.
- N. **SARAH R. WARTELL**, President, Urban Institute, is appointed, as a non-government representative to the Task Force with a particular focus on domain #3, Housing, and shall serve a term to end December 31, 2017.
- O. **MERCY MORGANFIELD**, President DC Chapter, AARP, is appointed, as a non-government representative to the Task Force with a particular focus on domain #4, Social Participation, and shall serve a term to end December 31, 2017.
- P. **MARIO ACOSTA-VELEZ**, Director, Government and External Affairs for Verizon, Washington, DC and President, Greater Washington Hispanic Chamber of Commerce, is appointed, as a non-government representative to the Task Force with a particular focus on domain #5, Respect and Social Inclusion, and shall serve a term to end December 31, 2017.

- Q. **ROMAINE THOMAS**, Chair of the Legislation Committee, DC Retired Educators of America, is appointed, as a non-government representative to the Task Force with a particular focus on domain #6, Civic Participation and Employment, and shall serve a term to end December 31, 2017.
- R. **STUART ROSENTHAL**, Publisher/Editor, The Beacon Newspaper, is appointed, as a non-government representative to the Task Force with a particular focus on domain #7, Communication and Information, and shall serve a term to end December 31, 2017.
- S. **SAUL LEVIN**, CEO, American Psychiatric Association, is appointed, as a non-government representative to the Task Force with particular focus on domain #8, Community Support and Health Services, and shall serve a term to end December 31, 2017.
- T. **LINDA MATHES**, CEO, American Red Cross of the National Capital Region, is appointed, as a non-government representative to the Task Force with particular focus on domain #9, Disaster Preparedness and Response, and shall serve a term to end December 31, 2017.
- U. **CAROLYN NICHOLAS**, President, Advocates for Elder Justice, is appointed, as a non-government representative to the Task Force with particular focus on domain #10, Elder Abuse, Neglect, and Fraud, and shall serve a term to end December 31, 2017.

EFFECTIVE DATE: This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-190
October 17, 2013


SUBJECT: Appointment – District of Columbia Healthy Youth and Schools
Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 701 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.01 *et seq.* (2012 Repl. and 2013 Supp.) (“Act”), which establishes the District of Columbia Healthy Youth and Schools Commission, and section 702(a) and (b) of the Act, it is hereby **ORDERED** that:

1. **JEAN L. GUTIERREZ** is appointed to the District of Columbia Healthy Youth and Schools Commission, replacing Kendra Rowe Salas, as a general member, whose term expired May 1, 2013, for the remainder of a three-year term to end May 1, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-191
October 18, 2013

SUBJECT: Appointment – Committee on Metabolic Disorders


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and in accordance with the District of Columbia Newborn Screening Requirement Act of 1979, effective April 29, 1980, D.C. Law 3-65, D.C. Official Code § 7-835 (2012 Repl.), it is hereby **ORDERED** that:

1. **DEEPIKA S. DARBARI** is appointed, as a licensed physician knowledgeable in the diagnosis and treatment of metabolic disorders, a non-consumer member of the Committee on Metabolic Disorders, replacing Yvette Clinton-Reid, for a term to end September 30, 2016.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-192
October 21, 2013

SUBJECT: Delegation of Rulemaking Authority to the Director of the Department of Human Services Pursuant to the Temporary Assistance for Needy Families Time Limit Amendment Act of 2013


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. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.), pursuant to section 5153 of the Fiscal Year 2014 Budget Support Emergency Act of 2013 ("BSEA"), the Temporary Assistance for Needy Families Time Limit Emergency Amendment Act of 2013, effective July 30, 2013 (D.C. Act 20-130; 60 DCR 11384), section 5153 of the Fiscal Year 2014 Budget Support Act of 2013 ("BSA"), the Temporary Assistance for Needy Families Time Limit Amendment Act of 2013, signed by the Mayor on August 28, 2013 (D.C. Act 20-157; 60 DCR 12472), and any substantially similar emergency or temporary versions of the BSA, it is hereby **ORDERED** that:

1. The Director of the Department of Human Services is delegated the Mayor's authority to promulgate rules pursuant to section 5153 of the BSEA and section 5153 of the BSA.
2. This order shall supersede all pre-existing Orders to the extent of any inconsistency.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-193
October 21, 2013

SUBJECT: Reappointment and Appointment – District of Columbia Workforce
Investment Council

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) and (11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) and (11) (2012 Repl.), and in accordance with Mayor's Order 2011-114, dated July 1, 2011, it is hereby **ORDERED** that:

1. **TYNESIA BOYEA-ROBINSON** is reappointed to the District of Columbia Workforce Investment Council ("Council"), as a representative that has experience with the delivery of workforce investment activities, for a term to end October 11, 2016.
2. **JESUS AGUIRRE**, as Acting State Superintendent of Education, is appointed to the Council, replacing Emily F. Durso, and shall serve in that capacity at the pleasure of the Mayor.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to October 12, 2013.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-194
October 22, 2013

SUBJECT: Limited Delegation of Authority to the Deputy Mayor for Planning and Economic Development Pursuant to the West End Parcels Development Omnibus Act of 2010

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. 93-198, D.C. Official Code § 1-204.22(6) and (11) (2012 Repl.); section 1(c) of An Act to grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944, as amended, 58 Stat. 819, D.C. Official Code § 1-301.01(c) (2013 Supp.); and section 3(b) of the West End Parcels Development Omnibus Act of 2010, effective April 8, 2011, D.C. Law 18-368, 58 DCR 991 ("Act"), it is hereby **ORDERED** that:

1. The Deputy Mayor for Planning and Economic Development ("Deputy Mayor") is delegated the authority vested in the Mayor under section 3(b) of the Act to procure services for and to take all actions necessary or useful for or incidental to the temporary relocation of the existing West End fire station.
2. The authority delegated herein to the Deputy Mayor may be further delegated to subordinates under the jurisdiction of the Deputy Mayor.
3. This Order shall supersede all prior Mayor's Orders to the extent of any inconsistency.

4. **EFFECTIVE DATE:** This Order shall become effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-195
October 22, 2013

SUBJECT: Appointment – Commission on Asian and Pacific Islander Community
Development


ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 305 of the Fiscal Year 2002 Budget Support Act of 2001, effective October 3, 2001, D.C. Law 14-28, D.C. Official Code § 2-1374 (2012 Repl.), which established the Commission on Asian and Pacific Islander Community Development (“Commission”), it is hereby **ORDERED** that:

1. **ADA L. LOO**, who was nominated by the Mayor on March 7, 2013 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved on May 13, 2013 pursuant to Proposed Resolution 20-0124, is appointed as a public voting member of the Commission, replacing Ramon P. Llamas, for a term to end April 17, 2016.
2. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to May 13, 2013.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2013-196
October 23, 2013

SUBJECT: Fiscal Year 2014 Expenditure Restrictions

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by sections 422(11), 442(a)(1) and (c), and 603(d) and (e) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code §§ 1-204.22(11), 1-204.42(a)(1) and (c), and 1-206.03(d) and (e) (2012 Repl.), by the federal Anti-Deficiency Act, 31 USC § 1341 *et seq.*, and by the District Anti-Deficiency Act of 2002, effective April 4, 2003, D.C. Law 14-285, D.C. Official Code § 47-355.01 *et seq.* (2012 Repl.), it is hereby **ORDERED**:

I. **RESTRICTIONS ON THE HIRING OF NEW EMPLOYEES AND CERTAIN OTHER EMPLOYMENT-RELATED ACTIONS; RESTRICTIONS ON TRAVEL AND TRAINING**

In order to address potential spending pressures and to maintain a balanced budget in fiscal year 2014, there is imposed on each subordinate executive branch agency:

- A. A freeze on the hiring of new employees;
- B. A freeze on promotions, pay raises, reclassifications, bonuses, and awards;
- C. A freeze on travel, except: (1) travel within the District or within fifty (50) miles of the District, or (2) travel that is paid for or reimbursed in full by a source other than local funding; and
- D. A freeze on training, seminars, and conferences, except: (1) training, seminars, or conferences conducted by District government employees at District government facilities, or (2) training, seminars, or conferences that are paid for or reimbursed in full by a source other than local funding.

II. WAIVER OF RESTRICTIONS

- A. A subordinate executive branch agency may request a waiver from the Office of the City Administrator from each of the restrictions set forth in section I of this Order.
- B. A waiver may be granted for expenditures that are:
 - 1. Necessary for the public safety or health;
 - 2. For training required to obtain or maintain a certification that is necessary to carry out an employee's District government duties;
 - 3. Necessary to ensure compliance with a law, regulation, collective bargaining agreement, or court order;
 - 4. Funded by federal or private funds; or
 - 5. Necessary to carry out the essential functions of government.

III. PRIOR APPROVALS

A waiver granted by the Office of the City Administrator under Mayor's Order 2012-163, dated October 2, 2012 shall be deemed to be a waiver granted under this Order.

IV. ADJUSTMENTS TO BUDGET ALLOCATIONS

The Office of the Chief Financial Officer may adjust the budget allocations of agencies to reflect the spending restrictions established by this Order and may readjust such allocations to reflect waivers to the restrictions approved by the Office of the City Administrator pursuant to section II of this Order.

V. PROHIBITIONS


- A. No officer or employee of the District of Columbia may make or authorize an expenditure, obligation, or personnel action that is inconsistent with this Order.
- B. An officer or employee violating this Order shall be subject to appropriate administrative discipline recommended by the Board of Review for Anti-Deficiency Violations, including, when circumstances warrant, suspension from duty without pay or removal from office.

VI. EFFECTIVE DATE

This Order shall be effective immediately.



VINCENT C. GRAY
MAYOR

ATTEST: 

CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2013-197
October 23, 2013


SUBJECT: Appointment – District of Columbia Healthy Youth and Schools
Commission

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2012 Repl.), and pursuant to section 701 of the Healthy Schools Act of 2010, effective July 27, 2010, D.C. Law 18-209, D.C. Official Code § 38-827.01 (2012 Repl.) (“Act”), which establishes the Healthy Youth and Schools Commission, and section 702(a) and (b) of the Act, it is hereby **ORDERED** that:

1. **SIMONE BANKS-MACKEY** is appointed to the District of Columbia Healthy Youth and Schools Commission, replacing Shawanda Davis, as a student member, whose term expired May 1, 2013, for the remainder of a one-year term to end May 1, 2014.
2. **EFFECTIVE DATE:** This Order shall become effective immediately.


VINCENT C. GRAY
MAYOR

ATTEST: 
CYNTHIA BROCK-SMITH
SECRETARY OF THE DISTRICT OF COLUMBIA

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
AGENDA

WEDNESDAY, OCTOBER 30, 2013 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Change Hours of Operation, Sales and Summer Garden. ***Approved Hours of Operation and Sales:*** Sunday 12pm to 2am, Monday-Thursday 4pm to 2am, Friday 4pm to 3am and Saturday 12pm to 3am. ***Approved Hours of Live Entertainment:*** Sunday-Thursday 6pm to 9pm, Friday and Saturday 6pm to 11pm. ***Approved Hours for Summer Garden Operation:*** Sunday 12pm to 2am, Monday-Thursday 4pm to 2am, Friday 4pm to 3am, Saturday 11am to 4am. ***Approved Hours for Summer Garden Sales/Consumption:*** Sunday 12pm to 2am, Monday-Friday 4pm to 2am, Saturday 12pm to 3am. ***Proposed Hours of Operation:*** Sunday- Thursday 11am to 3am, Friday-Saturday 11am to 4am. ***Proposed Hours of Sales:*** Sunday-Thursday 11am to 2am, Friday and Saturday 11am to 3am. ***Proposed Hours of Operation for Summer Garden:*** Sunday-Thursday 11am to 3am, Friday-Saturday 11am to 4am. ***Proposed Hours for Summer Garden Sales:*** Sunday-Thursday 11am to 2am, Friday-Saturday 11am to 3am. No pending investigative matters. No pending enforcement matters. No Outstanding fines/Citations. Settlement Agreement. ANC 1B. SMD 1B02. ***El Rey (405.1)***, 919 U Street NW, Retailer CT, Lic#: 86604.

2. Review Request to Change Hours of Operation and Sales. ***Approved Hours of Operation and Sales:*** Sunday-Thursday 11am to 11pm, Friday-Saturday 11am to 12am. ***Approved Hours of Live Entertainment:*** Sunday-Thursday 8pm to 2am, Friday-Saturday 8pm to 3am. ***Proposed Hours of Operation and Sales:*** Sunday- Thursday 11am to 2am, Friday-Saturday 11am to 3am. No pending investigative matters. No pending enforcement matters. No Outstanding fines/Citations. Settlement Agreement. ANC 6A. SMD 6A01. ***Sahra Hookah Lounge***, 1200 H Street, NE Retailer CT, Lic#: 87558.

3. Review Request to Change Hours of Operation and Sales. ***Approved Hours of Operation and Sales:*** Monday-Saturday 9am to 9am. ***Proposed Hours of Operation and Sales:*** Sunday-Saturday 7am to 12am. ANC8A. SMD 8A01. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Voluntary Agreement. ***Minnesota Liquors***, 2237 Minnesota Avenue SE, Retailer A, Lic#: 00222.

4. Review Request for Change of Hours. ***Approved Hours of Operation:*** Sunday-Saturday 24 hours a day. ***Approved Hours of Sales:*** Sunday-Saturday 10am to 12am. ***Proposed***

Hours of Sales: Sunday-Saturday 7am to 12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC 8A. SMD 8A06. **Anacostia Market**, 1303 Good Hope Road SE, Retailer A, Lic#: 86470.

5. Review Request for Change of Hours. **Approved Hours of Operation:** Sunday 7:30am to 1:30 am, Monday-Thursday 7am to 1:30am, Friday 7am to 2:30am, Saturday 7:30am to 2:30am. **Approved Hours of Sales:** Sunday 10am to 1:30am, Monday-Thursday 8am to 1:30am, Friday-Saturday 8am to 2:30am. **Proposed Hours of Operation:** Sunday-Thursday 7am to 2am, Friday-Saturday 7am to 3am. **Proposed Hours of Sales:** Sunday-Thursday 8am to 2am, Friday-Saturday 8am to 3am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Settlement Agreement. ANC 6C. SMD 6C02. **The Dubliner**, 4 F Street NW, Retailer CT, Lic#: 01330.

6. Review Request for Change of Hours, Sales and Sidewalk Cafe. **Approved Hours of Operation and Sales:** Sunday-Thursday 11am to 12am, Friday-Saturday 11am to 1am. **Approved Hours of Sidewalk Café and Sales:** Sunday-Thursday 11am to 10pm, Friday and Saturday 11am to 11pm. **Proposed Hours of Operation and Sales:** Sunday-Thursday 10am to 1am, Friday-Saturday 10am to 2am. **Proposed Hours of Operation and Sales for Sidewalk Café:** Sunday-Thursday 10am to 11pm, Friday and Saturday 10am to 12am. No pending investigative matters. No pending enforcement matters. No outstanding fines/citations. No Conflict with Voluntary Agreement. ANC 5E. SMD 5E07. **Rustik Tavern**, 84-86 T Street, NW, Retailer CT. License No. 85617.

7. Review Request for Change of Hours and Sales. **Approved Hours of Operation and Sales:** Sunday-Thursday 4pm to 2am, Friday-Saturday 4pm to 3am. **Proposed Hours of Operation and Sales:** Sunday 11am to 2am, Monday-Thursday 4pm to 2am, Friday-Saturday 11am to 3am. **Approved Hours of Sidewalk Café and Sales:** Sunday-Thursday 4pm to 11pm, Friday-Saturday 4pm to 12am. **Proposed Hours of Operation and Sales for Sidewalk Café:** Sunday 11am to 11pm, Monday-Thursday 4pm to 11pm, Friday-Saturday 11am to 12am. Settlement Agreement. No pending enforcement matters. No outstanding fines/citations. ANC 2D. SMD 2D02. **Veritas Wine Bar**, 2031 Florida Avenue NW, Retailer CT, Lic#: 76726.

8. Review Request for Safekeeping. ANC 2C. SMD 2C02. **1819 Club**, 1819 M Street NW, Retailer CN, Lic#: 71088.

9. Review Request for Safekeeping. ANC 6C. SMD 6C04. **Il Capo Di Capitol Hill**, 4 F Street NW, Retailer CT, Lic#: 01330.

