



***District of Columbia***

**REGISTER**

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**HIGHLIGHTS**

- D.C. Council schedules a public hearing on Bill 20-973, District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014
- Executive Office of the Mayor establishes the Open Government Advisory Group (Mayor's Order 2014-250)
- D.C. Public Schools schedules a public hearing on the Fiscal Year 2016 Budget
- Department of Health solicits comments on the draft rulemaking to implement the District's Prescription Drug Monitoring Program
- Office of the Deputy Mayor for Planning and Economic Development solicits comments on the proposal to modify the Highway Plan
- Department of Small and Local Business Development schedules a public hearing on the preliminary finding on the application for Southwest Business Improvement District
- Office of the State Superintendent of Education announces funding availability for the D.C. School Garden Grant

# DISTRICT OF COLUMBIA REGISTER

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## DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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

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

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

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**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**LEGISLATION**

**PROPOSED**

**BILLS**

B20-989      United Medical Center Certificate of Need Exemption Amendment Act of 2014

Intro. 10-24-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health

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B20-990      High Tech Modernization of Commercial Interiors Act of 2014

Intro. 10-24-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Finance and Revenue with comments from the Committee on Economic Development

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**Council of the District of Columbia  
COMMITTEE ON GOVERNMENT OPERATIONS  
NOTICE OF PUBLIC HEARING  
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004**

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**COUNCILMEMBER KENYAN R. MCDUFFIE, CHAIRPERSON  
COMMITTEE ON GOVERNMENT OPERATIONS**

**ANNOUNCES A PUBLIC HEARING ON**

**BILL 20-0951, THE “INSPECTOR GENERAL QUALIFICATIONS AMENDMENT ACT OF  
2014” AND**

**BILL 20-0973, THE “DISTRICT GOVERNMENT CERTIFICATE OF GOOD STANDING  
FILING REQUIREMENT AMENDMENT ACT OF 2014”**

**Monday, November 24, 2014, 10:00 a.m.  
Room 120, John A. Wilson Building  
1350 Pennsylvania Ave., NW  
Washington, D.C. 20004**

Councilmember Kenyan R. McDuffie, Chairperson of the Committee on Government Operations, announces a public hearing to consider Bill 20-0951, the “Inspector General Qualifications Amendment Act of 2014”, and Bill 20-0973, the “District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014”. The public hearing will be held on Monday, November 24, 2014, at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of Bill 20-0951 is to amend the District of Columbia Procurement Practices Act of 1985 to align minimum qualifications for the position of Inspector General with federal standards. On October 28, 2014, the Council passed identical legislation on an emergency (B20-0949) and temporary (B20-0950) basis. The stated purpose of Bill 20-0973 is to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require that all District government attorneys and administrative law judges file a Certificate of Good Standing from the District of Columbia Court of Appeals or any other state bar by May 15<sup>th</sup> of each year with the D.C. Board of Ethics and Government Accountability (BEGA). On October 28, 2014, the Council passed similar legislation on an emergency (B20-0984) and temporary (B20-0985) basis.

Individuals and representatives of organizations wishing to testify should contact Barbara Mack, Legislative Counsel, at (202) 724-4466, or [bmack@dccouncil.us](mailto:bmack@dccouncil.us), and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Thursday, November 20, 2014.

If you are unable to testify at the roundtable, written statements are encouraged and will be made part of the official record. Copies of written statements should be submitted to the Committee on Government Operations, Council of the District of Columbia, Suite G-11 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW, Washington, D.C. 20004, or to [bmack@dccouncil.us](mailto:bmack@dccouncil.us).

The record will close by the close of business on November 24, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT  
MARY M. CHEH, CHAIR

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REVISED

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

**The District of Columbia Streetcar System and the MoveDC Plan**

Friday, November 21, 2014  
at 11:00 a.m.  
in Room 500 of the  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

On Friday, November 21, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District of Columbia Streetcar System and the MoveDC Plan. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The District Department of Transportation (DDOT) has planned an 8-line, 37-mile streetcar system throughout the District. Passenger service is expected to begin on the initial H Street / Benning Road segment by the end of 2014. The District is already spending tens of millions of dollars on the streetcar system and has budgeted an additional \$700 million during the next 6 years. DDOT also recently released its MoveDC Plan. The purpose of this hearing is to discuss the status of the initial segment of the streetcar line, plans for future lines, proposals from the private sector, governance alternatives, financing options for the streetcar system, and the MoveDC Plan in general.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us). Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us).

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to [abenjamin@dccouncil.us](mailto:abenjamin@dccouncil.us) or faxed to (202) 724-8118. The record will close at the end of the business day on December 5, 2014.

**This hearing notice is revised to reflect that the date of the roundtable has been changed from November 10, 2014 to November 21, 2014.**

**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

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**Councilmember Vincent B. Orange, Sr., Chairperson  
Committee on Business, Consumer, and Regulatory Affairs  
Announces a Public Oversight Roundtable  
of the  
Fiscal Year 2014 Summer Youth Employment Program**

**Wednesday, December 17, 2014, 11:00 A.M.  
JOHN A. WILSON BUILDING, ROOM 412  
1350 PENNSYLVANIA AVENUE, N.W.  
Washington, DC 20004**

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Councilmember Vincent B. Orange, Sr. announces the scheduling of a public oversight roundtable by the Committee on Business, Consumer, and Regulatory Affairs to review the Fiscal Year 2014 Summer Youth Employment Program. The public oversight roundtable is scheduled for Wednesday, December 17, 2014 at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, DC 20004.