10. Review Request for Safekeeping. ANC 2B. SMD 2B02. *Eola*, 2020 P Street NW, Retailer CR, Lic#: 76820.
-
11. Review Request for Safekeeping. ANC 7D. SMD 7D05. *1 Stop Food Mart*, 4443 Benning Road NE, Retailer B Grocery, Lic#: 71711.
-
12. Review Request from Stephen J. O'Brien for Class B Full Service Grocery. ANC 2B. SMD 2B09. *Trader Joe's*, 1914 14th Street, NW, Retailer Grocery B, Lic#: 93455.
-
13. Review Request for Reinstatement of License. ANC 7F. SMD 7F06. *Minnesota Food Mart*, 3728 Minnesota Avenue NE, Retailer B Grocery, Lic#:72048.
-
14. Review Request to Approve Payment Process for Licensee. ANC 2F. SMD 2FO1. *Barcelona Wine Bar*, 1622 14th Street NW, Retailer CR, Lic#: 89785.
-
15. Review Request for a Class A License to conduct internet sales. ANC 2B. SMD 2B05. *Experience Umbria Wines*, 1629 K Street NW, Retailer A, Lic#:93454.
-
16. Review Request for Reinstatement and Restoration of Cancelled License. *Fairfax Deli*, Retailer B, Lic#: 01260.
-
17. Review of Request dated October 17, 2013 for Off-Site Storage of Invoices. *Da Luft*, 1242 H Street NE, Retailer CR, Lic#: 087780.
-
18. Review of Request to Enforce Judgment on Cucina Moderna, LLC from Brian D. Lyman Counsel for Dycon Technologies, Inc. *Elisir Risorante*, 421 11th Street NW, Retailer CR, Lic#: 087031.
-
19. Review of Request dated October 17, 2013 for Off-Site Storage of Invoices. *El-Centro D.F.*, 1819 14th Street NW, Retailer CT, Lic#: 000604.
-
20. Review of Request to Reinstate Protest of ANC 6D. *Hill Country Home Stand*, 101 Tingey Street SE, Retailer CT, Lic#: 092451. Protest was dismissed pursuant to Board Order No. 2013-437. Licensee does not oppose reinstatement of the Protest. *
-

21. Review of Motion for Reconsideration from Gina Mondesir, Esq. Counsel for Tangier Corporation. **Tangier Lounge**, 2305 18th Street NW, Retailer CR, Lic#: 087902.*
-
22. Review of Amendment to Settlement Agreement dated October 2, 2013 between ANC 6B and Old Naval Hospital Foundation. **Old Naval Hospital Foundation**, 921 Pennsylvania Avenue SE, Retailer CM, Lic#: 086926.*
-
23. Review of Settlement Agreement dated October 12, 2013 between ANC 6B and The Capitol Lounge. **The Capitol Lounge**, 229 Pennsylvania Avenue SE, Retailer CT, Lic#: 0231601.*
-
24. Review of Settlement Agreement dated October 12, 2013 between ANC 6B and Sushi Capitol. **Sushi Capitol**, 325 Pennsylvania Avenue SE, Retailer D, Lic# 092785.*
-
25. Review of Settlement Agreement dated October 15, 2013 between ANC 6B and Wisdom. **Wisdom**, 1432 Pennsylvania Avenue SE, Retailer CT, Lic#:077708.*
-
26. Review of Settlement Agreement dated October 15, 2013 between ANC 6B and Sona Creamery and Wine Bar. **Sona Creamery and Wine Bar**, 660 Pennsylvania Avenue SE, Retailer CR, Lic#: 092841.*
-
27. Review of Settlement Agreement dated October 15, 2013 between ANC 6B and Li'l Pub. **Li'l Pub**, 655 Pennsylvania Avenue SE, Retailer CT, Lic#: 001875.*
-
28. Review of Settlement Agreement dated October 17, 2013 between ANC 2C, Mital Gandhi and RS of Washington DC, LLC. **Zengo**, 781 7th Street NW, Retailer CR, Lic#: 73795.*
-
29. Review of Amendment of Settlement Agreement dated September 25, 2013 between ANC 6D and Park Tavern. **Park Tavern**, 202 M Street SE, Retailer CT, Lic#: 089126.*
-
30. Review of Request dated October 17, 2013 from E & J Gallo Winery for approval to provide retailers with products valued at more than \$50 and less than \$500.
-

31. Review of Request dated October 15, 2013 from E & J Gallo Winery for approval to provide retailers with products valued at more than \$50 and less than \$500.
-
32. Review of Petition to Terminate the Settlement Agreement dated September 10, 2013 filed by Joe Englert. Rock N Roll Hotel was placarded on September 20, 2013 to renew its license. **Rock N Roll Hotel**, 1353 H Street NE, Retailer CT, Lic#:72777.
-
33. Review of Petition to Terminate the Settlement Agreement dated September 10, 2013 filed by H Street Country Club. H Street Country Club was placarded on September 20, 2013, to renew its license. **H Street Country Club**, 1335 H Street NE, Retailer CT, Lic#: 076649.
-
34. Review of Petition to Terminate the Settlement Agreement dated September 24, 2013 filed by Park Place Inc. The Park at 14th was placarded on October 4, 2013 to renew its license. **The Park at 14th**, 920 14th Street NW, Retailer CN, Lic#: 075548.
-
35. Review of Petition to Terminate the Settlement Agreement dated September 24, 2013 filed by 2461 Corporation. Madam's Organ was placarded on October 11, 2013 to renew its license. **Madam's Organ**, 2461 18th Street NW, Retailer CT, Lic#: 25273.
-
36. Review of Petition to Terminate the Settlement Agreement dated September 26, 2013 filed by Michael Brand. Penn Quarter Sports Tavern was placarded on October 4, 2013 to renew its license. **Penn Quarter Sports Tavern**, 639 Indiana Avenue NW, Retailer CT, Lic#: 076039.
-
37. Review of Petition to Terminate the Settlement Agreement dated September 26, 2013 filed by ZZ & W Inc. Aqua Restaurant and Lounge was placarded on October 4, 2013 to renew its license. **Aqua Restaurant and Lounge**, 1818 New York Avenue NE, Retailer CT, Lic#: 060477.
-
38. Review of Petition to Terminate the Settlement Agreement dated October 9, 2013 filed by Antonis Karagounis. Echostage was placarded on October 11, 2013 to renew its license. **Echostage**, 2135 Queens Chapel Road NW, Retailer CN, Lic#: 090250.
-
39. Review of Petition to Terminate the Settlement Agreement dated September 26, 2013 filed by Ejonta Pashaj. Rustik Tavern was placarded on October 11, 2013 to renew its license. **Rustik Tavern**, 84 T Street NW, Retailer CT, Lic#: 085617.
-

40. Review of Petition to Terminate the Settlement Agreement dated September 30, 2013 filed by LMW, LLC. Little Miss Whiskey's Golden Dollar was placarded on October 11, 2013 to renew its license. *Little Miss Whiskey's Golden Dollar*, 1104 H Street NW, Retailer CT, Lic#:079090.
-
41. Review of Petition to Terminate the Settlement Agreement dated September 30, 2013 filed by JCLHC, LLC. Jimmy Valentines Lonely Hearts Club was placarded on October 11, 2013 to renew its license. *Jimmy Valentines Lonely Hearts Club*, 1103 Bladensburg Road NE, Retailer CT, Lic#: 076330.
-
42. Review of Petition to Terminate the Settlement Agreement dated September 27, 2013 filed by Merid Admassu. Raven Grill was placarded on October 4, 2013 to renew its license. *Raven Grill*, 3125 Mt. Pleasant Street NW, Retailer CT, Lic#: 005864.
-
43. Review of Petition to Terminate the Settlement Agreement dated September 30, 2013 filed by Joseph Englent. Vendetta was placarded on October 11, 2013 to renew its license. *Vendetta*, 1210 H Street NE, Retailer CT, Lic#: 072734.
-
44. Review of Petition to Terminate the Settlement Agreement dated September 3, 2013 filed by Erik Holzheer. Wisdom was placarded on September 13, 2013 to renew its license. *Wisdom*, 1432 Pennsylvania Ave SE, Retailer CT, Lic#: 077708.
-
45. Review of Petition to Terminate the Settlement Agreement dated September 26, 2013 filed by Driss Quadrhiri. Sahra Hooka Lounge was placarded on October 4, 2013 to renew its license. *Sahra Hooka Lounge*, 1200 H Street NE, Retailer CT, Lic#: 087558.
-
46. Review of Petition to Terminate the Settlement Agreement dated October 2, 2013 filed by Assefa Kidane. Manchester Bar & Restaurant was placarded on October 11, 2013 to renew its license. *Manchester Bar & Restaurant*, 944 Florida Avenue NW, Retailer CT, Lic#: 075377.
-

*** In accordance with D.C. Official Code §2-574(b) Open Meetings 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
INVESTIGATIVE AGENDA**

**WEDNESDAY, OCTOBER 30, 2013
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On October 30, 2013 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#13-CC-00105 Pasara Thai DC, 1219 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-077157

2. Case#13-CC-00095 Crowne Plaza, 1001 14TH ST NW Retailer C Hotel, License#: ABRA-025161

3. Case#13-CMP-00454 Palisades Pizzeria, 4885 MACARTHUR BLVD NW Retailer D Restaurant, License#: ABRA-060319

4. Case#13-CC-00102 Pan Mar Liquors, 1926 I ST NW Retailer A Retail - Liquor Store, License#: ABRA-060242

5. Case#13-CC-00097 Little Fountain Cafe/Angles, 2339 18TH ST NW Retailer C Restaurant, License#: ABRA-020251

6. Case#13-CC-00103 Phillips Flagship, 900 WATER ST SW Retailer C Restaurant, License#: ABRA-009229

7. Case#13-CC-00085 Jack Rose, 2007 18TH ST NW Retailer C Restaurant, License#: ABRA-081997

8. Case#13-251-00120 Bar 7, 1015 1/2 7TH ST NW Retailer C Tavern, License#: ABRA-082350

9. Case#13-CMP-00473 Ghion Restaurant and Lounge, 2010 9TH ST NW Retailer C Tavern, License#: ABRA-086205

10. Case#13-CMP-00474 Anacostia Market, 1303 GOOD HOPE RD SE Retailer B Retail - Class B, License#: ABRA-086470

11. Case#13-CC-00048 Orange Spoon, 1255 23RD ST NW Retailer A Retail - Liquor Store, License#: ABRA-090054

12. Case#13-CMP-00472 Federal Lounge, 2477 18TH ST NW Retailer C Tavern, License#: ABRA-091249

13. Case#13-CMP-00475 The Graham/A.G.B., 1075 THOMAS JEFFERSON ST NW Retailer C Hotel, License#: ABRA-089867

CARLOS ROSARIO PUBLIC CHARTER SCHOOL

NOTICE FOR BIDS

Bus Purchase

The Carlos Rosario Public Charter School is seeking bids for 33 passenger bus. All proposals must be submitted by email at gellis@carlosrosario.org no later than November 1, 2013. For more information please contact Gwen Ellis at 202-797-4700 ext. 701.

OFFICE OF THE CHIEF FINANCIAL OFFICER
Office of Revenue Analysis

**NOTICE of STATUTORY and SPECIAL
REAL PROPERTY TAX RATES for TAX YEAR 2014**

I. Statutory Real Property Tax Rates for Tax Year 2014

<u>Real Property Tax Class</u>	<u>Statutory Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.85
Class Two (commercial property)	
The first \$3 million in assessed value	\$1.65
The assessed value in excess of \$3 million	\$1.85
Class Three (indefinitely vacant buildings)	\$5.00
Class Four (blighted/condemned buildings)	\$10.00

II. Special Real Property Tax Rates for Tax Year 2014

BOND ACT REQUIREMENT
Certification of Debt Service Requirement

In Tax Year 2014, **ten and one half percent (10.50%)** of total real property tax collections, by class, shall be dedicated to the repayment of General Obligations Bonds. The recommended special real property tax rates by class for Tax Year 2014 are as follows:

<u>Real Property Tax Class</u>	<u>Special Tax Rates Per \$100 of Assessed Value</u>
Class One (residential property)	\$0.089
Class Two (commercial property)	
The first \$3 million in assessed value	\$0.173
The assessed value in excess of \$3 million	\$0.194
Class Three (indefinitely vacant buildings)	\$0.525
Class Four (blighted/condemned buildings)	\$1.050

**CHILD SUPPORT SERVICES DIVISION
DISTRICT OF COLUMBIA CHILD SUPPORT GUIDELINE COMMISSION**

NOTICE OF A PUBLIC MEETING

The District of Columbia's Child Support Guideline Commission's meeting

Thursday, November 7, 2013, at 8:30 A.M.
D.C. Office of the Attorney General, Child Support Services Division
441 4th Street, NW, Ste. 550N
Conference Room A
Washington, D.C. 20001

The District of Columbia Child Support Guidelines Commission (Commission) announces meeting in which it will discuss proposed changes to the District's Child Support Guideline (Guideline). The Commission's mission is to review the Guideline annually and to provide the Mayor with recommendations for improving the efficiency and effectiveness of the Guideline. In order to achieve its objective, and to ensure the recommendations the Commission provides to the Mayor take into account the public's concerns, it invites the public to attend its meeting.

Persons wishing to review the Child Support Guideline prior to the public meeting, may access it online by visiting the District of Columbia's website at www.dc.gov.

Individuals who wish to attend should contact: Cory Chandler, Chairperson, Child Support Guideline Commission, at 202-724-7835, or by e-mail at cory.chandler@dc.gov by Tuesday, November 5, 2013. E-mail submissions should include the full name, title, and affiliation, if applicable, of the person(s) wishing to attend. Persons wishing to comment should send nine (9) copies of their written commentary to the Office of the Attorney General for the District of Columbia at the address below.

Individuals who wish to submit their comments as part of the official record should send copies of written statements no later than 4:00 p.m., Wednesday, November 6, 2013 to:

Cory Chandler, Deputy Attorney General
Office of the Attorney General for the District of Columbia
Family Services Division
200 I Street, S.E.
4th Floor
Washington, D.C. 20003

**OFFICE OF COMMUNITY AFFAIRS,
CARIBBEAN AFFAIRS COMMISSION**

NOTICE OF PUBLIC MEETING

**Monday-October 28 – 4:00 -6:00 PM
Dept. of Consumer & Regulatory Affairs (DCRA)
1100 4th Street SW Room 4302**

The Caribbean Affairs Commission will hold its open public meeting on Thursday October 24, 2013 from 5:30 pm to 7:00 pm located at The Wilson Building 1350 Pennsylvania Ave. NW Washington, DC 20004 Room 301. If you have any questions or concerns please feel free to contact Margaret Forde (202)583-1501 or email macca@yahoo.com

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

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

November 2013

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
Daniel Burton	Board of Accountancy	5	8:30 am-12:00pm
Lisa Branscomb	Board of Appraisers	20	8:30 am-4:00 pm
Jason Sockwell	Board Architects and Interior Designers	NO MEETING	8:30 am-1:00 pm
Cynthia Briggs	Board of Barber and Cosmetology	18	10:00 am-2:00 pm
Sheldon Brown	Boxing and Wrestling Commission	12	7:00-pm-8:30 pm
Kevin Cyrus	Board of Funeral Directors	7	1:00pm-5:00 pm
Daniel Burton	Board of Professional Engineering	26	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	12	8:30 am-1:00 pm
Pamela Hall	Board of Industrial Trades	19	1:00 pm-4:00 pm
	Asbestos Electrical Elevators Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and Times are subject to change.

All meetings are held at 1100 4th St., SW, Suite E-300 Washington, DC 20024.
For further information on this schedule, please contact the front desk at 202-442-4320.

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

NOTICE OF PUBLIC MEETING

Board of Accountancy

**1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

November 5, 2013

9:00 A.M.

- 1) Meeting Call to Order
- 2) Attendees
- 3) Comments from the Public
- 4) Minutes: Review draft of 12 September 2013
- 5) Old Business
- 6) New Business
- 7) Review of applications for licensure
 - Reinstatements
- 8) Correspondence
- 9) Adjournment

Next Scheduled Meeting – Tuesday, 3 December 2013
Location: 1100 4th Street SW, Conference Room E300

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

NOTICE OF PUBLIC MEETING

Board of Funeral Directors

**1100 4th Street SW, Room E300
Washington, DC 20024**

Meeting Agenda

**November 7, 2013
1:00 P.M.**

1. Call to Order – 1:00 p.m.
2. Members Present
3. Staff Present
4. Comments from the Public
5. Review of Correspondence
6. Applications for Licensure
7. Draft Minutes, October 2013
8. Executive Session (Closed to the Public)
9. Old Business
10. New Business
11. Adjourn
12. Next Scheduled Board Meeting – December 5, 2013 at 1:00 pm

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

NOTICE OF PUBLIC MEETING

D.C. Boxing and Wrestling Commission

**1100 4th Street SW-Suite E500, SW
Washington, DC. 20024**

Website: http://www.pearsonvue.com/dc/boxing_wrestling/

Meeting Agenda

**November 12, 2013
7:00 P.M.**

CALL TO ORDER & ROLL CALL

COMMENTS FROM THE PUBLIC & GUEST INTRODUCTIONS

REVIEW OF MINUTES

September 10, 2013

APPLICATION TO APPROVE

UPCOMING EVENTS

1. November 14, 2013 Pro-Boxing Flight Night at the Washington Hilton Hotel: Fight For Children
2. January 24, 2014 Pro-Amateur Boxing Event at the DC Armory: Babie Girl Productions
3. February 22, 2014 Amateur MMA Event at the Echo Stage: Operation Octagon

OLD BUSINESS

1. Mayor's Cup
2. Social Media

NEW BUSINESS

1. Upcoming Amateur Events
2. Officials Training: ABC Trainers & Certification

ADJORNMENT

NEXT REGULAR SCHEDULED MEETING IS DECEMBER 10, 2013

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

NOTICE OF PUBLIC MEETING

District of Columbia Real Estate Commission

**1100 4th Street SW, Room 300 B
Washington, DC 20024**

AGENDA

**November 12, 2013
9:30 A.M.**

1. Call to Order - 9:30 a.m.
2. Executive Session (Closed to the Public) – 9:30 -10:30 a.m.
 - A. Legal Committee Recommendations
 - B. Legal Counsel Report
3. Attendance (Start of Public Session) – 10:30 a.m.
4. Comments from the Public
5. Minutes - Draft, October 8, 2013
6. Recommendations
 - A. Review - Applications for Licensure
 - B. Legal Committee Report
 - C. Education Committee Report
 - D. Budget Report
 - E. 2013 Calendar
 - F. Correspondence – E-mail from Emil Ali
7. Old Business
8. New Business
9. Adjourn

Next Scheduled Regular Meeting, December 10, 2013
1100 4th Street, SW, Room 300B, Washington, DC 20024

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

NOTICE OF PUBLIC MEETING

Board of Industrial Trades

**1100 4th Street SW, Room 300 A/B
Washington, DC 20024**

AGENDA

November 19, 2013

1:00 P.M.

- I. Call to Order**
- II. Ascertainment of Quorum**
- III. Adoption of the Agenda**
- IV. Acknowledgment of Adoption of the Minutes**
- V. Report by the Chair**
 - a) Elevator applications on PULSE
 - b) DCMR updates
- VI. New Business**
 - a) Recommendations to change Board meeting date and time.
 - b) Reciprocity with other Jurisdictions
- VII. Opportunity for Public Comments**
- VIII. Executive Session**

Executive Session (non-public) to Discuss Ongoing, Confidential Preliminary Investigations pursuant to D.C. Official Code § 2-575(b)(14), to deliberate on a decision in which the Industrial Trades Board will exercise quasi-judicial functions pursuant to D.C. Official Code § 2-575(b)(13)

 - a) Review of applications
- IX. Resumption of Public Meeting**
- X. Adjournment**

Minutes: October 15, 2013 – NO QUORUM

Next Scheduled Board Meeting: December 17, 2013 @ 11:00 AM – 3:30 PM, Room E4302
1100 4th Street, Washington, DC 20024

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

NOTICE OF PUBLIC MEETING

**Board of Professional Engineering
1100 4th Street SW, Room E300
Washington, DC 20024**

AGENDA

**November 26, 2013
9:30 A.M.**

- 10) Meeting Call to Order
- 11) Attendees
- 12) Comments from the Public
- 13) Review of Applications
- 14) Minutes: Review draft of 25 July 2013
- 15) Old Business
 - NSPE Northeast Regional Meeting
- 16) New Business
- 17) Correspondence
- 18) Executive Session
- 19) Adjournment

Next Scheduled Meeting – Thursday, 19 December 2013
Location: 1100 4th Street SW, Conference Room E300

**D.C. PREPARATORY ACADEMY
REQUEST FOR PROPOSALS**

THIRD PARTY INSPECTION AND MATERIALS TESTING SERVICES

D.C. Preparatory Academy Public Charter School (DC Prep) is seeking competitive proposals for **Third Party Inspection and Materials Testing Services** for a public charter school facility project. For a copy of the RFP, please contact Mr. Ryan Gever of Brailsford & Dunlavey at rgever@programmanagers.com. All proposals must be submitted by **12:00 noon on November 1, 2013**.

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

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

VACANT: 5A04, 7F07 and 8E03

Petition Circulation Period: **Monday, October 28, 2013 thru Monday, November 18, 2013**

Petition Challenge Period: **Thursday, November 21, 2013 thru Wed., November 27, 2013**

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

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

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

DISTRICT OF COLUMBIA OFFICE OF EMPLOYEE APPEALS**FISCAL YEAR 2014 MONTHLY MEETING SCHEDULE**

This notice outlines the schedule of the regular meetings of the Board for the Office of Employee Appeals. Portions of the meetings are held in open session, and the public is invited to attend. The meetings are held at 1100 4th Street, Suite 380E, NW, Washington, D.C. A copy of the draft agenda for each meeting will be posted on the agency's website and the lobby of the Office of Employee Appeals. For further information, please contact the front desk at 202.727.0004. This schedule is subject to change.

DATE	TIME	ROOM NUMBER
Tuesday, October 29, 2013	11:00 AM	Room 380 East
Tuesday, December 10, 2013	11:00 AM	Room 380 East
Tuesday, January 21, 2014	11:00 AM	Room 380 East
Tuesday, March 4, 2014	11:00 AM	Room 380 East
Tuesday, April 15, 2014	11:00 AM	Room 380 East
Tuesday, May 27, 2014	11:00 AM	Room 380 East
Tuesday, July 8, 2014	11:00 AM	Room 380 East
Tuesday, August 19, 2014	11:00 AM	Room 380 East
Tuesday, September 23, 2014	11:00 AM	Room 380 East

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6213-R1 to operate an existing downdraft automotive paint booth at GTS Auto Service, Inc. located at 2310 18th Place NE, Washington DC 20018. The contact person is John DeSousa, Vice President, at (202) 462-0497

The renewal application to operate and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002

No written comments or hearing requests postmarked after November 25, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6760 to Cellco Partnership (DBA Verizon Wireless) to construct and operate a 50 kW (88.3 HP) natural gas fired emergency generator set at 850 Quincy Street NW, Washington DC. The contact person for the facility is Matthew Melito, Director Operations, at 800-488-7900.

The proposed emission limits are as follows:

- a. Emissions from this unit shall not exceed those in the following table [40 CFR 60.4233(d) and Subpart JJJJ, Table 1]:

Pollutant Emission Limits (g/HP-hr)	
NO _x + HC	CO
10	387

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the Emergency Generator are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	0.756
Oxides of Nitrogen (NO _x)	0.185
Total Particulate Matter , PM (Total)	0.001
Volatile Organic Compounds (VOCs)	0.019
Sulfur Dioxide (SO _x)	0.0001

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested

parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after November 25, 2013 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

FRIENDSHIP PUBLIC CHARTER SCHOOL
NOTICE OF REQUEST FOR PROPOSAL FOR

Friendship Public Charter School is seeking bids from prospective candidates to provide:

Teacher Professional Development Services to support English/Language Arts and Mathematics Common Core Standards readiness in accordance with requirements and specifications detailed in the Request for Proposal.

Teacher Professional Development Services to support students with disabilities in accordance with requirements and specifications detailed in the Request for Proposal.

Student Support Services in accordance with requirements and specifications detailed in the Request for Proposal

An electronic copy of the full Request for Proposal (RFP) may be requested by contacting ProcurementInquiry@friendshipschools.org.

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 via teleconference on Wednesday, **October 23, 2013**, at 4:30 pm. The call number is 1-877-668-4493, Access code 317 570 907.

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**PUBLIC NOTICE**

The District of Columbia Board of Marriage and Family Therapy (“Board”) hereby gives notice of its special meeting pursuant to § 405(b) of the District of Columbia Health Occupation Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1204.05 (b)) (2001) (“Act”).

The special meeting of the Board will be held on Friday, November 8, 2013 from 11:00 AM to 1:00 PM. The purpose of the meeting is to review the proposed marriage and family therapy rulemaking as published on October 11, 2013 and any public comments as received. The meeting will be open to the public from 11:00 AM to 12:00 PM. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 12:00PM until 1:00PM to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be held at 899 North Capitol Street, NE, Second Floor, Washington, DC 20002. Visit the Department of Health Events link at <http://doh.dc.gov/events> for additional information.

**DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

NOTICE OF MEETING

Board of Medicine
October 30, 2013

On OCTOBER 30, 2013 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues, ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 12:00 pm to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

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

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

Executive Director for the Board – Jacqueline A. Watson, DO, MBA, (202) 724-8755.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

October 29, 2013
815 Florida Avenue, NW
Washington, DC 20001
4:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Vote to close meeting to discuss the approval of an Amended Eligibility Resolution for the Highland Dwellings project and bond transaction and an Eligibility Resolution for the Edgewood Terrace I project and bond transaction.

Pursuant to the District of Columbia Administrative Procedure Act, the Chairperson of the Board of Directors will call a vote to close the meeting in order to discuss, establish, or instruct the public body's staff or negotiating agents concerning the position to be taken in negotiating the price and other material terms of the Highland Dwellings project and bond transaction and the Edgewood Terrace I project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-405(b)(2)).

- III. Re-open meeting.
- IV. Consideration of DCHFA Amended Eligibility Resolution No. 2013-12 for the approval of the Highland Dwellings project and bond transaction.
- V. Consideration of DCHFA Eligibility Resolution No. 2013-13 for the approval of the Edgewood Terrace I project and bond transaction.
- VI. Consideration of DCHFA Resolution No. 2013-05(G) for the approval of the Amendments to the Agency's Bylaws.
- VII. Executive Director's Report.
 - Parkway Overlook Update
 - Government Affairs Update
 - Small Projects Program
- VIII. Other Business.
 - NCSHB Updates
- IX. Adjournment.

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT AGENCY
DISTRICT OF COLUMBIA HOMELAND SECURITY COMMISSION**

NOTICE OF MEETINGS

Pursuant to DC Code § 2-575(b), DC Code § 7-2271.04 and DC Code § 7-2271.05., the Homeland Security Commission hereby provides notice that it will hold **CLOSED MEETINGS** on the dates, times and places noted below for the purposes of discussing its Annual Report to the Mayor.

- February 8, 2013
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Washington D.C.
4:00 pm to 6:00 pm

- April 17, 2013
The George Washington University, Rice Hall
2121 Eye Street, NW, Washington D.C.
1:00 pm to 3:00 pm

- July 31, 2013
DC Homeland Security and Emergency Management Agency
2720 Martin Luther King Junior Avenue, SE, Washington DC
1:00 pm to 3:00 pm

- October 30, 2013
The George Washington University, Rice Hall
2121 Eye Street, NW, Washington D.C.
1:00 pm to 3:00 pm

For more information, please contact: Nicole Chapple, Policy Director for the District of Columbia Homeland Security and Emergency Management Agency, 2720 Martin Luther King Jr. Avenue, SE, Washington, DC. Telephone: (202) 727-6161. Email: Nicole.Chapple@dc.gov.

DEPARTMENT OF HUMAN RESOURCES

EXCEPTED SERVICE EMPLOYEES AS OF OCTOBER 7, 2013

NOTICE OF EXCEPTED SERVICE EMPLOYEES

D.C. Official Code § 1-609.03(c) requires that a list of Excepted Service positions established under the provision of § 1-609.03(a) along with the types of excepted service appointment, names, position titles, and grades of all persons appointed to these positions be published in the *D.C. Register*. In accordance with the foregoing, the following information is hereby published for the following positions.

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Murphy	Christopher	Chief of Staff	11
Excepted Service	Goulet	Eric	Budget Director	11
Excepted Service	Flowers	Brian	General Counsel	11
Excepted Service	Jackson	Janene	Dir., Pol & Legislative Affairs	11
Excepted Service	Bunn	Sheila	Deputy Chief of Staff	10
Excepted Service	Evans	Kenneth	Deputy Budget Director	10
Excepted Service	Glaude	Stephen	Director, Community and Religion	10
Excepted Service	Ribeiro	Pedro	Director of Communications	08
Excepted Service	Kaufman	Donald	Deputy General Counsel	10
Excepted Service	McGaw	John	Deputy Director	10
Excepted Service	Banta	Susan	Budget Officer	09
Excepted Service	Constantino	Justin	Senior Budget Analyst	09
Excepted Service	Fimbres	Francisco	Director of Community Relation	09
Excepted Service	Gorman	Darryl	Dir. Boards & Commissions	09
Excepted Service	Murray	Christopher	Budget Analyst	09
Excepted Service	Richardson	Jeffrey	Executive Director	09
Excepted Service	Barge	Lolita	Director of Legislative Support	08
Excepted Service	Barnes	Lafayette	Program Analyst	08

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	DeVillier	Mikelle	Special Assistant	08
Excepted Service	Ferguson	Ursula	Correspondence Officer	08
Excepted Service	McCoy	Doxie	Senior Communications Officer	08
Excepted Service	Pittman	James	Deputy Director	08
Excepted Service	Washington	Sterling	Director	08
Excepted Service	Anthony	Lavita	Executive Assistant	07
Excepted Service	Atkins	Latisha	Deputy Dir. Neighborhood Engage	07
Excepted Service	Bland	Stephanie	Special Assistant	07
Excepted Service	Coombs	John	Policy Analyst	07
Excepted Service	Henry	Kristen	National Service Officer	07
Excepted Service	Jennings	Cedric	Director	07
Excepted Service	Leistikow	Alexandra	Director of Scheduling	07
Excepted Service	Lowery	Terese	Exec Dir. for Comm on Women	07
Excepted Service	Mangum	Larry	Special Assistant	07
Excepted Service	Rogers	Jonathan	Budget Analyst	07
Excepted Service	Thompson	Tiffanie	Budget Analyst	07
Excepted Service	Desjardins	Matthew	Comm. & Initiatives Specialist	06
Excepted Service	Fluker	Clarence	Comm. & Initiatives Specialist	06
Excepted Service	George	Deborah	Policy Analyst	06
Excepted Service	Hayworth	JohnPaul	Policy Analyst	06
Excepted Service	Levine	Daryl	Special Assistant	06
Excepted Service	Marus	Robert	Writer Editor	06
Excepted Service	Muhammad	Sedrick	Special Assistant	06
Excepted Service	Nutall	Dexter	Executive Assistant	06

OFFICE OF THE MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Oding	Alimayu	Visual Information Specialist	06
Excepted Service	Williamson	Jason	Neighborhood Corps Specialist	06
Excepted Service	Adams	Lisa	Policy Analyst	05
Excepted Service	Hernandez Maduro	Frank	Community Relations Specialist	05
Excepted Service	Holman	Keith	Community Service Representative	05
Excepted Service	Kelly	Deborah	Contract & Reprogram. Special.	05
Excepted Service	Loudermilk	Amy	Program Analyst	05
Excepted Service	Norris	Rufus	Constituent Services Special.	05
Excepted Service	Walker	David	Staff Assistant	05
Excepted Service	Watson	Leonard	Special Assistant	05
Excepted Service	Williams	Marchim	Outreach & Service Specialist	05
Excepted Service	Wright	Brittney	Outreach & Service Specialist	05
Excepted Service	Teferi	Winta	Program Analyst	04
Excepted Service	Allen	Darin	Scheduling Specialist	03
Excepted Service	Johnson	Stephanie	Administrative Support Specialist	03
Excepted Service	Latta	Aretha	Administrative Assistant	03
Excepted Service	Saki-Tay	Inez	Correspondence Mgmt. Spec.	03
Excepted Service	Weaver	Zachary	Policy Analyst	02
Excepted Service	Sanders	Lorenzo	Clerical Assistant	01

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Lew	Allen	City Administrator	11

OFFICE OF THE CITY ADMINISTRATOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Graves	Warren	Chief of Staff	11
Excepted Service	Campbell	Natasha	Director, LRCB	10
Excepted Service	Robinson	Anthony	Director	10
Excepted Service	Kreiswirth	Barry	Senior Legal Advisor	09
Excepted Service	Love	Phyllis	Management & Prog Anal Ofcr	08
Excepted Service	Moss	J	Executive Assistant	07

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Branson	Karen	General Counsel	10
Excepted Service	Bruce	Blanche	Deputy Inspector General	10
Excepted Service	Burke	Roger	Chief of Staff	10
Excepted Service	Kennedy	Susan	Supvy Attorney Advisor	10
Excepted Service	King	Ronald	Supervisory Auditor	10
Excepted Service	Sweeney	Brian	Supvy Criminal Investigator	10
Excepted Service	Wright	Alvin	Asst IG Inspector/Evaluation	10
Excepted Service	Lucchesi	Victoria	Deputy Gen Counsel	09
Excepted Service	Silverman	Stuart	Attorney	09
Excepted Service	Wolfingbarger	Brentton	Supv Attorney Advisor	09
Excepted Service	Muracco	Dominick	Attorney-Advisor	08

OFFICE OF THE INSPECTOR GENERAL				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nguyen	Dangkhoa	Attorney Advisor	08
Excepted Service	Van Croft	Keith	Attorney-Advisor	08
Excepted Service	Williams	Burnette	Attorney-Advisor	08

DEPARTMENT OF GENERAL SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Burrell	Scott	Chief Operations Officer	11
Excepted Service	Harper	Ollie	Dep. Dir. for Facilities Mgmt.	11
Excepted Service	Bellamy	Sandy	Management and Program Analyst	08

OFFICE OF THE SECRETARY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Ferrell Benavides	Aretha	Deputy Director	09
Excepted Service	Reid	Victor	Administrator, Ofc of Document	08
Excepted Service	Elwood	Patricia	Protocol Officer	08
Excepted Service	Phipps	Richard	Notary & Authent. Officer	07
Excepted Service	Davis	Clarence	Public Records Administrator	07
Excepted Service	Pierno	Robert	Special Assistant	05

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Mynett	Beth	Medical Officer	11

DEPARTMENT OF CORRECTIONS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Brown	Jerry	Program Analyst	06
Excepted Service	Etheridge	Lashonia	Staff Assistant	02

DC DEPARTMENT OF HUMAN RESOURCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Williams	Kimberly	Deputy Director	11
Excepted Service	Seed	Sudie Mae	Management and Program Analyst	07
Excepted Service	Davis	Kelly	Legislative Counsel	07

HOMELAND SECURITIES & EMERGENCY MANAGEMENT AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Thomas	Jorhena	Fusion Center Operations Manager	08
Excepted Service	Brannum	Robert	Community Outreach Specialist	06
Excepted Service	Boone	William	Emergency Oper & Info. Spec.	05

OFFICE ON LATINO AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Sinisterra	Didier	Deputy Director on Latino Affairs	07

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Reich	Stephanie	Chief of Staff	09

DEPARTMENT OF EMPLOYMENT SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Becks	Valencia	Outreach & Service Specialist	05
Excepted Service	Barragan	Juan	Outreach & Service Specialist	05
Excepted Service	Franklin	Anita	Customer Relations Assistant	02

OFFICE OF CABLE TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Washington	Lindsay	Producer	03

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Szegedy Maszak	Peter	Attorney Examiner	10
Excepted Service	Young	Ronald	Attorney Examiner	10
Excepted Service	Anderson	Keith	Rent Administrator	09
Excepted Service	Fields	Beatrix	Legislative Affairs Specialist	09
Excepted Service	Bailey	Milton	Chief of Staff	09