Individuals and representatives of organizations who wish to testify at the public oversight roundtable are asked to contact Ms. Faye Caldwell, Special Assistant to the Committee on Business, Consumer, and Regulatory Affairs, at (202) 727-6683, or via e-mail at [fcaldwell@dccouncil.us](mailto:fcaldwell@dccouncil.us) and furnish their name, address, telephone number, e-mail address and organizational affiliation, if any, by the close of business Wednesday, December 10, 2014. 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 hearing, written statements are encouraged and will be made a part of the official record. The official record will remain open until close of business Monday, December 29, 2014. 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 Human Services

**PUBLIC OVERSIGHT ROUNDTABLE**

1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004 **RECONVENING/REVISED**

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**THE COMMITTEE ON HUMAN SERVICES  
JIM GRAHAM, CHAIR**

**ANNOUNCES A PUBLIC OVERSIGHT ROUNDTABLE ON**

**“THE WINTER PLAN: PROTECTING THE LIVES OF HOMELESS PEOPLE IN THE  
WINTER OF 2014-2015”**

**MONDAY, NOVEMBER 10, 2014 -- 1:00 P.M.**

**425 2<sup>ND</sup> STREET, N.W.—CCNV SHELTER  
ROOM 2-NORTH  
WASHINGTON, D.C. 20001**

On Monday, November 10, 2014 at 1:00 p.m., in Room 2-North of CCNV Shelter, Councilmember Jim Graham, Chair of the Committee on Human Services, announces a continuation of the public oversight roundtable on “The Winter Plan: Protecting the Lives of Homeless People in the Winter of 2014-2015”, previously held on Wednesday, October 29, 2014. **This notice is revised to reflect a change in date. The purpose of reconvening this public oversight roundtable is to resume public testimony and to hear testimony from the Executive.**

Those who wish to testify or have questions regarding the hearing should contact Malcolm Cameron of the Committee on Human Services by e-mail at [mcameron@dccouncil.us](mailto:mcameron@dccouncil.us) or by telephone at (202) 724-8191. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their testimony to the hearing. Representatives of organizations will be allowed a maximum of five (5) minutes for oral presentation and individuals will be allowed a maximum of three (3) minutes for oral presentation.

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 Human Services, 1350 Pennsylvania Avenue, N.W., Suite 116, Washington, D.C. 20004, no later than 6:00 p.m., Thursday, November 20, 2014.

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

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

on

**PR 20-1105, Career and Excepted Service Employees Compensation System Changes for Fire Officials Emergency Approval Resolution of 2014**

on

**Thursday, November 13, 2014  
12:30 p.m., Hearing Room 412, John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004**

Council Chairman Phil Mendelson announces the scheduling of a public roundtable of the Committee of Whole on PR 20-1105, "Career and Excepted Service Employees Compensation System Changes for Fire Officials Emergency Approval Resolution of 2014." The roundtable will be held Thursday, November 13, 2014 at 12:30 p.m. in Hearing Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, NW.

The stated purpose of PR 20-1105 is to approve the proposed compensation system changes for certain uniformed members of the Fire and Emergency Medical Services Department (FEMS) not covered by collective bargaining. PR 20-1105 would adjust the salary schedules for non-union fire officials in the Career and Excepted Service by 3% for the period of April 6, 2012 through April 6, 2013; by 0.5% for the period of April 7, 2013 through April 5, 2014; and by 0.5% for the period of April 6, 2014 through October 4, 2014. These officials were previously included in a pay increase retroactive to April 6, 2012. However, the Settlements and Interest Arbitration Award between FEMS and the firefighters union, enacted July 30, 2104, provided for salary increases for union members. The salary increase for non-union members proposed in PR 20-1105 will reduce the current gap ("pay compression") between collective bargaining unit and non-collective bargaining unit uniformed members of FEMS.

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](mailto:jjacobs@dccouncil.us) and provide their name, address, telephone number, and organizational affiliation, if any, by the close of business Monday, November 10, 2014. 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 10, 2014, the testimony will be distributed to Councilmembers before the roundtable. Witnesses should limit their testimony to five minutes; less time will be allowed if there are a large number of witnesses. A copy of PR 20-1105 can be obtained through the Legislative Services Division of the Secretary of the Council's office or on <http://lims.dccouncil.us>.

If you are unable to testify at the 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 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 Monday, November 17, 2014.

**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Notice of Reprogramming Requests**

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

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

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

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**Reprog. 20-266:** Request to reprogram \$108,460 of Pay-As-You-Go (Paygo) Capital Funds budget authority and allotment from the Office of Planning (OP) to the operating funds budget of the District Department of Transportation (DDOT) was filed in the Office of the Secretary on October 28, 2014. The reprogramming is needed to offset the loss of revenue due to constructing "parklets" that will be installed in up to 12 formerly revenue-producing metered parking spaces across the District.

RECEIVED: 14 day review begins October 29, 2014

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION****NOTICE OF PUBLIC HEARING****\*\*RE-ADVERTISEMENT**

Posting Date: October 31, 2014  
Petition Date: December 15, 2014  
Hearing Date: December 29, 2014

License No.: ABRA-081479  
Licensee: Bistro, Inc  
Trade Name: Bistro Bistro  
License Class: Retailer's Class "C" Tavern  
Address: 1727 Connecticut Ave., N.W.  
Contact: Jamal Bouzid, Owner

WARD 2

ANC 2B

SMD 2B01

Notice is hereby given that this licensee 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 hearing date at 10:00 am, 4th Floor, 2000 14<sup>th</sup> Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Applicant requests a Sidewalk Café with an occupancy load of 8 seats.

**CURRENT HOURS OF OPERATION**

Sunday 8 am – 2am, Monday through Thursday 9 am – 2am and  
Friday & Saturday 9 am - 3 am

**CURRENT HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION**

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

**HOURS OF OPERATION FOR SIDEWALK CAFE**

Sunday 8 am – 2 am, Monday through Thursday 9 am – 2 am and  
Friday & Saturday 9 am – 3 am

**HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR SIDEWALK CAFÉ**

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



**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**10/3/2014**

**\*\*CORRECTION**

Notice is hereby given that:

License Number: \*\*\*ABRA-095181

License Class/Type: B Retail - Grocery

Applicant: Harris Teeter, LLC

Trade Name: Harris Teeter

ANC: 6B07

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

**1350 Potomac AVE SE**

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

**11/17/2014**

*A HEARING WILL BE HELD ON:*

**12/1/2014**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am -12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am
<b>ENDORSEMENTS: Tasting</b>		

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**10/3/2014**

**\*\*CORRECTION**

Notice is hereby given that:

License Number: \*\*\*ABRA-095170

License Class/Type: B Retail - Grocery

Applicant: Harris Teeter, LLC

Trade Name: Harris Teeter

ANC: 6C06

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

**1201 1st ST NE**

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

**11/17/2014**

*A HEARING WILL BE HELD ON:*

**12/1/2014**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am -12 am
Monday:	7 am - 12 am	7 am - 12 am
Tuesday:	7 am - 12 am	7 am - 12 am
Wednesday:	7 am - 12 am	7 am - 12 am
Thursday:	7 am - 12 am	7 am - 12 am
Friday:	7 am - 12 am	7 am - 12 am
Saturday:	7 am - 12 am	7 am - 12 am
<b>ENDORSEMENTS: Tasting</b>		

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**10/31/2014**

**\*\*CORRECTION**

Notice is hereby given that:

License Number: \*\*\*ABRA-095171

License Class/Type: B Retail - Grocery

Applicant: \*\*Harris Teeter, LLC

Trade Name: Harris Teeter

ANC: 1C06

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

**1631 Kalorama RD NW**

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

**12/22/2014**

*A HEARING WILL BE HELD ON:*

**1/5/2014**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>**Hours of Sales/Service</b>
Sunday:	7 am - 12 am	7 am -10 pm
Monday:	7 am - 12 am	7 am - 10 pm
Tuesday:	7 am - 12 am	7 am - 10 pm
Wednesday:	7 am - 12 am	7 am - 10 pm
Thursday:	7 am - 12 am	7 am - 10 pm
Friday:	7 am - 12 am	7 am - 10 pm
Saturday:	7 am - 12 am	7 am - 10 pm
<b>ENDORSEMENTS: Tasting</b>		

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**

ON

**9/19/2014**

**\*\*RESCIND**

Notice is hereby given that:

License Number: ABRA-082665

License Class/Type: B Retail - Grocery

Applicant: 3rd & K Street Market, Inc.

Trade Name: Cornercopia

ANC: 6D07

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

**1000 3RD ST SE**

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

**11/3/2014**

*A HEARING WILL BE HELD ON:*

**11/17/2014**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	9 am - 6 pm	9 am -6 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm
<b>ENDORSEMENTS:</b>		

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ON  
11/7/2014**

Notice is hereby given that:

License Number: ABRA-082665

License Class/Type: B Retail - Grocery

Applicant: 3rd & K Street Market, Inc.

Trade Name: Cornercopia

ANC: 6D07

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

**1000 3RD ST SE**

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

**12/22/2014**

*A HEARING WILL BE HELD ON:*

**1/5/2014**

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

<b>Days</b>	<b>Hours of Operation</b>	<b>Hours of Sales/Service</b>
Sunday:	9 am - 6 pm	9 am -6 pm
Monday:	7 am - 10 pm	9 am - 10 pm
Tuesday:	7 am - 10 pm	9 am - 10 pm
Wednesday:	7 am - 10 pm	9 am - 10 pm
Thursday:	7 am - 10 pm	9 am - 10 pm
Friday:	7 am - 10 pm	9 am - 10 pm
Saturday:	7 am - 10 pm	9 am - 10 pm
<b>ENDORSEMENTS:</b>		

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 7, 2014
Petition Date: December 22, 2014
Hearing Date: January 5, 2015

License No.: ABRA-095751
Licensee: Daniman, LLC
Trade Name: Lee's Liquor
License Class: Retailer's "A"
Address: 2339 Pennsylvania Avenue, S.E.
Contact Information: Daniel Tesfaye 202 735-0289

WARD 7 ANC 7B SMD 7B03

Notice is hereby given that this licensee has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, Suite 400S, 2000 14th Street, N.W. A petition or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial change to its nature of operation:
Change of Hours Operation and Sales

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

Monday through Thursday 9 am - 9 pm, Friday and Saturday 9 am - 10 pm

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

Sunday through Saturday 7 am - 12 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: November 7, 2014
Petition Date: December 22, 2014
Hearing Date: January 5, 2015

License No.: ABRA-091036
Licensee: Bord'eau, LLC
Trade Name: Menu MBK
License Class: Retailer's Class "D" Restaurant
Address: 405 8th St., N.W.
Contact: Andrew Kline, Esq. 202-686-7600

WARD 2 ANC 2C SMD 2C03

Notice is hereby given that this licensee 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 hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

Applicant requests a class change from Retailer Class DR to CR.

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

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

CURRENT HOURS OF OPERATION AND ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION ON SIDEWALK CAFE

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

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

Posting Date: November 7, 2014  
Petition Date: December 22, 2014  
Roll Call Hearing Date: January 5, 2015  
Protest Hearing Date: March 18, 2015

License No.: Mom's Organic Market, Inc.  
Trade Name: Mom's Organic Market  
License Number:: ABRA-094996  
License Class: Retailer's Class "B" Full-Service Grocery  
Address: 1401 New York Avenue, N.E.  
Contact: Jeffery Jackson: 202-251-1561

WARD 5

ANC 5D

SMD 5D01

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the Roll Call Hearing Date at 10:00 am, 2000 14<sup>th</sup> Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled on 3/18/2015 at 4:30 pm.

**NATURE OF OPERATION**

New Retail Class "B" Full Service Grocery Store selling beer and wine. Tasting Endorsement.

**HOURS OF OPERATION**

Sunday: 9am-8pm, Monday through Saturday: 9am-9pm

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

Sunday: 10am-8pm, Monday through Saturday: 10am – 9pm



ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

\*CORRECTION

Posting Date: October 31, 2014
Petition Date: December 15, 2014
Roll Call Hearing Date: December 29, 2014
Protest Hearing Date: March 11, 2015

License No.: ABRA-096888
Licensee: 301 Water St, LLC
Trade Name: The Navy Yard Oyster Company
License Class: Retailer's Class "C" Restaurant
Address: 301 Water Street, S.E.
Contact: Stephen J. O'Brien, Esq., 202-625-7700

WARD 6

ANC 6D

SMD 6D07

Notice is hereby given that this applicant has applied for a new license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date 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. The Protest Hearing Date is scheduled for March 11, 2015 at 1:30 pm.