OFFICE OF PLANNING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Levy	David	Special Assistant for Substance	09

DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nichols	Richard	Chief of Staff	11
Excepted Service	Miller	Mark	Chief Operating Officer	10
Excepted Service	Trueblood	Andrew	Deputy Chief of Staff	09
Excepted Service	Zipper	David	Director of Business Development	09
Excepted Service	Tyus	Darnetta	Special Assistant	08
Excepted Service	Cross	Jason	Special Assistant	08

DEPARTMENT OF SMALL AND LOCAL BUSINESS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Summers	Robert	Acting Director	10

DEPARTMENT OF FORENSIC SCIENCES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Maguire	Christopher	Deputy Director	11
Excepted Service	Funk	Christine	General Counsel	10

METROPOLITIAN POLICE DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Durham	Alfred	Chief of Staff	11
Excepted Service	Crump	Gwendolyn	Director, Office of Corporate	09
Excepted Service	O'Meara	Kelly	Executive Director, Strategic	09
Excepted Service	Bromeland	Matthew	Special Assistant to the Chief	09
Excepted Service	Major	Jacob	Lieutenant	09

FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Miramontes	David	Medical Director	11
Excepted Service	Lewis	Turna	Labor Management Liaison Specialist	10
Excepted Service	Andre	Karen	Labor Management Liaison Officer	09
Excepted Service	Roque	Sarah	Public Health Analyst	07

PS&J CLUSTER, OFFICE OF THE DEPUTY MAYOR				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Quander	Paul	Deputy Mayor	11
Excepted Service	Booth	Quincy	Chief of Staff	10
Excepted Service	Hook	Melissa	Justice Grants Administrator	09
Excepted Service	Stewart-Ponder	Gitana	Legislative & Policy Analyst	07
Excepted Service	Thompson	Emile	Legislative & Policy Analyst	07
Excepted Service	Compani	Cara	Program Analyst	05
Excepted Service	McCray	Tykisha	Staff Assistant	03

OFFICE OF THE CHIEF MEDICAL EXAMINER				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Fields	Beverly	Chief of Staff	10

OFFICE OF STATE SUPERINTENDENT OF EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Aguierre	Jesus	Interim State Superintendent of Education	11

OFFICE OF THE DEPUTY MAYOR FOR EDUCATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Calderon	Miriam	Special Assistant	10
Excepted Service	Salimi	Scheherazade	Chief of Staff	09
Excepted Service	Greenberg	Judith	Special Assistant	09
Excepted Service	Bleyer	Marc	Policy Analyst	08
Excepted Service	Comey	Jennifer	Special Assistant	08
Excepted Service	Fejeran	Celine	Program Analyst	07

DEPARTMENT OF PARKS AND RECREATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shanklin	Sharia	Program Manager	08
Excepted Service	Newman	Rachel	Writer Editor	05

DEPARTMENT OF HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Kharfen	Michael	Senior Deputy Director	11
Excepted Service	Amy	Brian	Senior Deputy Director	10
Excepted Service	Shorter	Chris	Chief Operating Officer	10
Excepted Service	Woldu	Feseha	Sr Dep Dir. H'lth Reg & License	10
Excepted Service	Chichester	Colette	Chief of Staff	09

DEPARTMENT OF HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nabors-Jackson	Nikol	Chief Operating Officer	10
Excepted Service	Thompson	Sakina	Policy & Prog Support Advisor	10

OFFICE OF THE DEPUTY MAYOR FOR HEALTH AND HUMAN SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Otero	Beatriz	Dep Mayor for Health & Human Services	11
Excepted Service	Quinones	Ariana	Chief of Staff	10
Excepted Service	Joseph	Rachel	Special Assistant	07
Excepted Service	Nagda	Sonia	Special Assistant	07
Excepted Service	Gomez	Sandra	Administrative Support Specialist	03

DEPARTMENT OF HEALTH CARE FINANCE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Elam	Linda	Deputy Director	11
Excepted Service	Nathan	Ganayswaran	Dep. Dir. for Medicaid Finance	11
Excepted Service	Vowels	Robert	Medical Officer	10
Excepted Service	McCabe	Heather	Special Assistant	10
Excepted Service	Rapp	Melisa	Chief of Staff	09

DEPARTMENT OF YOUTH AND REHABILITATION SERVICES				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Bellard	Alsan	Health Services Medical Officer	11

DISTRICT DEPARTMENT OF TRANSPORTATION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Nicholson	Ronaldo	Chief Transportation Engineer	11
Excepted Service	Jackson	Carl	Assoc Dir for Prog Transp Svcs	10
Excepted Service	FitzGerald	Christopher	Community Service Representative	05
Excepted Service	Archie	Davena	Community Service Representative	05

DEPARTMENT OF PUBLIC WORKS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Carter	Michael	Deputy Director for Operations	10
Excepted Service	Thomas	Carl	Clean City Coordinator	09
Excepted Service	Lee	Sandra	Outreach & Service Specialist	05
Excepted Service	Bulger	James	Outreach & Service Specialist	05

CHILD AND FAMILY SERVICES AGENCY				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Rosenberg	Michele	Chief of Staff	08

DEPARTMENT OF BEHAVIORAL HEALTH				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Canavan	Patrick	Health System Administrator	11
Excepted Service	Buckson	Frances	Senior Deputy Director, APRA	11

DEPARTMENT OF INSURANCE, SECURITIES AND BANKING				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	McPherson	Chester	Dep Comm for Market Operations	10

OFFICE OF MOTION PICTURE & TELEVISION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Palmer	Crystal	Director	10
Excepted Service	Green	Leslie	Senior Communications Manager	08

DC TAXICAB COMMISSION				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Linton	Ron	Chairman DC Taxicab Commission	10
Excepted Service	McInnis	Sharon	Licensing & Enforcement Ofcr.	08
Excepted Service	Waters	Neville	Public Affairs Specialist	08

OFFICE OF TENANT ADVOCATE				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Shreve	Johanna	Chief Tenant Advocate	09

OFFICE OF VETERAN AFFAIRS				
<i>APPOINTMENT TYPE</i>	<i>LAST NAME</i>	<i>FIRST NAME</i>	<i>POSITION TITLE</i>	<i>GRADE</i>
Excepted Service	Cary	Matthew	Director, Veterans Affairs	09
Excepted Service	Fabrikant	Michael	Outreach & Service Specialist	05

EXECUTIVE OFFICE OF THE MAYOR

REQUEST FOR COMMENTS ON THE DISTRICT OF COLUMBIA'S
TRANSPARENCY AND OPEN GOVERNMENT INITIATIVE

The Executive Office of the Mayor encourages members of the public to participate in the formulation of the District's Transparency and Open Government Initiative by submitting comments, ideas, and proposals concerning possible initiatives and methods to increase openness and transparency in government. In Mayor's Memorandum 2011-1, the Mayor embraced the three principles for promoting a transparent and open government: Transparency, Participation and Collaboration. Transparency promotes accountability and provides information to citizens about what their Government is doing; Participation enhances the Government's effectiveness and improves the quality of its decisions by making use of knowledge that is widely dispersed in society; and Collaboration harnesses innovative tools, methods, and systems to promote cooperation across all levels of Government and with the private sector.

The District government has a large quantity of dispersed information that is designed to make the government more open and transparent, including documents and information on the following websites: foia.dc.gov, data.dc.gov, track.dc.gov, greendashboard.dc.gov, ocap.dc.gov, grade.dc.gov, dcregs.dc.gov, contracts.dc.gov, and budget.dc.gov. With emerging technology and twenty-first century tools, the District is in a unique position to take advantage of that dispersed information to inform the policymaking process. This notice is an effort to use the principles of open government to obtain fresh ideas about open government itself. Ultimately, an Open Government Directive will be issued that will instruct executive agencies on specific actions to implement the principles set forth in the Mayor's Memorandum. The Office of Open Government (within the Board of Ethics and Government Accountability), and other governmental and private stakeholders will also be consulted during this process.

Comments must be received by November 29, 2013.

Submit comments by one of the following methods:

Online: open.dc.gov

E-mail: open@dc.gov.

Mail: Mayor's Correspondence Unit

Wilson Building Attn: Open Government Recommendations

1350 Pennsylvania Avenue N.W., Room 300, Washington, DC 20004.

Comments on transparency and open government may relate to government-wide or agency-specific policy, project ideas, and relevant examples. Comments may address law, policy, technology, culture, and practice on issues such as:

- What government information should be more readily available online or more easily searched?
- Which document or data formats should be available for online information?
- How can the operations of District government be made more transparent and accountable?
- How might advisory committees, rulemaking, public hearings, social media, or emerging technology be better used to improve decision-making?

- What alternative models exist to improve the quality of decision-making and increase opportunities for citizen participation?
- What are the limitations to transparency?
- What policy impediments to innovation in government currently exist?
- What changes in training or hiring of personnel would enhance innovation?
- What performance measures are necessary to determine the effectiveness of open government policies?

This public process is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the District, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

FOR FURTHER INFORMATION CONTACT: Brian K. Flowers, Executive Office of the Mayor, brian.flowers@dc.gov.

MUNDO VERDE PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****General Construction Services**

Mundo Verde PCS invites all interested parties to submit proposals to provide general construction services for a 40,000 square foot renovation and an 11,000 square foot new addition. Completion is anticipated July, 2014. Please note that bidders must be pre-qualified per the Request for Qualifications that was released 9/20/13 in the DC Register and Washington Times. Proposals are due no later than Wednesday, November 20, 2013 at 5:00PM. The complete RFP can be obtained by contacting:

Patrick Cooper
Compass Design & Development, LLC
16035 Marlboro Pike
Upper Marlboro, MD 20772
pcooper@compassdesdev.com

**DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT
OFFICE OF THE WORKFORCE INVESTMENT COUNCIL**

NOTICE OF FUNDING AVAILABILITY

DC Workforce Intermediary – Hospitality Job Training Services

The DC Workforce Investment Council (WIC) is soliciting applications for grants to provide job training and related services leading to direct employment in the hospitality industry for eligible District residents.

The organizations receiving grants under this Request for Applications (RFA) will be responsible for providing industry-specific occupational training to not less than 70 District jobseekers under one of three program models: Hotel Occupations Training, Culinary Arts Occupations Training, and Restaurant Service Occupations Training. Grants must be used to supplement the capacity of existing programming, rather than create an entirely new program.

Grantees will provide occupational training that is designed to improve industry employers' access to a pool of qualified District jobseekers, which will include providing contextualized adult basic education instruction and work readiness training, case management and supportive services, and job placement and follow-up services to participants. In addition, funded training providers will be responsible for working with the Workforce Intermediary Program's Hospitality Job Placement Partner (funded under a separate solicitation and scheduled to begin operations in October 2013) to coordinate job placement and retention activities; and participate in ongoing planning and development activities with the Job Placement Partner, Workforce Investment Council, hospitality employer committee, and other workforce development organizations that provide hospitality training for eligible District residents.

Eligibility: Organizations that are eligible to apply for this grant include public or private organizations with demonstrated effectiveness in providing the requested services and meeting the employment needs of the target population, including:

- Non-profit, community-, or faith-based organizations;
- Institutions of higher education;
- Trade associations or chambers of commerce;
- Hospitality industry employers (provided they are willing to place participants with other industry employers);
- Private, for-profit service providers; or
- Labor unions or labor-management partnerships.

Length of Award: Grant awards will be for one (1) year, with an option for up to four (4) renewal years depending on grantee performance.

Available Funding: The amount available for this award is up to \$350,000.00 per grantee.

Anticipated Number of Awards: The WIC anticipates making up to three (3) awards under this RFA and funding a maximum of one grant per each of the three program models: Hotel Occupations Training, Culinary Arts Occupations Training, and Restaurant Service Occupations Training.

The RFA will be released on Friday, November 8, 2013. The RFA will be posted on the District's Grant Clearinghouse Website at <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse>.

An information meeting on the RFA will be held on November 22, 2013 at 3 p.m. at the Department of Employment Services Community Room, located at 4058 Minnesota Avenue NE, Washington, DC 20019. Attendance is strongly encouraged.

For additional information, contact LaToyia Hampton, Grants Manager of the Office of the Deputy Mayor for Planning and Economic Development, at Latoyia.hampton@dc.gov.

The deadline for submission is Tuesday, December 10, 2013 at 4:00 PM EST.

TWO RIVERS PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

Two Rivers Public Charter School, in compliance with Section 2204 (c) of the District Of Columbia School Reform Act of 1995 ("Act"), hereby solicits expressions of interest for legal services for real estate financing work. Must have demonstrated experience with closing New Markets Tax Credits financing and in negotiating leases for city-owned property with the District of Columbia. For Additional Information and Statements of Work email Sarah Richardson at procurement@tworiverspcs.org. Deadline for submissions is November 8, 2013.

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) will be holding a meeting on Thursday, November 7, 2013, 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

- I. Call to Order (Board Chairman)**
- II. Roll Call (Board Secretary)**
- III. Approval of October 3, 2013 Minutes (Board Chairman)**
- IV. Chairman's Overview**
- V. Committee Reports**
 - 1. Environmental Quality and Sewerage Services Committee (Committee Chairperson)
 - 2. Water Quality and Water Services Committee (Committee Chairperson)
 - 3. Finance and Budget Committee (Committee Chairperson)
- VI. General Manager's Report (General Manager)**
- VII. Consent Items (Joint-use)**

Those matters affecting the general management of joint-use sewerage facilities.
- VIII. Consent Items (Non-Joint Use)**

Those matters not affecting the general management of joint-use sewerage facilities
(Voted on by members representing the District of Columbia)
- IX. Adjournment (Board Chairman)**

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

Application No. 18586 of Mary McGrath, as amended, pursuant to 11 DCMR §§ 3103.2 and 3104.1, for a special exception under § 223 to allow additions to an existing one-family detached dwelling not meeting requirements for side yard (§ 405) or enlargement of a nonconforming structure (§ 2001.3) in the WH/R-1-B District at premises 4351 Klinge Street, N.W. (Square 1625, Lot 802).¹

HEARING DATES: June 28 and July 16, 2013
DECISION DATE: July 16, 2013

DECISION AND ORDER

This self-certified application was submitted on April 18, 2013 by Mary McGrath (the “Applicant”), the owner of the property that is the subject of the application. The application, as finally amended, requests a special exception under § 223 of the Zoning Regulations to allow construction of a rear addition to a one-family detached dwelling not meeting the zoning requirement for side yard, and a front porch addition not meeting the requirement for the enlargement of a nonconforming structure under § 2001.3 due to an extension of a nonconforming front yard setback in the Wesley Heights Overlay District of the R-1-B Zone at 4351 Klinge Street, N.W. (Square 1625, Lot 802). Following a public hearing, the Board voted to approve the application subject to conditions.

¹ The caption of this case has been amended to reflect the relief finally requested in this application. The Applicant originally sought expedited review of a request for special exception relief under § 223 “to allow completion of a rear addition to an existing single-family dwelling...not meeting the side yard requirements....” By letter dated June 3, 2013, the Applicant sought to amend the application to request “additional special exception relief under Section 223 from the front yard setback requirements of the Wesley Heights Overlay District (‘WHOD’) (Section 1543.4) to allow ... [a] one-story screened front porch not meeting the requirements of Section 2001.3(b) for a non-conforming structure.” (Exhibit 27.) At a public meeting on June 28, 2013, the Board concluded that the application required special exception relief under § 223 for the rear addition and an area variance from the front yard setback requirement of § 1543.4 for the front porch addition, and set the application for hearing on July 16, 2013. At the public hearing, the Board determined to consider the application solely as a special exception under § 223 for additions not meeting requirements for side yard under § 405 or the enlargement of a nonconforming structure under § 2001.3. While a special exception under § 223 is not appropriate to grant relief from the front yard setback requirement under § 1543.4 (because § 1543.4 is not expressly listed in § 223), in this case the Applicant’s project was found not to require a variance from § 1543.4 because the proposed front porch would extend the existing nonconforming front yard but would not increase the nonconformity or create any new nonconformity. For the same reason, it was unnecessary for the Applicant to request relief from § 405, since the nonconforming side yard will only be extended, but not enlarged.

BZA APPLICATION NO. 18586
PAGE NO. 2

PRELIMINARY MATTERS

Notice of Application and Notice of Hearing. By memoranda dated April 22, 2013, the Office of Zoning provided notice of the application to the Office of Planning (“OP”); the District Department of Transportation (“DDOT”); the Councilmember for Ward 3; Advisory Neighborhood Commission (“ANC”) 3D, the ANC in which the subject property is located; and Single Member District/ANC 3D08. Pursuant to 11 DCMR § 3112.14, on April 22, 2013 the Office of Zoning mailed letters providing notice of the hearing to the Applicant, ANC 3D, and the owners of all property within 200 feet of the subject property.

Party Status. The Applicant and ANC 3D were automatically parties in this proceeding. The Board granted requests for party status in opposition to the application from Andrew Heimert and Angel Clarens, who are residents of Klingle Street directly across from the subject property.

Applicant’s Case. The Applicant provided evidence and testimony describing the proposed construction – a two-story rear addition and a one-story front porch addition – and asserted that the application satisfied all requirements for approval of the requested zoning relief. The Applicant obtained a building permit (Permit No. B1201767) in March 2013 authorizing “new rear addition 2 story interior alterations at all levels including new kitchen and bathrooms new lighting and mechanical zones.” After beginning construction, the Applicant determined that the western side yard was 3.85 feet, “not the 6.0 feet originally measured or the minimum of 5.0 feet required under Section 405.8.” (Exhibit 4.) In addition, after the permit was issued the Zoning Administrator determined that the front porch addition would constitute an extension of an existing nonconforming front-yard setback that required zoning relief.

In this application, the Applicant sought zoning relief to allow both the rear addition and the front porch addition to the dwelling. After consultation with some residents living in the vicinity of the subject property, the Applicant proposed five conditions of approval, which the Board adopts in this order.

OP Report. By memorandum dated June 18, 2013, OP recommended approval of the application based on OP’s conclusion that the Applicant’s proposal would satisfy the requirements for zoning relief. By supplemental report, dated July 9, 2013, OP also recommended approval of a variance from the front yard setback requirement of the Wesley Heights Overlay District to allow the front porch proposed by the Applicant.

BZA APPLICATION NO. 18586
PAGE NO. 3

DDOT. By memorandum dated May 9, 2013, DDOT indicated no objection to approval of the requested special exception. (Exhibit 25.)

ANC Report. By letter dated June 18, 2013, ANC 3D indicated that, at a properly noticed public meeting, held June 5, 2013 with a quorum present, the ANC voted 8-1-0 to support the application. The letter states that the ANC “specifically considered and voted to support” relief from requirements applicable both to the side yard and to the front yard under the Wesley Height Overlay District, based on the ANC’s determination “that the relief was minor and can be granted without any adverse impact to neighboring property and in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” The ANC also concluded that the front yard relief requested by the Applicant “was in keeping with the purposes of the Wesley Heights Overlay District to ‘preserve and enhance the low density of Wesley Heights’ while allowing a ‘reasonable opportunity’ for the Applicant to expand her dwelling well within the more restrictive lot occupancy and [floor area ratio] requirements of the overlay.” (Exhibit 31.)

Parties in opposition. The parties in opposition initially objected that the planned front porch addition would intrude on the open space required by the Wesley Heights Overlay District, thereby changing the open character of the street. Subsequently, the parties in opposition stated their support for the porch addition as redesigned by the Applicant to minimize its visual impact.

Persons in support. The Board received letters in support of the application from persons living in the vicinity of the subject property, who commented generally that the Applicant’s project was “very minor” and in keeping with the character of the neighborhood and would not create any objectionable conditions for neighboring property.

Persons in opposition. The Board also received letters and heard testimony in opposition to the application from persons living in the vicinity of the subject property. The persons in opposition generally cited the importance of the Wesley Heights Overlay District, especially the “openness” and “relatively uniform streetscapes” of the neighborhood.

FINDINGS OF FACT

The Subject Property

1. The subject property is an interior lot located on the north side of the street at 4351 Klinge Street, N.W. between New Mexico Avenue and 44th Street (Square 1625, Lot 802). The property fronts a right of way that is 90 feet wide.

BZA APPLICATION NO. 18586**PAGE NO. 4**

2. The subject property is improved with a two-story one-family detached dwelling built in 1923. Public alleys abut the subject property along the rear lot line and a portion of the western property line.
3. The subject property is a rectangular parcel 50 feet wide and 135 feet deep, with an area of 6,750 square feet. Existing lot occupancy is 24.66%. The rear yard is 75 feet deep, while the side yards are 8.1 feet on the east and 3.85 feet on the west. A minimum of eight feet for each side yard is required pursuant to § 405.9.
4. The lot is zoned R-1-B. Since 1992, the subject property has been included within the Wesley Height Overlay District. (*See* Z.C. Order No. 718, Case No. 90-5, effective September 11, 1992.)
5. The Wesley Heights Overlay District requires that all residential buildings must have a front yard setback not less than “the average setback of all structures on the same side of the street in the block where the building in question is located.” (11 DCMR § 1543.4.) In the case of the subject property, the required front yard setback is a minimum of 20 feet. The required minimum front yard setback for properties across the street from the subject property is 44 feet.
6. The existing dwelling on the subject property is irregularly shaped. A portion on the western side, approximately 12 feet by 12 feet, extends the front of the dwelling into the front yard. That portion, which contains the front door to the house, is set back approximately 13 feet from the front property line.
7. An accessory garage building, serving the abutting property to the west, is located near the northwest corner of the Applicant’s dwelling. The residence on that lot is located almost 49 feet to the west of the Applicant’s dwelling.

The Applicant’s Project

8. The Applicant proposes to construct a two-story addition along the rear and east side of the dwelling, providing approximately 444 square feet of space. The rear addition will extend 7.75 feet into the rear yard and will maintain the existing side yards of 8.1 feet on the east and 3.85 on the west.
9. The Applicant also proposes to construct a new one-story porch addition of approximately 310 square feet onto the front of the house. The porch will extend from the existing portion of the house that projects into the front yard of the property

BZA APPLICATION NO. 18586**PAGE NO. 5**

approximately 26 feet across the remainder of the house, creating a uniform setback of 13 feet from the front property line. The porch will maintain the same side yard setback of 8.1 feet on the eastern edge of the house.

10. As finally designed, the porch will not be enclosed with screens, and will utilize uniform open railings on the front and side. The porch roof will contain skylights providing a total transparent area of not less than 112 square feet. (The Applicant plans to provide four skylights, each approximately 3.5 feet by 8 feet, in the roof of the porch, although the final configuration and number of skylights might vary depending on product availability and building code requirements.) Stairs to reach the porch will be located on the left side.
11. The new construction will increase lot occupancy at the subject property to 29.92 percent (2,019.45 square feet), within the maximum of 30% (2,025 square feet) permitted as a matter of right pursuant to §1543.2. The rear addition will extend but not increase the non-conforming side yard on the western side, which will remain 3.85 feet. The rear yard will be reduced to 67.25 feet, in excess of the minimum requirement of 25 feet.

Harmony with Zoning

12. The R-1 District is designed to protect quiet residential areas now developed with one-family detached dwellings and adjoining vacant areas likely to be developed for those purposes. (11 DCMR § 200.1.) Zoning provisions applicable in the R-1 Zone are intended to stabilize the residential areas and to promote a suitable environment for family life. (11 DCMR § 200.2.)
13. The Wesley Heights (WH) Overlay District was established to preserve and enhance the low density character of Wesley Heights by regulating construction and alteration of residential and other buildings in the area. (11 DCMR § 1541.1.) The purposes of the overlay district include to preserve in general the current density of neighborhood; (b) allow reasonable opportunities for owners to expand their dwellings; and (c) preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood. (11 DCMR § 1541.3.)

CONCLUSIONS OF LAW AND OPINION

The Applicant requests special exception relief under § 223 of the Zoning Regulations to allow construction of a rear addition to a one-family detached dwelling not meeting the zoning requirement for side yard and a front porch addition not meeting the requirement for the

BZA APPLICATION NO. 18586**PAGE NO. 6**

enlargement of a nonconforming structure under § 2001.3 due to an extension of a nonconforming front yard setback in the Wesley Heights Overlay District of the R-1-B zone at 4351 Klinge Street, N.W. (Square 1625, Lot 802). The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (2008) to grant special exceptions, as provided in the Zoning Regulations, where, in the judgment of the Board, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map, subject to specific conditions. (*See* 11 DCMR § 3104.1.)

Pursuant to § 223, an addition to a one-family dwelling or flat may be permitted as a special exception, despite not meeting all zoning requirements, subject to certain conditions. These conditions include that the addition must not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, and in particular the light and air available to neighboring properties must not be unduly affected, the privacy of use and enjoyment of neighboring properties must not be unduly compromised, and the addition, together with the original building, as viewed from the street, alley, and other public way, must not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

Based on the findings of fact, the Board finds that the requested special exception satisfies the requirements of §§ 223 and 3104.1. The Board credits the testimony of the Applicant and the Office of Planning that the proposed additions will not unduly affect light or air available to neighboring properties, or compromise the privacy of use or enjoyment of neighboring properties. The rear addition will extend an existing nonconforming side yard, but the closest structure will be an accessory garage; the closest residence will be at a distance of almost 50 feet from the rear addition. The front porch will be located at a similar distance from the neighboring dwelling, and separated by the right of way and required front yard setback from residences across the street.

The additions will not visually intrude on the character, scale, or pattern of houses along the street frontage. The two-story rear addition will be partially visible from the street frontage, but will not have a detrimental effect on the character, scale, or pattern of houses along the street frontage due primarily to its size and location. The front porch addition will extend the foremost projection of the existing dwelling across the width of the dwelling to create a uniform front façade, but will not further encroach into the front yard of the Applicant's dwelling. As designed, and subject to the conditions proposed by the Applicant and adopted in this order, the visual impact of the front porch will be minimized through measures such as skylights, open railings, and the absence of screens or other enclosures.

BZA APPLICATION NO. 18586
PAGE NO. 7

The Board concludes that the planned additions satisfy the requirements of § 223 and are unlikely to result in a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, or affect light and air available to neighboring properties. The Board also concludes that the additions planned by the Applicant will be in harmony with the general purpose and intent of the Zoning Regulations because they will be consistent with the intent of the R-1 District to protect quiet residential areas developed with one-family detached dwellings and to stabilize the residential areas and promote a suitable environment for family life. The additions will preserve and enhance the low density character of the Wesley Heights Overlay District, and will be consistent with the purposes of the overlay to preserve the current density of neighborhood, allow reasonable opportunities for owners to expand their dwellings; and preserve existing trees, access to air and light, and the harmonious design and attractive appearance of the neighborhood.

The Board is required to give “great weight” to the recommendation of the Office of Planning. (D.C. Official Code § 6-623.04 (2001).) In this case, as discussed above, the Board concurs with OP’s recommendation that the application should be approved.

The Board is also required to give “great weight” to the issues and concerns raised by the affected ANC. Section 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) (2001)). In this case, ANC 3D voted to support the Applicant’s request for zoning relief for both the rear and porch additions, on grounds that the requested relief was minor and could be granted without adverse impacts to neighboring property, in harmony with the general purpose and intent of the Zoning Regulations and Zoning Map, including the Wesley Heights Overlay District. For the reasons discussed above, the Board concurs with the ANC’s recommendation.

Based on the findings of fact and conclusion of law, the Board concludes that the Applicant has satisfied the burden of proof with respect to the request for a special exception under § 223 of the Zoning Regulations to allow construction of a rear addition to a one-family detached dwelling not meeting the zoning requirement for side yard and a front porch addition not meeting the requirement for the enlargement of a nonconforming structure under § 2001.3 due to an extension of a nonconforming front yard setback in the Wesley Heights Overlay District of the R-1-B Zone at 4351 Klinge Street, N.W. (Square 1625, Lot 802). Accordingly, it is **ORDERED** that the application is **GRANTED, SUBJECT TO** the following **CONDITIONS**:

1. The front porch shall be developed as shown on the Revised Plan in the record as Exhibit 40, provided that the Applicant shall have flexibility in the final number, size, and

BZA APPLICATION NO. 18586
PAGE NO. 8

configuration of the required skylights so long as the total transparent area of the skylights is not less than 112 square feet. The rear addition shall be developed in accordance with the plans in the record as Exhibits 7 and 17.

2. The Applicant shall not enclose the front porch in any manner, with screens, windows, or solid or other opaque materials.
3. The Applicant shall not remove, reduce in size, or block the approved skylights.
4. The Applicant shall not modify the roof of the front porch, or use the roof as a deck, porch, or other occupied spaces.
5. Approval of the requested front yard setback relief for the front porch under the specific circumstances of this application and the Revised Plan shall not establish a precedent or otherwise be the basis for further zoning relief to enclose, expand, modify, enlarge, or in any other manner modify the approved front porch.

VOTE: **4-0-1** (Lloyd J. Jordan, S. Kathryn Allen, Jeffrey L. Hinkle, and Anthony J. Hood voting to approve; one Board seat vacant.)

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

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

FINAL DATE OF ORDER: October 16, 2013

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, 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 § 3130.6 AT LEAST 30 DAYS PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THAT SUCH REQUEST IS GRANTED. NO OTHER ACTION, INCLUDING THE FILING OR

BZA APPLICATION NO. 18586**PAGE NO. 9**

GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

PURSUANT TO 11 DCMR § 3125, 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 § 3205, 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. 08-07**

Z.C. Case No. 08-07

Four Points, LLC

**(First-Stage PUD & Related Map Amendment @ Square 5772, Lots 827, 829, 831, 880,
984, 1017, 1019; Square 5783, Lots 829, 1018; Square 5784, Lots 898, 899, 900; and Square
5785, Lots 839, 906)**

September 9, 2013

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on July 1, 2013 to consider applications from Four Points, LLC ("Applicant"), on behalf of Curtis Properties, Inc., 2200 Railroad, LLC, JCX-Right Realty Inc., HS White, and Anacostia Professional Building Revocable Trust, the current owners of the property, for review and approval of a first-stage planned unit development ("PUD") and related map amendment to rezone (i) Lots 984 and 1019 in Square 5772 from C-3-A/C-M-1 to C-3-A; (ii) Lots 829 and 1018 in Square 5783 from C-2-A to C-3-A; (iii) Lots 898, 899, and 900 in Square 5784 from C-2-A to C-3-A; and (iv) Lot 906 in Square 5785 from C-2-A/C-3-A to C-3-A (collectively the "PUD Site"). The Commission considered the applications pursuant to Chapters 24 and 30 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 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the applications.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On March 31, 2008, the Applicant filed applications and supporting materials with the Commission requesting approval of a first-stage PUD for a portion of the PUD Site, consolidated approval for portions of the PUD Site, and a related map amendment to rezone the entire PUD Site to the C-3-A Zone District.
2. At the public meetings to consider whether these applications should be set down for a public hearing, the Commission determined that the consolidated portions of the application were not sufficiently clear and detailed to be considered at one proceeding. The Commission therefore directed the Applicant to revise the application to request first-stage approval for the entire project.
3. On June 9, 2008, the Commission voted to set down the revised application as a first-stage PUD.
4. In a letter dated June 11, 2008, the Applicant requested that the Commission exercise its discretion to set the case down as a preliminary and consolidated PUD and related map amendment, subject to the Commission's reservation of its right pursuant to § 2402.6 of the Zoning Regulations to determine ultimately which portions of the project will be approved on a preliminary basis and which portions will be approved on a consolidated basis.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 2

5. The Commission considered the Applicant's request as a correspondence item at a special public meeting held June 16, 2008 and determined that there was no basis for it to change its earlier determination. The Commission therefore directed the Applicant to revise its application as a preliminary PUD.
6. On June 24, 2008, the Applicant submitted a letter requesting that the initial application forms filed on March 31, 2008 requesting consolidated approval for portions of the PUD Site be withdrawn. The Applicant also submitted revised application forms requesting first-stage approval for the portion of the property for which consolidated approval had been originally requested.
7. By report dated May 30, 2008, the Office of Planning ("OP") recommended that the Commission schedule a public hearing on the applications. (Exhibit [Ex.] 19.)
8. On April 19, 2013, the Applicant submitted a Prehearing Statement. (Ex. 23.) The Prehearing Statement included the information required pursuant to § 3013 of the Zoning Regulations. The submission also included revised Architectural Plans and Elevations that include the information required pursuant to § 2406.11 of the Zoning Regulations.
9. On June 11, 2013, the Applicant submitted a Supplemental Prehearing Statement. (Ex. 31.) The Supplemental Prehearing Statement included a set of Revised Architectural Plans and Elevations. (Ex. 32.)
10. After proper notice, the Commission held a public hearing on the applications on July 1, 2013.
11. The parties to the case were the Applicant and the Advisory Neighborhood Commission ("ANC") 8A. ANC 8A did not attend the public hearing or submit a report in this case.
12. OP testified in support of the project. In its testimony and report, OP identified issues that needed further clarification or information. The District Department of Transportation ("DDOT") submitted a report generally in support of the project, but requested that additional information be included in the second-stage applications.
13. Charles Lindsay, Special Assistant for Economic Development for Ward 8 Councilmember Marion Barry, testified at the public hearing on behalf of Councilmember Barry in support of the project and submitted a written copy of the testimony. (Ex. 39.)
14. At the hearing, the Applicant submitted a copy of its PowerPoint presentation, a report prepared by Mr. Steven E. Sher, and supplemental transportation information. (Ex. 37, 38, 40).

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 3

15. Three principal witnesses testified on behalf of the Applicant at the public hearing, including Stan Voudrie, on behalf of the Applicant; Alan Mountjoy, AIA on behalf of NBBJ, as an expert in architecture; and Robert B. Schiesel, P.E., an expert in transportation planning and analysis, on behalf of Gorove/Slade Associates, Inc. Based on their professional experience, as evidenced by the resumes submitted for the record, Mr. Mountjoy and Mr. Schiesel were qualified by the Commission as experts in their respective fields.
16. On July 15, 2013, the Applicant submitted a Post-Hearing Submission. (Ex. 45-45D.) The Post-Hearing Submission included more information regarding the proposed massing of the buildings, a more detailed phasing plan, a listing of the public benefits and amenities of the project, and a copy of the Supplemental Transportation Memorandum, dated June 14, 2013, prepared by Gorove/Slade Associates, Inc. and submitted to DDOT.
17. At its public meeting held on July 29, 2013, the Commission took proposed action to approve the applications and the plans that were submitted to the record.
18. The applications were referred to the National Capital Planning Commission ("NCPC") for review of any impacts on the federal interest under the Comprehensive Plan. By a report dated September 17, 2013, NCPC found that the proposed project would not be inconsistent with the Federal Elements of the Comprehensive Plan. (Ex. 49.)
19. On August 2, 2013, the Applicant submitted its list of the public benefits of the PUD, and the draft conditions the Applicant proposed to ensure that the benefits will actually result for the grant of the PUD. The Applicant submitted a revised list of benefits and conditions on August 19, 2013.
20. The Commission took final action to approve the applications on September 9, 2013.