NATURE OF OPERATION

New establishment will be a wine-centric oyster bar offering a seasonal, seafood-driven small plate menu drawing its inspiration from the Chesapeake Bay and the states that Washington, DC is connected to, both geographically and culturally. Entertainment will consist of live music for jazz brunch, and other occasional similar performances. Seating inside premises is 73 and the total occupancy load inside is 199. Two (2) Summer Gardens with seating for 32 and 18 patrons.

HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDENS

Sunday 10am-11pm, Monday through Saturday 10am-2am

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

Sunday 10am-11pm, Monday through Saturday 10am-2am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION FOR THE SUMMER GARDENS

Sunday 10am-8pm, Monday through Saturday 10am-1am

HOURS OF ENTERTAINMENT FOR INSIDE PREMISES

Sunday 10am-8pm, Monday through Saturday 10am-\*2pm

HOURS OF ENTERTAINMENT FOR THE SUMMER GARDENS

Saturday and Sunday 10am-8pm

**DISTRICT OF COLUMBIA PUBLIC SCHOOLS****PUBLIC HEARING NOTICE****FISCAL YEAR 2016 BUDGET**

**Wednesday, November 17, 2014; 6:00PM – 8:00PM**  
**Payne Elementary School**  
**1445 C St. SE**  
**Washington, DC 20003**

The District of Columbia Public Schools (DCPS) will convene a public hearing on Monday, November 17, 2014 from 6:00PM – 8:00PM in the auditorium of Payne Elementary School located at 1445 C St. SE, Washington, DC 20003. The purpose of the hearing is to gather feedback from the public about the upcoming Fiscal Year 2016 budget.

Members of the public are invited to provide testimony at the hearing. Individuals or groups wishing to testify should register on the [DCPS website](#). Testimony will be limited to five minutes during the hearing. Individuals or groups with additional feedback may submit written documentation to supplement their testimony.

If an individual or group is unable to register online, please contact Ms. Meghan Carton, at (202) 494-9649.

The registration deadline is 3:00PM on Friday, November 14, 2014.

Witnesses should bring five (5) copies of their documentation, including a written copy of their testimony and any supplemental information. All documents will be included as part of the official record.

The official record of this hearing will be transmitted to the Mayor of the District of Columbia and to the Council of the District of Columbia pursuant to DC Official Code § 38-917(1).

Interpretation services are available upon request. Please include any requests for interpretation services during the registration process.

Any additional questions or concerns should be directed to Ms. Meghan Carton, at (202) 494-9649 or [Meghan.Carton@dc.gov](mailto:Meghan.Carton@dc.gov).

## DEPARTMENT OF SMALL AND LOCAL BUSINESS DEVELOPMENT

**NOTICE OF PUBLIC HEARING  
AND PRELIMINARY FINDING****ON****APPLICATION FOR SOUTHWEST BUSINESS IMPROVEMENT DISTRICT**

Notice is hereby given that, pursuant to section 6 of the Business Improvement Districts Act of 1996 ("Act"), D.C. Official Code § 2-1215.06, the Department of Small and Local Business Development (DSLBD) will hold a public hearing on the application of the Southwest Business Improvement District for registration as a business improvement district.

The public hearing will be held at 3:30 p.m. Wednesday, December 10, 2014 in the Old Council Chambers, 441 4<sup>th</sup> Street, N.W., Washington, D.C.

On Friday, October 24, 2014, Director Robert Summers sent a letter to the Southwest Business Improvement District in which he announced his preliminary determination that the filing criteria set forth in D.C. Official Code § 2-1215.04 have been met and that the application is otherwise in conformity with the Act. This public hearing will determine whether or not the BID application meets the purposes of the BID law, the definition of BID activity and all other BID application requirements. The BID application is available for review by the public during normal business hours on weekdays at 690 Water Street, S.W., in the offices of PN Hoffman and at 441 4<sup>th</sup> Street, N.W., Suite 850N, in the offices of DSLBD.

DSLBD invites the public to testify at the public hearing. Witnesses should bring a copy of their written testimony to the hearing. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to [lincoln.lashley@dc.gov](mailto:lincoln.lashley@dc.gov) or mailed to: Lincoln Lashley, DSLBD, 441 4<sup>th</sup> Street, N.W., Suite 850N, Washington, DC 20001.

The public hearing record will close five business days following the conclusion of the hearing, or Wednesday, December 17, 2014. Persons submitting written statements for the record should observe this deadline.

**BOARD OF ZONING ADJUSTMENT  
PUBLIC HEARING NOTICE  
TUESDAY, JANUARY 27, 2015  
441 4<sup>TH</sup> STREET, N.W.  
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH  
WASHINGTON, D.C. 20001**

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

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

**WARD EIGHT**

18902            **Application of Frost-LaBule LLC**, pursuant to 11 DCMR §§ 3103.2 and  
ANC-8A            3104.1, for variances from the floor area ratio requirements under § 402.4, and  
the off-street parking requirements under § 2101.1, and a special exception from  
the new residential developments requirements under § 353, to allow the  
construction of an apartment building for low income residents in the R-5-A  
District at premises 2620 Bowen Road S.E. (Square 5869, Lot 83).

**WARD TWO**

18903            **Application of Distance Education and Training Council**, pursuant to 11  
ANC-2B            DCMR § 3104.1, for a special exception from the office uses requirements under  
§ 508, to operate a private non-profit organization in a condominium unit within  
an existing mixed-use building in the DC/SP-1 District at premises 1601 18<sup>th</sup>  
Street, N.W. (Square 155, Lot 2188).

**WARD TWO**

18906            **Application of Endeka Enterprises and 1320 Penelope LLC**, pursuant to 11  
ANC-2B            DCMR §§ 3103.2 and 3104.1, for a variance from the parking requirements  
under § 2101.1, and a special exception from the roof structure setback  
requirements under §§ 400.7(b), 411.11, and 777.1, to allow construction of a  
residential addition to an existing office building in the DC/SP-1 and C-3-C  
Districts at premises 1337 Connecticut Avenue, N.W. (Square 137, Lot 55).

**WARD TWO**

18905            **Application of Jemal's 9th Street Gang of 3 LLC**, pursuant to 11 DCMR §  
ANC-2F            3103.2, for variances from the floor area ratio requirements under § 771.2, and  
the off-street parking requirements under § 2101.1, to allow the expansion of  
existing structures to accommodate commercial uses in the C-2-A District at  
premises 1218 9th Street, N.W. (Square 368, Lot 174).

## BZA PUBLIC HEARING NOTICE

JANUARY 27, 2015

PAGE NO. 2

WARD SIX

18907                    **Application of David Ruddy and Bondurant Eley**, pursuant to 11 DCMR §  
ANC-6E                    3103.2, for a variance from the lot occupancy requirements under § 403.2, to  
allow the construction of a third-story addition to an existing single-family  
dwelling in the R-4 District at premises 1811 Wiltberger Street, N.W. (Square  
441, Lot 87).

WARD THREE

18886                    **Application of Niloufar Hoorazor**, pursuant to 11 DCMR § 3104.1 for a special  
ANC-3C                    exception under § 223, not meeting the lot occupancy requirements under §  
403.2, and the side yard requirements under § 405.8, to allow a two-story  
addition to an existing single family dwelling in the R-1-B District at premises  
2709 36th Street, N.W. (Square 1938, Lot 811).

**PLEASE NOTE:**

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

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

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

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

**LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON,  
MARNIQUE Y. HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING  
COMMISSION, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN,  
DIRECTOR, OFFICE OF ZONING**

## DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF FINAL 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. & 2014 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 adoption of an amendment to Section 996 (Provider of Durable Medical Equipment, Prosthetics and Orthotics Supplies) and add a new Section 997 (Durable Medical Equipment, Prosthetics, Orthotics, And Supplies) to Chapter 9 (Medicaid Program), Title 29 (Public Welfare), of the District of Columbia Municipal Regulations (DCMR).

These final rules govern access, reimbursement, and limitations on Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) available under the District of Columbia's Medicaid Program.

The U.S. Health and Human Services, Centers for Medicare and Medicaid Services (CMS) maintains an extensive regulatory framework for the delivery of DMEPOS to Medicare beneficiaries. The District of Columbia's Medicaid standards for DMEPOS providers/suppliers rely heavily upon these Medicare requirements; however, until the development of this rulemaking, there has not been a companion set of District regulations to coincide with the CMS service delivery framework. Therefore, the purpose of these rules is to provide a comprehensive regulatory framework for the delivery of DMEPOS to D.C. Medicaid beneficiaries and to align the DMEPOS provider/supplier regulation with the delivery standards and the Medicaid screening and enrollment regulations set forth in Chapter 94 of Title 29 of the District of Columbia Municipal Regulations.

A multidisciplinary workgroup comprising DHCF policy, program, clinical, and operations personnel developed these regulations during a nine-month process to respond to irregularities seen in DMEPOS utilization and claims data. Similar to the process undertaken to develop the DMEPOS provider standards in 2008, DHCF relied heavily upon Medicare standards when developing the framework to govern the delivery of covered items. By reviewing related cases from the District of Columbia's Office of the Health Care Ombudsman and Bill of Rights, Medicare requirements, and legal standards employed in Virginia and Maryland, the team designed a DMEPOS delivery framework that reinforces quality of service and program integrity. Through this rulemaking, DHCF enhances the regulatory framework for DMEPOS delivery and offers providers/suppliers specific information that is necessary to ensure Medicaid beneficiaries receive necessary items and supplies efficiently.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on July 11, 2014 at 61 DCR 007027. Comments on the proposed rules were received. One clarifying change was made to indicate a DHCF email address, but no substantive changes have been made. The Director

adopted these rules as final on October 31, 2014. These rules shall become effective on the date of publication of this notice in the *D.C. Register*.

**Chapter 9, MEDICAID PROGRAM, of Title 29, PUBLIC WELFARE, of the DCMR is amended as follows:**

**Section 996, PROVIDER OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS AND ORTHOTICS SUPPLIES, is deleted in its entirety and amended to read as follows:**

**996 PROVIDER OF DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES**

996.1 A provider/supplier of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) shall be governed by Chapter 94 of Title 29 District of Columbia Municipal Regulations (DCMR), the requirements set forth in this section, and the policies and procedures located in the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual provided by the Department of Health Care Finance (DHCF).

996.2 A provider/supplier of DMEPOS shall:

- (a) Operate a business that furnishes Medicare-covered items in compliance with all applicable federal and District of Columbia licensure and regulatory requirements;
- (b) Be eligible to engage in DMEPOS business once the provider/supplier application has been submitted and approved and the provider/supplier has participated in the Medicaid DMEPOS New Provider/Supplier Training conducted by DHCF and signed a Medicaid Provider Agreement;
- (c) Maintain a physical facility that contains space for storing business records, including the supplier's delivery, maintenance, and beneficiary communication records;
- (d) Be prohibited from using a post office box as a primary business address;
- (e) Be open for business at least forty (40) hours per week in a week that does not contain a holiday a weekday holiday in for which DHCF is closed and be open for business at least thirty-two (32) hours per week in a week that does contain a weekday holiday for which DHCF is closed;
- (f) Maintain a visible sign that states the name of the provider/supplier and the hours of operation;
- (g) Permit on-site inspections to be conducted by the Centers for Medicare and Medicaid Services (CMS), its agents, the Department of Health

(DOH), DHCF or the agents of DOH or DHCF to determine supplier compliance with all applicable laws;

- (h) Promote and maintain a beneficiary's right to privacy when services include fittings of DMEPOS;
- (i) Provide patient education on the proper use of services and/or equipment;
- (j) Maintain a primary business telephone number listed under the name of the business locally and, if appropriate, a toll-free telephone number for Medicaid beneficiaries. The exclusive use of a beeper number, answering service, pager, telephone line connected to a facsimile machine, or wireless telephone does not satisfy the requirement to have a primary business telephone; and
- (k) Submit a document commonly known as a CMS Medicare Supplier Letter issued pursuant to 42 C.F.R. § 424.510 to evidence enrollment of the supplier in the Medicare program.