The PUD Site and Proposed Development

21. The PUD Site consists of Square 5772, Lots 827, 829, 831, 880, 984, 1017, 1019; Square 5783, Lots 829, 1018; Square 5784, Lots 898, 899, 900; and Square 5785, Lots 839, 906. The total site area is approximately 348,000 square feet (8.0 acres). The PUD Site is located in the southeast quadrant of the city and has frontage on Martin Luther King, Jr. Avenue ("MLK Avenue"), Shannon Place, Railroad Avenue and U, V, W, and Chicago Streets.
22. The PUD Site currently includes vacant lots; surface parking lots; a mix of commercial buildings devoted to office, warehouse and other commercial purposes; and the "Big Chair" at the southwest corner of the intersection of MLK Avenue, S.E. and V Street, S.E.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 4

23. Subsequent to the setdown of the proposal, renovations of two of the existing buildings were approved by the Board of Zoning Adjustment. The building at 2235 Shannon Avenue, S.E. (Square 5784, Lot 898) was approved to allow the conversion of the building from a warehouse to offices with off-site parking on Square 5785, Lot 906. Secondly, a portion of the building at 2020 Shannon Place, S.E. (Square 5722, Lot 984) was renovated to accommodate the Anacostia Playhouse with a variance from the parking requirements. Both buildings and uses will remain within the PUD, and are subject to the density, height, parking, loading, and other development constraints set forth in this Order.
24. The District of Columbia Comprehensive Plan Future Land Use Map designates the PUD Site in the following three mixed use categories: (1) medium-density residential/medium-density commercial; (2) medium-density residential/moderate-density commercial; and (3) moderate-density commercial/production, distribution, and repair. The Generalized Policy Map designates the PUD Site within a Main Street Mixed-Use Corridor area, and a small portion is designated within a Neighborhood Conservation Area.
25. The Applicant proposes to redevelop the PUD Site into a neighborhood center with a mix of office, retail, service, and residential uses. Most of the existing buildings on the PUD Site will be demolished. The project will include the construction of seven new buildings and the renovations and retention of two existing buildings. The majority of the buildings will have retail on the ground floor, and one of the buildings has been designed to accommodate a grocery store. The existing buildings to remain on the PUD Site are two stories and four stories, and the proposed new buildings range from 50 feet to 90 feet.
26. The project will have an overall floor area ratio ("FAR") of 4.5, and will include approximately 144,000 square feet of gross floor area devoted to retail and service uses, approximately 945,000 square feet of gross floor area devoted to office uses, and approximately 481,000 square feet of gross floor area devoted to residential use. A total of 1,486 parking spaces will be provided. The project also includes multiple loading facilities, including a total of two loading berths at 12 x 55 feet; 14 loading berths at 12 x 30 feet; and 2,300 square feet of loading platforms.

Zoning Flexibility Requested

27. The Applicant requested flexibility from several provisions of the Zoning Regulations, including the roof structure requirements; the off-street parking requirements; the loading requirements; and the non-residential FAR requirements.
28. **Roof Structures.** The roof structure provisions of the Zoning Regulations require that all roof structures must be set back from all exterior walls a distance at least equal to their height above the roof (§ 411.2 and § 770.6(b)); all mechanical equipment must be placed

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 5

in a single enclosure (§ 411.3 and § 770.6(a)); and enclosing walls must be of equal height (§ 411.5). Although the final design of the buildings included in the project have not been designed yet, the Applicant has requested flexibility to have multiple enclosures with setback relief and walls of unequal height in order to reduce the bulk of the penthouses. The Commission finds that roof structure relief is generally appropriate when the proposed roof structure designs will not adversely impact the light and air of adjacent buildings, and the roof elements have been located to minimize their visibility, and the Commission will apply such standard for reviewing the specific roof structures for each building at the time of second-stage review.

29. **Off-street parking.** The off-street parking requirements in the C-3-A Zone District are based upon the proposed uses of the PUD Site. Pursuant to § 2101.1 of the Zoning Regulations, an office use in the C-3-A Zone District in excess of 2,000 square feet requires one parking space for each additional 600 square feet of gross floor area and cellar floor area. A retail or service establishment in the C-3-A Zone District in excess of 3,000 square feet requires one parking space for each additional 300 square feet of gross floor area. Finally, an apartment or multiple dwelling building in the C-3-A Zone District requires one parking space for each two dwelling units. The project includes a total of approximately 144,000 square feet of gross floor area devoted to retail and service uses, approximately 945,000 square feet of gross floor area devoted to office uses, and approximately 481,000 square feet of gross floor area devoted to residential use. The project is therefore required to provide 2,218 off-street parking spaces. However, the Applicant is requesting relief to provide a total of 1,486 off-street parking spaces. All of the proposed parking spaces would be located in parking garages, with some serving multiple uses. The Applicant's traffic expert and DDOT found that the proposed number of parking spaces would be adequate to serve the project. The Applicant will also include a specific list of transportation demand management measures for each building during the second-stage application process. The Commission finds that the amount of proposed parking will be adequate for the project, and that this requested flexibility is in accordance with the Comprehensive Plan's recommendations to encourage shared-use parking and to reduce the parking requirements where transportation demand management measurements are implemented.
30. **Loading.** The Applicant requested relief from the off-street loading requirements for the project. The loading requirements in § 2201.1 of the Zoning Regulations are based upon the proposed uses of the PUD Site. Based upon the proposed gross square footages, the project is required to provide the following: six loading berths at 55 feet; 13 loading berths at 12 x 30 feet; nine service delivery loading spaces at 10 x 20 feet; six loading platforms at 200 square feet; and 13 loading platforms at 100 square feet. However, the Applicant is proposing to provide: two loading berths at 12 x 55 feet; 14 loading berths at 12 x 30 feet; no service/delivery loading spaces; eight loading platforms at 200 square feet; and five loading platforms at 100 square feet. Thus, the Applicant is seeking flexibility for four loading berths at 12 x 55 feet; nine service/delivery loading spaces;

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 6

and four loading platforms at 100 square feet. The Commission finds that this requested flexibility is in accordance with the Comprehensive Plan's recommendations to consolidate loading areas within new developments and to minimize curb cuts and pedestrian conflicts to the greatest extent possible. Given the nature of the residential use, it is unlikely that the buildings will be served by 55-foot tractor-trailer trucks. In addition, the loading areas are likely to be used by the residents primarily when they move in or out of the building, and any subsequent use by residents is generally infrequent and can be coordinated to ensure that the loading facilities are well-managed. Likewise, the use of the office, retail, and service loading facilities will be coordinated in a manner that causes the least amount of conflict. Therefore, the Commission finds that the loading facilities provided will be able to accommodate the proposed uses.

31. **Non-Residential FAR.** Subsection 2405.2 of the Zoning Regulations provides that the maximum non-residential density that can be approved through a PUD in the C-3-A Zone District is 3.0 FAR. The proposed overall non-residential FAR is 3.15. Subsection 2405.3 of the Zoning Regulations authorizes an increase of up to five percent of the maximum density if the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter. The Applicant stated that the additional nonresidential density is necessary to help attract additional retail uses, including a potential grocery store, to an area of the city in need of increased retail development. As noted in the OP report, the provision of new retail space would improve the urban fabric and increase pedestrian activity to create a livelier and inviting streetscape experience for residents and visitors to the PUD Site. Moreover, the proposals to provide new retail opportunities, particularly along MLK Avenue, S.E., and to improve the pedestrian experience along that important neighborhood street, would be consistent with plans to improve MLK Avenue, S.E. as an important neighborhood retail corridor, and the provision of new retail uses would be of benefit to the new residents and the surrounding neighborhood. Accordingly, the Commission finds that the additional 0.15 nonresidential density is necessary for the successful functioning of the project and is consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations.

Proposed Phasing of Project

32. The Applicant intends to move forward with the project in multiple phases due to market conditions. The Applicant would like to move forward with as many of the project components as quickly as possible. The project will be developed in three stages. Phase I includes Buildings 1, 3, and 8. Phase II includes Buildings 2, 4, and 5. Phase III includes Buildings 6 and 7. The Commission finds that the following phasing plan provides flexibility to address market conditions and is appropriate for the project:

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 7

- a) A second-stage application must be filed for the buildings included in Phase I of the development within two years from the effective date of the Order approving this application;
- b) A second-stage application must be filed for the buildings included in Phase II of the development within four years from the effective date of the Order granting second-stage approval for Phase I; and
- c) A second-stage application must be filed for the buildings included in Phase III of the development within four years from the effective date of the Order granting second-stage approval for Phase II.

Public Benefits and Project Amenities

33. The Commission finds that the project incorporates a variety of public benefits and project amenities that include the following:

- a) **Urban Design, Site Planning, and Comprehensive Plan Elements (11 DCMR § 2403.9(a),(b), and (j))** - Redevelopment of underutilized sites, which include a number of surface parking lots, with a new mixed-used development with siting, massing, and layout features designed to further the goals of high-quality urban design and architecture, as well as to provide adequate landscaping, open spaces and streetscape improvements;
- b) **Public space improvements (11 DCMR § 2403.9(a))** - The PUD includes a significant investment in improving the sidewalks and street grid in the neighborhood. The project includes the construction of new sidewalks, the widening of W Street through the establishment of building restriction lines or other means from 50 feet to 70 feet, and the inclusion of building setbacks along U Street, V Street, and MLK Avenue so as to significantly increase the viability of the retail spaces, and to improve the pedestrian experience on these streets. The construction of these new and widened sidewalks and the widening of W Street constitute significant infrastructure upgrades that will benefit both the immediate neighborhood and the District;
- c) **Transportation Benefits (11 DCMR § 2403.9(c))** - As part of the application process the Applicant's traffic consultant, Gorove Slade, coordinated with DDOT to review the transportation site elements of the application. The study focused on master plan level transportation elements of the site plan, such as internal roadways, sidewalks, and site circulation. The project will include car parking spaces and bicycle parking spaces to meet the needs of the users of the development, and to minimize any adverse impacts of the project on surrounding uses. Bicycle parking will be provided throughout the project. Although details

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 8

on each specific building's internal bicycle parking will be determined for each building during the second stage application process, the Applicant has designated 17 locations for external bike racks throughout the site plan. Moreover, the Applicant will be developing a robust Transportation Management Plan for each new building in the project;

- d) *Employment and Training Opportunities (11 DCMR § 2403.9(e))* - Expanding employment opportunities for residents and local businesses is a priority of the Applicant. Therefore, the Applicant will be entering into a First Source Employment Agreement with the Department of Employment Services and a Certified Business Enterprise Utilization Agreement with the Department of Small and Local Business Development prior to the issuance of a certificate of occupancy for the first building to be completed in Phase I;¹
- e) *Housing and Affordable Housing (11 DCMR § 2403.9(f))* - The single greatest benefit to the area, and the city as a whole, is the creation of new housing consistent with the goals of the Zoning Regulations, the Comprehensive Plan, and the Mayor's housing initiative. The overall project will contain approximately 481,000 square feet of gross floor area dedicated to residential uses. Moreover, eight percent of the gross residential floor area will be devoted to affordable units. The affordable units will be dispersed throughout the building, but consistent with prior decisions of the Commission, not including the top floor of the building. The Applicant also notes that Lots 984 and 1019 in Square 5772 are currently zoned C-3-A/C-M-1, which prohibits the development of any new housing or affordable housing on those sites. In addition, there is no housing on the PUD Site presently;

However, the Applicant is providing only the amount of affordable housing required by § 2603. Pursuant to § 2404.9 (f) of the PUD regulations:

[A]ffordable housing provided in compliance with § 2603 shall not be considered a public benefit except to the extent it exceeds what would have been required through matter of right development under existing zoning. In determining whether this standard has been met, the Commission shall balance any net gain in gross floor

¹ Subsequent to setdown of the applications, the Board of Zoning Adjustment ("BZA") granted Application No. 18224 for a special exception to allow the off-street parking required for the office building to be located on a lot other than the office building lot at 2235 Shannon Place, S.E. (i.e., Building 3). The BZA also granted Application No. 18224 for a variance from the off-street parking requirements to allow the occupancy of an existing warehouse by the Anacostia Playhouse at 2020 Shannon Place, S.E. (Square 5772, Lot 984). The office building is near completion of construction, and the Anacostia Playhouse is currently in operation. Thus, the office building at 2235 Shannon Place, S.E. (i.e., Building 3) and the Anacostia Playhouse use at 2020 Shannon Place, S.E. (Square 5772, Lot 984) are exempt from the First Source Employment Agreement and the Certified Business Enterprise Utilization Agreement requirements.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 9

area against any loss of gross floor area that would have been set-aside for “low-income households” as defined in § 2601.1.

There is not sufficient information in the record to determine whether the affordable housing proffered by the Applicant can be considered a public benefit under this standard. In order for the Commission to make this determination, each second-stage PUD application must identify the amount of affordable housing that is being provided, and the amount of affordable housing that would be required under the existing matter of right zoning for the site prior to the PUD-related rezoning granted as a result of this Order. To the extent applicable, the Applicant should identify the number of units that would have been required to be set-aside for low-income households under the existing matter of right zoning;

- f) *Environmental Benefits (11 DCMR § 2403.9(h))* - The project will provide a number of environmental benefits including street tree planting and maintenance, landscaping, energy efficiency and alternative energy sources, methods to reduce stormwater runoff, and green engineering practices. In addition, each building in the project will meet the applicable D.C. Green Building Act requirements, and will be designed to reach at least the LEED-certification level. For example, the first office building to be delivered under the PUD (i.e., Building 3) will meet a LEED Gold equivalent;

The Commission finds that this level of specificity suffices for this first stage approval, but expects a far greater degree of detail for each second stage application. In addition to indicating that Building 3 will achieve a LEED Gold Equivalent, the Commission expects each second stage application to indicate the LEED equivalent to be met for each building. For a second stage environmental proffer to be considered strong, each building should meet the equivalent of LEED Silver; and

- g) *Uses of Special Value to the Neighborhood and the District of Columbia as a Whole (11 DCMR § 2403.9(i))*
- i. Retail. As was discussed at the public hearing, the market at this area would support approximately 40,000 to 50,000 square feet of retail along the MLK Avenue, S.E. frontage. The Applicant is proffering 144,000 square feet of retail, service, arts, and limited types of office space. With respect to the limited office space, the Applicant has committed that the office space would be limited to doctor's offices, opticians, dentist offices and other similar high foot traffic and visitor traffic uses. Moreover, the Applicant anticipates U Street and V Street retail frontages will be highly

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 10

active with uses that are helpful to the community, including spaces that would be available for a grocery store or drug store uses;

- ii. Business Improvement District. The Applicant proffered as a public benefit its prior agreement, made at the request of the Ward Councilmember, to participate in and to establish a Business Improvement District ("BID") for the area. The Applicant also proffered its previous annual contributions of \$68,000. The Commission does not consider the Applicant's establishment of the BID or its prior contributions public benefits of the PUD. The Applicant's future BID contributions may qualify as public benefits, if the Applicant can show in a future second-stage application that (a) its BID contributions to be made after the issuance of the second-stage order exceed the amount required of it for the BID District; (b) the services that the excess contribution will fund, and (c) the Applicant's agreement that no Certificate of Occupancy for the buildings approved in the second-stage order will issue unless it shows that the services funded by the excess contribution have been or are being provided;
- iii. Provision of Below-Market Rents and Support of Local Initiatives. The Applicant has provided, at below-market rent, space for a number of tenants, including the Anacostia Playhouse which relocated from H Street, N.E.; The Hive, which is a small business incubator, located at 2027 MLK Avenue, S.E.; Big Chair Café located at 2122 MLK Avenue, S.E.; Uniontown Bar & Grill located at 2200 MLK Avenue, S.E.; and Martha's Outfitters located at 2204 MLK Avenue, S.E.. The Applicant's objective in providing below-market rents for these uses is to help foster an active mix of uses in the vicinity of the PUD Site in order to help improve the quality of life and uses for existing residents and business owners in the neighborhood. In addition, the Applicant provides funding and/or free space to a number of other community initiatives, such as funding for LUMEN8 (an annual art and music festival co-sponsored by D.C. Office of Planning); Cherry Blast (an art and music festival in cooperation with the National Cherry Blossom Fest and Pink Line); the Annual Anacostia Book Fair; the Big Chair Flea Market (every Saturday); *We Feed Our People* annual day of service luncheon on Martin Luther King, Jr. Day; and the provision of free parking on the Applicant's property by neighborhood church congregations, such as Union Temple Baptist Church and Bethel Christian Church, to alleviate on-street parking pressure on Sundays. Thus, the Applicant has been, and will continue to be, committed to the success of the neighborhood; and

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 11

- iv. Construction Management Plan. The Applicant has prepared a proposed Construction Management Plan, the final version of which will be submitted into the record prior to final action in the second-stage PUD application for Phase I.

Compliance with PUD Standards

34. The Commission finds that the project advances the purposes of the Comprehensive Plan, is consistent with the Future Land Use Map, complies with the guiding principles in the Comprehensive Plan, and furthers a number of the major elements of the Comprehensive Plan.
35. The purposes of the Comprehensive Plan are six-fold: (1) to define the requirements and aspirations of District residents, and accordingly influence social, economic and physical development; (2) to guide executive and legislative decisions on matters affecting the District and its citizens; (3) to promote economic growth and jobs for District residents; (4) to guide private and public development in order to achieve District and community goals; (5) to maintain and enhance the natural and architectural assets of the District; and (6) to assist in conservation, stabilization, and improvement of each neighborhood and community in the District. (D.C. Official Code §1-245(b) (§ 1-301.62).)
36. The Commission finds that the project significantly advances these purposes by promoting the social, physical, and economic development of the District through the provision of a high-quality mixed-use development that will increase the housing supply, add new retail uses, create additional employment opportunities, and generate significant tax revenues for the District.
37. The Commission also finds that the project is consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities.
38. The Commission finds that the project is also consistent with many guiding principles in the Comprehensive Plan for managing growth and change, creating successful neighborhoods, increasing access to education and employment, connecting the city, and building green and healthy communities, as follows:
 - a) *Managing Growth and Change*. The guiding principles of this element are focused on ensuring that the benefits and opportunities of living in the District are equally available to everyone in the city. The project is fully consistent with a number of the goals set-forth in this element. Specifically, the project will help to sustain and promote the Historic Anacostia neighborhood by attracting a diverse population with the inclusion of a mix of housing types for households of

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 12

different sizes and incomes. (§ 217.2 and 217.3.) The Applicant's proposal to develop a significant amount of both residential and nonresidential uses is also consistent with the Comprehensive Plan's acknowledgement that the growth of both residential and non-residential uses is critical, particularly since non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. (§ 217.4.) In addition, the project also helps connect the PUD Site to the rest of the neighborhood and the overall urban fabric by continuing and improving the existing street patterns, and by developing a vibrant mixed-use development on MLK Avenue, S.E. and within walking distance of the Anacostia Metrorail station. (§ 217.5 and 217.6.);

- b) *Creating Successful Neighborhoods.* The guiding principles for creating successful neighborhoods include both improving the residential character of neighborhoods and encouraging commercial uses that contribute to the neighborhood's character and make communities more livable. (§ 218.1 and 218.2.) In addition, the production of new affordable housing is essential to the success of neighborhoods. (§ 218.3.) Another guiding principle for creating successful neighborhoods is getting public input in decisions about land use and development, from development of the Comprehensive Plan to implementation of the plan's elements. (§ 218.8.) The project furthers each of these guiding principles with the construction of market-rate and affordable housing, as well as commercial uses that will create additional housing, retail and employment opportunities;
- c) *Increasing Access to Education and Employment.* The Increasing Access to Education and Employment element includes a number of policy goals focused on increasing economic activity in the District, including increasing access to jobs by District residents (§ 219.1.); encouraging a broad spectrum of private and public growth (§ 219.2.); supporting land development policies that create job opportunities for District residents with varied job skills (§ 219.6.); and increasing the amount of shopping and services for many District neighborhoods (§ 219.9.) The project is fully consistent with these goals and includes a significant amount of retail and office space which will help to attract new jobs to the District, as well as to this specific neighborhood;
- d) *Connecting the City.* The project will help to implement a number of the guiding principles of this element. The project includes alley, street, and sidewalk improvements to provide improved mobility and circulation through the project, as well as the overall neighborhood. (§ 220.2.) In addition, the access points for the required parking and loading facilities have been designed to appropriately balance the needs of pedestrians, bicyclists, transit users, autos and delivery trucks as well as the needs of residents and others to move around and through the city. The proposed reorientation of V Street will align the original trajectory of this

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 13

street and improve its intersection with MLK Avenue. The new V Street extension will be predominantly pedestrian, lined with pavers and pedestrian lighting. Moreover, the proposed redevelopment and streetscape improvements along MLK Avenue, S.E. will also help to reinforce and improve one of the “great streets” of the city. (§ 220.3.); and

- e) *Building Green and Healthy Communities.* The project is consistent with the guiding principles of the building green and healthy communities element since the project will include landscaping and will minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. (§ 221.2 and 221.3.) In addition, the project, which will include LEED elements, will also help to facilitate pedestrian and bicycle travel. The existing site consists of significant areas of surface parking lots the removal of which will be of significant benefit from an environmental standpoint.
39. The Commission also finds that the project furthers the objectives and policies of many of the Comprehensive Plan's major elements as follows:
- a) *Land Use Element.* For the reasons discussed above, the project supports the following policies of the Land Use Element:
- i. Policy LU-1.2.2: Mix of Uses on Large Sites. The project, which includes residential, retail and office uses on a large site, is consistent and compatible with adjacent uses and will provide a number of benefits to the immediate neighborhood and to the city as a whole. In addition, as discussed above, the proposed mix of uses on the PUD Site is consistent with the Comprehensive Plan Future Land Use Map's designation of the PUD Site;
 - ii. Policy LU-1.3.2: Development Around Metrorail Stations. The project is consistent with the policy goal of concentrating redevelopment efforts near Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. In addition, due to its location, the project minimizes the necessity of automobile use and will help to maximize transit ridership while also respecting the character and needs of the surrounding area;
 - iii. Policy LU-1.3.4: Design to Encourage Transit Use. The project has been designed to encourage transit use and helps to enhance the safety, comfort and convenience of passengers walking to the Anacostia Metrorail Station or transferring to and from local buses since the project incorporates

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 14

streetscape improvements, including lighting and landscaping, and includes ground floor retail uses that will activate and animate the street frontages;

- iv. Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods. In designing the project, and consistent with this policy element, the project architect has sought to balance the housing supply in the area and expand neighborhood commerce with the parallel goals of protecting the neighborhood character, preserving historic resources, and restoring the environment;
- v. Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings. This policy encourages a reduction in the number of vacant and abandoned buildings and land in the city through renovation, rehabilitation, and where necessary, demolition. Consistent with this policy objective, the Applicant proposes to replace a number of vacant buildings and surface parking lots with a new development that will be an asset to the immediate neighborhood and the District;
- vi. Policy LU-2.2.4: Neighborhood Beautification. Policy LU-2.2.4 encourages projects to improve the visual quality of the District's neighborhoods. The project includes a number of neighborhood beautification elements, such as landscaping and tree planting. Detailed landscaping plans will be included with each second-stage application. Moreover, development of the PUD Site will be an improvement to the current condition with the addition of new, well-designed buildings. In addition, the proposed retail uses will help activate the street level of the project and, importantly, remove several large surface parking areas;
- vii. Policy LU-2.3.2: Mitigation of Commercial Development Impacts. The project has been designed so that it does not result in unreasonable or unexpected traffic, parking, litter, view obstruction, odor, noise, or vibration impacts on surrounding residential areas; and
- viii. Policy LU-2.3.3: Buffering Requirements. This policy encourages the use of buffers to ensure that new commercial development adjacent to lower density residential areas provides effective physical buffers to avoid adverse effects. The project includes a number of elements designed to serve as buffers, including landscaping, height stepdowns and setbacks, and other architectural and site planning measures that avoid potential conflicts;

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 15

- b) *Transportation Element.* The PUD Site is located on MLK Avenue, S.E., which, as shown on Map 4.2 of the Comprehensive Plan, is identified as a major transit corridor able to support premium transit service. (§ 407.13.) In addition, MLK Avenue, S.E. has been identified as one of the locations for new transit infrastructure, including bus rapid transit and streetcar lines to provide travel options, better connect the city, and improve surface-level public transportation. (§ 407.23.) Thus, in light of its location, the project is uniquely situated to help further several policies and actions of the Transportation Element of the Comprehensive Plan, including:
- i. Policy T-1.1.4: Transit-Oriented Development. The project is an example of transit-oriented development and includes various transportation improvements, including the construction of new mixed-uses within walking distance of the metrorail station, the proposed realignment of V Street, bike storage areas, and sidewalk improvements. In addition, the Applicant's request for flexibility from the parking requirements is consistent with the Comprehensive Plan's recommendations to reduce the parking requirements where transportation demand management measurements are implemented and to encourage shared-use parking;
 - ii. Policy T-2.2.2: Connecting District Neighborhoods. The project will help to encourage improved connections between District neighborhoods due to its location and convenient access to metrorail and bus routes;
 - iii. Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning. The project architect has carefully considered and integrated bicycle and pedestrian planning and safety considerations in the development of the project;
 - iv. Policy T-2.4.1: Pedestrian Network. The project will help to improve the city's sidewalk system to form a network that links residents across the city since the project includes the construction of new sidewalks as well as upgrading existing sidewalks;
 - v. Action T-2.3-A: Bicycle Facilities. This element encourages new developments to include bicycle facilities. The Applicant proposes to include secure bicycle parking and bike racks as amenities within the project that accommodate and encourage bicycle use; and
 - vi. Policy T3.1.3: Car-Sharing. This element encourages the expansion of car-sharing services as an alternative to private vehicle ownership. The Applicant proposes to incorporate car-sharing spaces at various points throughout the project;

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 16

- c) *Housing Element.* The overarching goal of the Housing Element is to "[d]evelop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia." (10 DCMR § 501.1.) The Commission finds that the project will help achieve this goal by advancing the following policies:
- i. Policy H-1.1.1: Private Sector Support. The project helps to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. Specifically, the project will contain approximately 451,070 square feet of gross floor area devoted to residential uses, which represents a substantial contribution to the District's housing supply. The provision of new housing at this particular location, moreover, is fully consistent with the District's land use policies. *See, e.g.,* 10 DCMR § 306.12 (directing the District to encourage the construction of housing near Metrorail stations);
 - ii. Policy H-1.1.4: Mixed Use Development. The project is consistent with the goals of promoting mixed use development, including housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate metrorail stations. The project will contain retail, residential, and office uses on commercially zoned land along a Main Street Mixed-Use Corridor in close proximity to a Metrorail station. This project represents exactly the type of mixed-use development contemplated by Policy H-1.1.4;
 - iii. Policy H-1.1.5: Housing Quality. Eight percent of the residential uses will be devoted to affordable housing. Consistent with this policy goal, the affordable units will meet the same high-quality architectural standards provided for the market-rate housing and will be indistinguishable from market rate housing in their exterior appearance;
 - iv. Policy H-1.2.3: Mixed Income Housing. The project is mixed-income and includes both market-rate and affordable housing units. Thus, the project will further the District's policy of dispersing affordable housing throughout the city in mixed-income communities, rather than concentrating such units in economically depressed neighborhoods; and
 - v. Policy H-1.2.5: Workforce Housing. The Applicant has agreed to set aside eight percent of the residential FAR for households earning no more than 80% of AMI. The pricing for these housing units will be set at a level that is affordable to teachers, firefighters, police officers, nurses, and members of the other occupational categories listed in Policy H-1.2.5.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 17

The project will further the District's policy of leveraging private development to create new affordable housing within the city;

- d) *Environmental Protection Element.* The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources. This element provides policies and actions on important issues such as energy conservation and air quality, and specific policies include the following:
- i. Policy E-1.1.1: Street Tree Planting and Maintenance - encourages the planting and maintenance of street trees in all parts of the city;
 - ii. Policy E-1.1.3: Landscaping - encourages the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity;
 - iii. Policy E-2.2.1: Energy Efficiency - promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses through mixed-use and shared parking strategies to reduce unnecessary construction of parking facilities;
 - iv. Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff - calls for the promotion of tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction; and
 - v. Policy E-3.1.3: Green Engineering - has a stated goal of promoting green engineering practices for water and wastewater systems.

As discussed in both the Environmental Benefits and Building Green and Healthy Communities sections of this statement, the Commission finds that the project will include street tree planting and maintenance, landscaping, energy efficiency, methods to reduce stormwater runoff, and green engineering practices, and is therefore fully consistent with the Environmental Protection Element. Specific details of these features will be provided for each building during the second-stage review applications.

- e) *Economic Development Element.* The Economic Development Element of the Comprehensive Plan indicates that the addition of 125,000 jobs during the next 20 years will create the demand for a number of uses, including real use, in a variety of settings with a variety of building types. (§ 706.1.) The Economic Development Element also includes a number of policy recommendations regarding the promotion of retail development, including the following:

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 18

- i. Policy ED-2.2.3: Neighborhood Shopping. The project is consistent with this principle since the development includes the creation of additional shopping opportunities in a neighborhood commercial district that will help to better meet the demand for basic goods and services. In addition, the development of appropriately scaled retail development on the PUD Site will help to create new and unique shopping experiences. (§ 708.7.); and
 - ii. Policy ED-2.2.5: Business Mix. The Applicant intends to market the proposed retail areas to a mix of nationally recognized chains as well as locally based chains and smaller specialty stores, which will help to reinforce existing and encourage new retail districts in the immediate neighborhood and help to improve the mix of goods and services available to residents. (§ 708.9.);
- f) *Urban Design Element.* The goal of the Comprehensive Plan's Urban Design Element is to "[e]nhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identify of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces." (10 DCMR § 901.1.) In keeping with this objective, the Applicant has gone to great lengths to integrate the proposed construction with the character of the surrounding neighborhood. For example, consistent with Policy UD-2.1.3, the project incorporates variations in height and massing to ensure that the project respects the scale of adjacent residential neighborhoods. (§ 909.10.) During the second-stage applications, the architects will incorporate greater architectural detailing at the ground floor retail levels to help improve the visual image of the streetscape. (§ 909.12.) The project design is also consistent with Policy UD-2.2.4 since the project incorporates gradual height transitions between the buildings, and the larger buildings have been designed to reduce their apparent size by recessing the upper floors of the buildings to the greatest extent possible. (§ 910.11.) The project is also consistent with the improved streetscape design and sidewalk management goals of Policy UD-3.1.1 and Policy UD-3.1.2 since the Applicant proposes to install street trees and the sidewalks and plantings adjacent to the PUD Site will enhance the visual character of these streets and provide a buffer to reduce the impacts of vehicle traffic; and
- g) *Far Southeast/Southwest Area Element.* The project is consistent with and will help to implement a number of the policy goals identified in the Far Southeast/Southwest Area Element. Policy FSS-1.1.7 calls for the development of additional retail uses within the Far Southeast/Southwest, especially in Historic Anacostia, and particularly encourages projects that combine upper story housing or office and ground floor retail. (§ 1808.8.) The project is consistent with this

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 19

objective since it will include 451,070 square feet of residential uses, 166,200 square feet of retail uses, and 917,560 square feet of office uses. The project is also consistent with Policy FSS-2.1.1 since it will contribute to the continued revitalization of Historic Anacostia and will help to promote the creation of a safe, walkable and attractive neighborhood with the construction of a well-designed mixed use project that will provide retail and residential uses that will serve a variety of income groups and household types. (§ 1811.4.) Moreover, the project will help to implement Policy FSS-2.1.2 by concentrating a new development that includes diverse new housing opportunities, ground floor retail, residential and office uses on existing parking lots and underutilized sites at the intersection of W Street and MLK Avenue, S.E. (§ 1811.5.)

Zoning Map Amendment Application

40. The PUD Site is currently included in multiple zone districts, including C-3-A/C-M-1, C-2-A, and C-2-A/C-3-A. The Applicant proposes to rezone the entire PUD Site to the C-3-A Zone District.
41. The District of Columbia Comprehensive Plan Future Land Use Map designates the PUD Site in the following three mixed-use categories: (1) medium-density residential/medium-density commercial; (2) medium-density residential/moderate-density commercial; and (3) moderate-density commercial/production, distribution and repair. The Generalized Policy Map designates the PUD Site within a Main Street Mixed-Use Corridor area, and a small portion is designated within a Neighborhood Conservation Area.
42. The Commission finds that the Applicant's proposal to rezone the PUD Site to C-3-A and to redevelop the PUD Site into a neighborhood center with a mix of office, retail, service, and residential uses is fully consistent with the Future Land Use Map and Generalized Policy Map designations for the PUD Site. The C-3-A Zone District is a medium density commercial zone designed to provide a density incentive for residential development within a general pattern of mixed-use development. (11 DCMR §740.4.) C-3-A Zone Districts are located in arterial streets, in uptown centers, and at rapid transit stops, and is thus an appropriate designation for the PUD Site. Based upon the testimony and evidence presented, as well as the OP reports, the Commission finds that the proposed rezoning is consistent with numerous elements of the Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, March 8, 2007), as amended by the Comprehensive Plan Amendment Act of 2010 (D.C. Law 18-361, April 8, 2011), as described above in this order. The Commission also finds that the proposed map amendment would create favorable conditions for the District and satisfies each of the statutory standards applicable to map amendments.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 20

Office of Planning Reports

43. By report dated May 30, 2008, OP recommended that the Commission schedule a public hearing on the application. (Ex. 19.)
44. By report dated June 21, 2013, OP recommended that the applications be approved, subject to the Applicant providing information regarding: (1) justification pursuant to § 2405.3 for the five percent increase in non-residential development; (2) the addition of ground floor retail in Building 1; (3) additional detail of the phasing plan, including approximate scheduling and development priorities; and (4) additional details regarding proposed green building initiatives. (Ex. 34.) OP indicated in its report that the redevelopment proposal for the site would be of benefit to the District and the immediate neighborhood as it would further economic development in revitalizing Anacostia and the MLK Avenue corridor. OP further indicated that the project includes elements that would be an improvement over what could be achieved as a matter-of-right, including the placement of all parking below ground; the relocation of the “Big Chair” in a more appropriate setting; the provision of new retail, including space for a possible grocery store; the dedication of land for the widening of W Street and the creation of multiple active street frontages; and the possibility of achieving the Main Street retail corridor anticipated by various plans. OP also indicated that the proposal is not inconsistent with the Comprehensive Plan Future Land Use and Policy maps; furthers many important policies for the Anacostia area; and would further the Anacostia Transit Area, Strategic Investment and Development Plan. OP also recommended that the Applicant provide a description of the following at the second-stage review: (1) how the zoning requirements for each lot are met, with detailed analysis of all zoning relief requested; (2) all environmental/green building initiatives proposed; (3) the level of affordability for the proposed affordable units and their location on the floor plans; and (4) details of the shared parking and loading programs.
45. The Applicant indicated that the additional nonresidential density is necessary to help attract additional retail uses, including a potential grocery store, to an area of the city in need of increased retail development. As noted in the OP report, the provision of new retail space would improve the urban fabric and increase pedestrian activity to create a livelier and inviting streetscape experience for residents and visitors to the PUD Site. The Applicant also indicated that Building 1 does not include retail or service uses since Building 1 is adjacent to rowhomes, and the Applicant agreed to not include retail or service uses at this location in order to minimize potential loading, service, and noise impacts on the adjacent residential uses. The Applicant also testified at the public hearing regarding how it determined which building to include in each phase of the project, and the Applicant submitted a proposed phasing schedule as part of its post-hearing submission. Finally, the Applicant testified at the public hearing that each building will be designed to incorporate sustainability features and will meet all applicable storm water management, Green Building Act, and Green Area Ratio

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 21

requirements, with specific elements to be identified as part of the second-stage application process. Therefore, the Commission finds that the Applicant has provided the information requested by OP.