996.3 A provider/supplier shall maintain, at minimum, comprehensive liability insurance in the amount of three hundred thousand dollars (\$300,000.00) and shall provide proof of such insurance to DHCF with its initial application and annually thereafter.

996.4 Each applicant and provider/supplier shall post a continuous surety bond in the amount of fifty thousand dollars (\$50,000) against all DMEPOS claims, suits, judgments, or damages including court costs and attorneys' fees arising out of the negligence or omissions of the provider/supplier in the course of providing services to a Medicaid beneficiary or a person believed to be a Medicaid beneficiary. The number of bonds required shall be predicated upon each provider's DME National Provider/Supplier Identification Number (NPI). The DMEPOS provider/supplier categories are as follows:

- (a) An existing provider/supplier who is providing services in the D.C. Medicaid program;
- (b) A new applicant seeking to become a provider/supplier in the D.C. Medicaid program; or
- (c) A provider/supplier who is submitting a new application to change the ownership of an existing enrolled provider, pursuant to § 996.6.

996.5 A provider/supplier shall be required to re-enroll in the Medicaid DMEPOS Program at least once every three (3) years.



- 996.6 A provider/supplier shall be re-enrolled in the Medicaid DMEPOS Program immediately after any change in business ownership.
- 996.7 A provider/supplier shall be required to submit required certifications, licenses, permits or any other official information concerning the backgrounds of all employees, licensed or unlicensed, that will interact with Medicaid beneficiaries.
- 996.8 A provider/supplier shall submit the following information:
- (a) A list of all principals of the entity;
  - (b) A list of all stockholders owning or controlling ten percent (10%) or more of outstanding shares;
  - (c) The names of all board members and their affiliations;
  - (d) A roster of key personnel; and
  - (e) An organizational chart.
- 996.9 A provider/supplier shall maintain all Medicaid-related records for a period of ten (10) years after the date of service or sale.
- 996.10 A provider/supplier shall fill orders, fabricate, or fit items from its inventory or by contracting with other companies for the purchase of items necessary to fill the order.
- 996.11 At the time of product delivery or service, the provider/supplier shall provide the beneficiary with a contact telephone number for assistance.
- 996.12 A business formed within the geographical boundaries of the District of Columbia seeking enrollment in the District of Columbia Medicaid DMEPOS Program shall be considered an in-state business.
- 996.13 An in-state business shall submit a business license to DHCF.
- 996.14 A business formed outside of the geographical boundaries of the District of Columbia is considered an out-of-state business.
- 996.15 An out-of-state business shall be enrolled in a Medicaid program located within the state of its principal place of business before seeking enrollment in the District Medicaid DMEPOS Program.
- 996.16 An out-of-state business shall submit all of the following that apply:

- (a) A Certificate of Registration to transact business within the District of Columbia issued pursuant to D.C. Official Code § 47-2026.;
- (b) The name, business address, and telephone number of its registered agent for the out-of-state business;
- (c) Proof of a business address and a business telephone number within the District of Columbia listed under the name of the business for the purpose of providing Medicaid sales and services; and
- (d) The Medicaid enrollment provider/supplier number from the state where the out-of-state business' principal place of business is located.

996.17 DHCF shall review an applicant's signed and completed application within thirty (30) business days from its receipt by DHCF.

996.18 DHCF shall return a provider/supplier application package to the applicant when DHCF determines the provider/supplier application package to be incomplete or to contain incorrect information only two (2) times within a twelve (12) month period.

996.19 A DMEPOS Provider/Supplier Enrollment Application may be denied due to any one or more of the following factors:

- (a) The applicant has demonstrated an inability to provide services, conduct business, or operate a financially viable entity;
- (b) Current availability of similar services or supplies for beneficiaries taking into account geographic location and reasonable travel time;
- (c) Number of providers/suppliers of the same type of service or supplies enrolled in the same geographic area;
- (d) False representation or omission of any material fact by the applicant in making the application;
- (e) Exclusion, suspension, or termination of the applicant from any Medicaid program;
- (f) Exclusion, suspension, or termination of the applicant from any program managed by DHCF;
- (g) Conviction of the applicant for any criminal offense relating to the delivery of any goods or services for a Medicaid beneficiary;

- (h) Conviction of the applicant for any criminal offense relating to fraud, theft, embezzlement, fiduciary responsibility, or other financial misconduct;
- (i) Violation of federal or District of Columbia laws, rules, or regulations governing the D.C. Medicaid program by the applicant;
- (j) Violation of federal or state laws, rules, or regulations governing a Medicaid program in another state by the applicant;
- (k) The applicant has been previously been found by a licensing, certifying, or professional standards board to have violated the standards or conditions relating to licensure or certification of the services provided;
- (l) Exclusion, suspension, or termination of the applicant from any Medicare program; or
- (m) DHCF has returned a provider/supplier application package to the applicant that is incomplete or contains incorrect information at least two (2) times in the past twelve (12) months.

996.20 An applicant whose provider/supplier application has been denied may resubmit a provider/supplier enrollment application for review and a decision.

996.21 An applicant whose provider/supplier application has been approved to become a D.C. Medicaid DMEPOS Provider is deemed to be enrolled when the applicant has:

- (a) Successfully completed the DMEPOS Application that is approved by DHCF;
- (b) Signed a District of Columbia Medicaid Provider/Supplier Agreement that has been accepted by DHCF;
- (c) Participated in a mandatory Medicaid DMEPOS New Provider/Supplier Orientation conducted by DHCF or its agent; and
- (d) Received the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual from DHCF or its agent.