DDOT Report

46. By report dated June 20, 2013, DDOT indicated that DDOT is not opposed to the project given that potential transportation impacts and all anticipated infrastructure needs are further addressed in the second-stage application process. Specifically, DDOT recommended that the Applicant: (1) submit an updated Traffic Impact Study to DDOT with documentation on existing conditions, phase conditions, full PUD build-out conditions of each phase submitted, and out-year projections; (2) provide an updated loading and curbside management plan that is consistent with DDOT plans for streetcar implementation; (3) redesign loading access to eliminate or minimize back-in truck maneuvers, particularly for the proposed grocery store site; (4) provide long-term and short-term bicycle parking spaces, including details of the locations relative to entrances; (5) collaborate with DDOT to develop a comprehensive Travel Demand Management program; (6) collaborate with DDOT to reach an agreement concerning the proposed street closings and realignments prior to second stage filing; and (7) identify new infrastructure needs such as new or updated signal hardware.
47. The Applicant agreed to work with DDOT and to provide the requested information, to the extent feasible, for each second-stage application.

CONCLUSIONS OF LAW

1. Pursuant to the Zoning Regulations, the PUD process is designed to encourage high-quality development that provides public benefits. (11 DCMR § 2400.1.) The overall goal of the PUD process is to permit flexibility of development and other incentives, provided that the PUD project “offers a commendable number or quality of public benefits, and that it protects and advances the public health, safety, welfare, and convenience.” (11 DCMR § 2400.2.)
2. Under the PUD process of the Zoning Regulations, the Commission has the authority to consider this application as a consolidated PUD. The Commission may impose development conditions, guidelines, and standards which may exceed or be less than the matter-of-right standards identified for height, density, lot occupancy, parking and loading, or for yards and courts. The Commission may also approve uses that are permitted as special exceptions and would otherwise require approval by the Board of Zoning Adjustment.
3. Development of the property included in this application carries out the purposes of Chapter 24 of the Zoning Regulations to encourage the development of well-planned

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 22

developments, which will offer a project with more attractive and efficient overall planning and design, not achievable under matter-of-right development.

4. The PUD meets the minimum area requirements of § 2401.1 of the Zoning Regulations.
5. The PUD, as approved by the Commission, complies with the applicable height, bulk and density standards of the Zoning Regulations. The mix of office, retail, service, and residential uses for this project are appropriate for the PUD Site. The impact of the project on the surrounding area is not unacceptable. Accordingly, the project should be approved.
6. The application can be approved with conditions to ensure that any potential adverse effects on the surrounding area from the development will be mitigated.
7. The Applicant's request for flexibility from the Zoning Regulations is consistent with the Comprehensive Plan. Moreover, the project benefits and amenities are reasonable trade-offs for the requested development flexibility.
8. Approval of this PUD and map amendment 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 site 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.
9. 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 issues and concerns expressed in the affected ANC's written recommendation. In this case, ANC 8A did not submit a report.
10. 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 recommendations. The Commission concurs with the OP's recommendation for approval, and has given the recommendation the great weight to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the applications for a first-stage Planned Unit Development ("PUD") and related map amendment to rezone (i) Lots 984 and 1019 in Square 5772 from C-3-A/C-M-1 to C-3-A; (ii) Lots 829 and 1018 in Square 5783 from C-2-A to C-3-A; (iii) Lots 898, 899, and 900 in Square 5784 from C-

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 23

2-A to C-3-A; and (iv) Lot 906 in Square 5785 from C-2-A/C-3-A to C-3-A (collectively the "PUD Site"). For the purposes of these conditions, the term "Applicant" shall mean the person or entity then holding title to the PUD Site. If there is more than one owner, the obligations under this Order shall be joint and several. If a person or entity no longer holds title to the PUD Site, that party shall have no further obligations under this Order; however, that party remains liable for any violation of these conditions that occurred while an Owner. The approval of this PUD is subject to the guidelines, conditions, and standards set forth below:

A. Project Development

1. The project and subsequent second-stage Applicant(s) shall be in accordance with the First-Stage PUD Plans and development data, dated June 2013 (Exhibit. 32), as supplemented by the updated First-Stage PUD Plans and development data sheets, dated July 15, 2013 (Exhibit 45), and as modified by the guidelines, conditions, and standards of this Order.
2. In accordance with the plans, the PUD shall be a mixed-used project consisting of a maximum of 1,570,000 square feet of gross floor area. Approximately 481,000 square feet of gross floor area will be devoted to residential use. Approximately 144,000 square feet of gross floor area shall be devoted to retail, service, arts, and limited types of office space. With respect to the limited office space, the office space shall be limited to doctor's offices, opticians, dentist offices, and other similar high foot traffic and visitor traffic uses. Approximately 945,000 square feet of gross floor area shall be devoted to office use. The Applicant shall construct new sidewalks as shown on the location's First-Stage Plans in accordance with D.C. Department of Transportation standards and subject to D.C. Department of Transportation approval.
3. The PUD shall have an overall maximum density of 4.5 FAR and an overall maximum lot occupancy of 83%.
4. The buildings in the PUD shall be designed to the following maximum building heights, not including roof structures:
 - a) Building 1, 60 feet;
 - b) Building 2, 90 feet;
 - c) Building 3, 50 feet;
 - d) Building 4, 90 feet
 - e) Building 5, 90 feet
 - f) Building 6, 90 feet
 - g) Building 7, 80 feet
 - h) Building 8, 70 feet; and
 - i) Building 9, existing 45 feet.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 24

5. The overall PUD shall provide a minimum of 1,486 off-street parking spaces. The parking spaces for each building shall be allocated as shown on Exhibit 45 in the record of this case.

B. Second-Stage Applications

1. The Applicant shall include the following information with each second-stage application:
 - a) Detailed architectural plans and elevations that include the information required pursuant to § 2406.12 of the Zoning Regulations;
 - b) A detailed description of how the zoning requirements for each lot are met, with detailed analysis of all zoning relief requested for each building included in the application;
 - c) A detailed description of all environmental/green building initiatives proposed for each building included in the application, including the level of LEED certification that each building will be designed to achieve, with the understanding that the Applicant has already committed to a LEED Gold equivalent for Building 3;
 - d) A detailed description of the level of affordability for the proposed affordable units and their location on the floor plans in any building including residential use in the application. The applications shall also include for each residential building a calculation of the amount of gross floor area of affordable housing that is being provided within each building, and a comparison to the amount that would be required by Chapter 26 of the Zoning Regulations under the matter of right zoning that existed on the site prior to the PUD-related map amendment. In addition, the application shall indicate the number of dwelling units that would have been required to be set aside for low-income families. If that number cannot be identified, the application may use the equivalent amount of gross floor area;
 - e) A detailed description of any shared parking and loading programs for the buildings included in the application;
 - f) An updated Traffic Impact Study with documentation on existing conditions, phase conditions, full PUD build-out conditions of each phase submitted, and out-year projections

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 25

- g) An updated loading and curbside management plan that is consistent with DDOT plans for streetcar implementation;
- h) Any necessary updates to the proposed loading access points for the buildings;
- i) Provide long-term and short-term bicycle parking spaces, including details of the locations relative to entrances;
- j) A comprehensive Transportation Demand Management program for each building specifically indicating the number of vehicle and bicycle parking spaces to be included in each building included in each second stage application, provided that the overall total number of vehicle parking spaces is a minimum of 1,486 spaces or the then-applicable zoning requirement, whichever is less;
- k) An update regarding the status of the proposed street closings and realignments;
- l) An identification of any new transportation-related infrastructure needs such as new or updated signal hardware;
- m) A detailed description of the specific public benefits and project amenities provided with the Stage 2 application, the benefits and amenities identified in finding of fact 33 that are being provided with that particular Stage 2 application, the benefits and amenities that have already been implemented, the benefits and amenities yet to be implemented, and an overall status update and timetable for implementation of the benefits and amenities; and
- n) A final Construction Management Plan for the overall project.

C. Public Benefits and Project Amenities

1. The Applicant shall provide the public benefits and project amenities enumerated in finding of fact 33 above. The final description of the benefits and amenities and the timeframe for their delivery shall be a part of the Applicant's submission for each Stage 2 application, and shall be part of the Commission's review of each Stage 2 application.
2. Prior to the issuance of a Certificate of Occupancy for Building 2, the Applicant shall submit to the Department of Consumer and Regulatory Affairs confirmation

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 26

that W Street has been widened from 50 feet to 70 feet through the establishment of building restriction lines or other means.

3. Prior to the issuance of a Certificate of Occupancy for Buildings 1, 2, 4, 5, 6, 7, and 8, the Applicant shall submit to Department of Consumer and Regulatory Affairs a LEED checklist indicating that such building has been designed to meet at least the LEED-certified rating required in any order approving the second-stage application for the building. The Applicant shall design the buildings in the PUD so that it may satisfy such LEED-certified standard but the Applicant shall not be required to obtain the certification from the United States Green Building Council.
4. Prior to the issuance of a Certificate of Occupancy for the first building completed in Phase I of the project, the Applicant shall submit to the Department of Consumer and Regulatory Affairs a fully executed First Source Employment Agreement between the Applicant and the D.C. Department of Employment Services and a Certified Business Enterprise Utilization Agreement with the Department of Small and Local Business Development. The office building at 2235 Shannon Place, S.E. (i.e., Building 3) and the Anacostia Playhouse use at 2020 Shannon Place, S.E. (Square 5772, Lot 984) are exempt from the First Source Employment Agreement and the Certified Business Enterprise Utilization Agreement requirements.
5. Prior to the issuance of a Certificate of Occupancy for the first building completed in Phase I of the project, the Applicant shall submit to the Department of Consumer and Regulatory Affairs a letter identifying any funding and/or free space provided to community initiatives in Ward 8, provided that the total amount of funding and/or free space provided for community initiatives shall amount to the equivalent of a minimum of \$10,000 per year. The Applicant's obligation to provide funding and/or free space to community initiatives in Ward 8 shall commence one year after the issuance of a Certificate of Occupancy for the office building at 2235 Shannon Place, S.E. (i.e., Building 3) and shall expire six years from the date of issuance of the Certificate of Occupancy for the office building at 2235 Shannon Place, S.E. (i.e., Building 3). The office building at 2235 Shannon Place, S.E. (i.e., Building 3) and the Anacostia Playhouse use at 2020 Shannon Place, S.E. (Square 5772, Lot 984) are exempt from this requirement.
6. During the life of the project, the Applicant shall implement Transportation Demand Management ("TDM") measures for each building, the scope of which shall be determined during each second-stage application.

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 27

D. Miscellaneous

1. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia, that is satisfactory to the Office of the Attorney General and the Zoning Division of the Department of Consumer and Regulatory Affairs (“DCRA”). Such covenant shall bind the Applicant and all successors in title to construct and use the property in accordance with this order, or amendment thereof by the Commission. The Applicant shall file a certified copy of the covenant with the records of the Office of Zoning.
2. Pursuant to § 2407.10 of the Zoning Regulations the Commission is specifying the following periods within which time second stage applications must be filed to prevent this first stage approval from expiring:
 - a) A second-stage application must be filed for the buildings included in Phase I of the development (Buildings 1, 3, and 8) within two years after the effective date of this Order;
 - b) A second-stage application must be filed for the buildings included in Phase II of the development (Buildings 2, 4, and 5) within four years after the effective date of the Order granting second-stage approval for Phase I; and
 - c) A second-stage application must be filed for the buildings included in Phase III of the development (Buildings 6 and 7) within four years from the effective date of the Order granting second-stage approval for Phase II.
3. The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (“Act”) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

On July 29, 2013, upon the motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the applications at its public meeting by a vote of **5-0-0**

Z.C. ORDER NO. 08-07
Z.C. CASE NO. 08-07
PAGE 28

(Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to approve).

On September 9, 2013, upon the motion of Commissioner Miller, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Peter G. May, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D.C. Register*; that is on October 25, 2013.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 481B
Z.C. Case No. 85-10B
Minor Modification of the Planned Unit Development
Hillendale Homeowners Association
(Various Lots in Squares 1312, 1313, 1319, & 1320)
September 9, 2013

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on September 9, 2013. At the meeting, the Commission approved an application of the Hillendale Homeowners Association (the "Applicant") for a modification to an approved planned unit development ("PUD") for the property consisting of various lots in Squares 1312, 1313, 1319, and 1320 (the "Property"). Because the modification was deemed minor, a public hearing was not conducted. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations (Title 11 DCMR).

FINDINGS OF FACT

1. By Z.C. Order No. 305, dated January 10, 1980, the Commission approved a PUD for a new residential (townhouses and single-family detached residences) project (the "Project").
2. By Z.C. Order No. 412, dated November 21, 1983, the Commission approved a request for an extension of time for a period of 10 years.
3. By Z.C. Order No. 481, dated January 13, 1986, the Commission approved modifications to Z.C. Order No. 305. The conditions contained in Z.C. Order No. 481 replaced the previously approved conditions, guidelines and standards in Z.C. Order No. 305.
4. By Z.C. Order No. 481A, dated May 11, 2012, the Commission approved a modification to Z.C. Order No. 481 to permit a change the existing six-foot high chain link fence with an eight-foot high wrought iron fence between the existing wrought iron fence at the end of 39th Street, N.W. and the northeast corner of the property. Z.C. Order 481A replaced Condition 23 of Z.C. Order 481 with a new Condition 23.
5. In this proceeding, the Applicant requested a further modification in order to make a similar change the existing six-foot high chain link fence by replacing it with an eight-foot high wrought iron fence, but in a different location than was approved in Z.C. Order No. 481A. In this case, the Applicant seeks approval to replace the chain link fence between the existing wrought iron fence along the entire northern property line between the terminus of 39th Street, N.W. and Glover-Archbold Park, and south along the property line between the subject and Glover-Archbold Park to fence installed by the Embassy of France. As before, the proposed change does not affect the overall height, mass, bulk, or design that was originally approved by the Commission. This is a minor change and it is consistent with the purposes and intent of the PUD.

Z.C. ORDER NO. 481B
Z.C. CASE NO. 85-10B
PAGE 2

6. The Applicant served the modification request on Advisory Neighborhood Commission (“ANC”) 2E, as well as the other parties in the original proceeding, which were Burleith Citizens Association and Georgetown University. The Applicant also served the National Park Service (“NPS”). Neither the ANC nor the other parties submitted written responses. On September 5, 2013, the Applicant submitted into the record a copy of a Special Use Permit entered into with NPS (Exhibit 5).
7. On September 9, 2013, at its regular monthly meeting, the Commission reviewed the application as a Consent Calendar matter and granted approval of the application for modification to the approved PUD.
8. The Commission finds that the requested modification is of little consequence to the PUD as a whole, and further finds that approval of the modification is appropriate and not inconsistent with its approval of the original PUD.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and consistent with the intent of the previously approved Z.C. Order No. 481. (11 DCMR § 2409.9.) Furthermore, the Commission concludes that its decision is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations, and is not inconsistent with the Comprehensive Plan.

The Commission also concludes that the modification is of little or no consequence and is therefore appropriate for consideration on the Consent Calendar without a public hearing. (11 DCMR § 3030.2.)

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for a modification to Z.C. Order No. 481, to authorize replacement of the existing six-foot high chain link fence with an eight-foot high wrought iron fence along the entire northern property line between the terminus of 39th Street, N.W. and Glover-Archbold Park, and south along the property line between the subject and Glover-Archbold Park to the fence installed by the Embassy of France.

All other provisions and conditions of Z.C. Order No. 481, as modified by Order No. 481A, shall remain in effect.

In furtherance of 11 DCMR § 2409.3, no additional building permits shall be issued by the Department of Consumer and Regulatory Affairs (“DCRA”) until the Applicant has recorded a “Notice of Modification” of Z.C. Order No. 481 among the land records of the District of Columbia. The Notice of Modification shall include true copies of Z.C. Order Nos. 481, 481A,

Z.C. ORDER NO. 481B
Z.C. CASE NO. 85-10B
PAGE 3

and 481B. The recordation of the Notice of Modification shall bind the Applicant and any successor in title to construct on and use the site in accordance with this Order and any amendments thereof. This minor modification shall be fully vested upon the recordation of the Notice of Modification.

On September 9, 2013, upon the motion of Chairman Hood as seconded by Commissioner Turnbull the Zoning Commission **APPROVED** the Application is Order at its public meeting by a vote of **5-0-0** (Anthony J. Hood, Marcie I. Cohen, Robert E. Miller, Michael G. Turnbull, and Peter G. May to approve).

In accordance with the provisions of 11 DCMR § 3028.8, this Order shall become final and effective upon publication in the *D.C. Register*, that is, on October 25, 2013.

District of Columbia REGISTER – October 25, 2013 – Vol. 60 - No. 46 014934 – 015137