996.22 DHCF may authorize a temporary enrollment of an applicant in the case of a special circumstance when a Medicaid beneficiary requires immediate service, supplies, or equipment, subject to the following limitations:

- (a) Temporary enrollment shall be for one specific occurrence involving an identifiable Medicaid beneficiary;

- (b) Temporary enrollment shall only be made available one time to a provider/supplier; or
  - (c) Temporary enrollment may be allowed in situations when the D.C. Medicaid Program is not the primary payer.
- 996.23 A temporary provider/supplier may become eligible to apply for enrollment in the District of Columbia DMEPOS Program anytime during temporary eligibility or subsequently thereafter.
- 996.24 DHCF may adopt and include in the provider/supplier agreement other requirements and stipulations that it finds necessary to properly and efficiently administer the D.C. Medicaid Program.
- 996.25 DHCF may make, or cause to be made, payments for medical assistance and related services rendered to Medicaid beneficiaries only when:
  - (a) The entity has a current Medicaid Provider/Supplier Agreement in effect with DHCF;
  - (b) The entity is performing services and supplying goods in accordance with federal and District laws; and
  - (c) The provider/supplier is eligible to provide the item or service on the date it is dispensed and the beneficiary is eligible to receive the item or service on the date the item or service is furnished.
- 996.26 Each provider/supplier shall be subject to the administrative procedures set forth in Chapter 13 of Title 29 of the DCMR during the provider's/supplier's participation in the District Medicaid DMEPOS Program.
- 996.27 In accordance with the requirements set forth in 42 C.F.R. § 455.470, DHCF may impose a temporary moratorium on the enrollment of DMEPOS providers/suppliers.
- 996.28 Any provider/supplier agreement for DMEPOS in existence on or before May 30, 2008 shall be considered to have expired on December 31, 2009, unless the provider/supplier agreement for DMEPOS contains an expiration date on or before January 1, 2010. Any provider/supplier of DMEPOS whose provider/supplier agreement expires on or before January 1, 2010 is eligible to submit a new provider/supplier agreement pursuant to the rules specified in Section 996 of Title 29 of the DCMR.

**A new Section 997, DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES, is added to read as follows:**

**997 DURABLE MEDICAL EQUIPMENT, PROSTHETICS, ORTHOTICS, AND SUPPLIES**

997.1 The Department of Health Care Finance (DHCF), the single state agency for the administration of medical assistance programs authorized under Titles XIX and XXI of the Social Security Act, shall ensure the provision of durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) to qualified Medicaid beneficiaries in accordance with the requirements of this section and the D. C. Medicaid DMEPOS Provider/Supplier Billing Manual. All providers/suppliers of DMEPOS shall be enrolled as such by DHCF in accordance with Provider and Supplier Screening and Enrollment regulations and policies and § 996 of Title 29 District of Columbia Municipal Regulations (DCMR). Information regarding enrolled providers and suppliers may be obtained by contacting [dhcf.providerenrollment@dc.gov](mailto:dhcf.providerenrollment@dc.gov).

997.2 DHCF shall ensure that each Medicaid beneficiary retains his/her freedom of choice of DMEPOS providers/suppliers, in accordance with 42 C.F.R. § 431.51.

997.3 In order for a beneficiary to receive DMEPOS, the following requirements shall be met:

- (a) The cost of the item shall be reasonable;
- (b) The item shall be prescribed by a physician or other licensed practitioner of the healing arts operating within the scope of practice allowed under the District of Columbia Health Occupations Revision Act of 1985, as amended, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, as well as all other applicable Federal and District laws;
- (c) The prescribing clinician shall be enrolled as a provider in the District of Columbia Medicaid Program; and
- (d) The prescribing clinician and DMEPOS provider/supplier shall provide their National Provider Identification (NPI) numbers on the prescription, DMEPOS Request and Prior Authorization Form (Form 719(A)), and claim.

997.4 The prescribing clinician shall ensure that Form 719(A) and any supporting documentation describe the beneficiary's condition and include, at minimum:

- (a) The diagnosis related to the need for the DMEPOS item;

- (b) Any complicating medical conditions;
- (c) A description of functional abilities and limitations, using assessments based on the standards described in § 997.8;
- (d) The anticipated duration of the condition;
- (e) Physical examination findings; and
- (f) The potential for rehabilitation, if applicable.

997.5 For a beneficiary ages birth through twenty-one (21), who is entitled to the early and periodic screening, diagnosis, and treatment (EPSDT) benefit, covered items shall be limited to DMEPOS that is included within the scope of the definition set forth in Section 1905(r) of the Social Security Act (42 U.S.C. § 1396d(r)).

997.6 DMEPOS shall require prior authorization by DHCF, or its designee, under the following circumstances:

- (a) DMEPOS items that exceed specific criteria and/or require prior authorization, as set forth in the D.C. Medicaid Provider/Supplier Billing Manual and/or D.C. Medicaid Fee Schedule, available online at [www.dc-medicaid.com](http://www.dc-medicaid.com);
- (b) DMEPOS items that are billed using miscellaneous codes or that require manual pricing;
- (c) Items of durable medical equipment (DME) that exceed five-hundred dollars (\$500) in purchase price, unless exempted from the requirement as indicated on the fee schedule;
- (d) Customized equipment; and
- (e) DME, prosthetics, and orthotics, outside of the warranty period, that require repair or replacement.

997.7 For items that require prior authorization, in addition to providing the prescription described in § 997.3(b), the prescribing clinician shall also begin the prior authorization process by completing the clinical portion of Form 719(A) and providing the form to the DMEPOS provider/supplier for completion. The DMEPOS provider/supplier shall then present the completed Form 719(A), including the corresponding prescription, to DHCF or its designee, for approval. The DMEPOS provider/supplier also shall be responsible for collecting and submitting supporting documentation and invoices to DHCF, or its designee, for review and approval.

- 997.8 DHCF, or its designee, shall use national standards, such as InterQual, to assess reasonableness and necessity of all DMEPOS that requires prior authorization.
- 997.9 A supplier that delivers a DMEPOS item that is subject to prior authorization before DHCF, or its designee, has completed its review and issued an approval for the item shall not receive payment for the item.
- 997.10 Except for oxygen and oxygen equipment provided to children, qualified physicians or other practitioners of the healing arts operating within the scope of practice outlined in the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986, as amended (D.C. Law 6-99; D.C. Official Code §§ 3-1201.01 *et seq.*) and implementing rules, shall review a beneficiary's continued need for any DMEPOS item at least on an annual basis, or as otherwise appropriate based on a beneficiary's condition.
- 997.11 Information set forth in the D.C. Medicaid DMEPOS Provider/Supplier Billing Manual shall govern specific criteria for the following categories of DMEPOS items:
- (a) Mobility assistive equipment; and
  - (b) Oxygen and oxygen equipment.
- 997.12 In the event that a DMEPOS provider/supplier goes out-of-business, another enrolled DMEPOS provider/supplier that is capable of providing continuous DMEPOS services/items to a beneficiary shall complete a new Form 719(A), include a reference to the original prior authorization number on Form 719(A), and submit the form to DHCF, or its designee. The new DMEPOS provider/supplier shall not provide any new item to a beneficiary until DHCF, or its designee, has provided a new prior authorization number.
- 997.13 DMEPOS reimbursement shall be subject to the following standards:
- (a) DHCF shall establish maximum reimbursement rates for items included under the DMEPOS benefit and shall set forth these rates in the D.C. Medicaid Fee Schedule, available online at [www.dc-medicaid.com](http://www.dc-medicaid.com).
  - (b) All rates for DMEPOS shall be subject to pricing analysis by DHCF, or its designee. The pricing analysis shall consider any, or all, of the following:
    - (1) Beneficiary's condition;
    - (2) Brand comparison;
    - (3) Anticipated duration of beneficiary's need for the item;

- (4) Warranty coverage and conditions;
  - (5) Medicare local coverage and pricing determinations;
  - (6) Pricing under other jurisdictions' Medicaid programs;
  - (7) Usual and customary pricing; and/or
  - (8) Discounts.
- (c) For any DMEPOS item that is determined to be covered under the District of Columbia's Medicaid program, but is not included on the D.C. Medicaid Fee Schedule, DHCF shall manually price the item using the process described in § 997.13(b).
- (d) For a beneficiary enrolled in both Medicare and Medicaid, a DMEPOS provider/supplier shall first bill the Medicare program when providing any item to the beneficiary. If Medicare denies the claim, the provider may then submit the remittance advice along with the claim to DHCF, or its designee. Under no circumstances shall a DMEPOS provider/supplier balance bill a dual eligible beneficiary. Failure to adhere to these requirements may subject the DMEPOS provider/supplier to termination of its Medicaid Provider Agreement.
- (e) If a prescribing clinician or DMEPOS provider/supplier receives a discount for an item ordered for use by a D.C. Medicaid beneficiary, the prescribing clinician and/or DMEPOS provider/supplier shall subtract the amount of the discount from the amount for which reimbursement is sought prior to submitting the claim to DHCF. Failure to comply with the requirements of this paragraph may result in denied claims, temporary suspension of payments, or termination of the Medicaid Provider Agreement.
- (f) A DMEPOS provider/supplier shall be required to provide original documentation reflecting all discounts that apply to the cost of any item provided to a Medicaid beneficiary.
- (g) A DMEPOS provider/supplier shall be required to produce proof of delivery (POD) for all items that are provided to a Medicaid beneficiary. POD may include:
- (1) Receipts that are signed by the beneficiary who requires DMEPOS, or his or her legal representative; or
  - (2) Delivery confirmation.



- (h) Except for items deemed necessary under the EPSDT benefit, the following shall not be covered under the D.C. Medicaid DMEPOS benefit:
- (1) Replacement of an item while it is still under warranty or before the item meets the associated life expectancy, unless prior authorization is obtained;
  - (2) Ventilators;
  - (3) Acquisition, maintenance, or repair of DME, prosthetic, and orthotic items that do not require prior authorization or are for general use in an institutional provider facility where a beneficiary resides;
  - (4) Consumable medical supplies for general or non-beneficiary specific use in intermediate care facilities for individuals with intellectual disabilities (ICFs/IID);
  - (5) Items solely for comfort and convenience of the beneficiary or his/her caregivers, such as air conditioners;
  - (6) Home or vehicle modifications that may be covered under waiver programs operating pursuant to Section 1915(c) of the Social Security Act;
  - (7) Rehabilitative equipment, for beneficiaries age twenty-two (22) and up, if designed to bring a beneficiary into an upright position to stimulate vestibular function or balance;
  - (8) Items that are not suitable for, or are not primarily used in the home setting, including, but not limited to, car seats and non-rehabilitative strollers; and
  - (9) Supplies and other DME items used by personnel of a home health agency during the course of a home visit.

997.14 To be eligible for Medicaid reimbursement, the delivery of DME shall be subject to the following requirements:

- (a) DME shall include equipment that:
- (1) Can withstand repeated use;
  - (2) Is primarily and customarily used to serve a medical purpose;

- (3) Generally not useful to a beneficiary in the absence of illness or injury;
  - (4) Is appropriate for use in the beneficiary's home; and
  - (5) Is expected to have a useful life of at least three (3) years.
- (b) For a beneficiary age 0 through 21, DME shall also include equipment used in natural environments;
  - (c) For purposes of this section, for a beneficiary age twenty-two (22) and older, the home shall also include an assisted living center, home for the aged, or other senior living facility;
  - (d) DME shall be obtained through rental if the beneficiary's medical condition is anticipated to last six (6) months or less. Rental rates shall include costs of maintenance and servicing rented items. Except for fees associated with maintaining and servicing oxygen equipment, DHCF shall not allow payment for maintenance and servicing of a rented item. Any provider/supplier of rental DME shall adhere to the following:
    - (1) Maintain and repair any DME item(s) being rented to D.C. Medicaid beneficiaries;
    - (2) Accept returns of substandard or unsuitable items; and
    - (3) Provide a replacement item that meets the specifications of the originally prescribed item to the beneficiary and in such a manner as to minimize the burden on the beneficiary.
  - (e) The total reimbursement available for DME obtained through rental shall not exceed the purchase price of the item. At the time when rental payments meet the purchase price of the item, the item shall be considered purchased and shall become the property of the beneficiary;
  - (f) DME shall be obtained through purchase under the following circumstances:
    - (1) If the beneficiary's medical condition is anticipated to last more than six (6) months and the equipment does not require frequent servicing and/or repair; or
    - (2) If the beneficiary's medical condition requires customized equipment.

- (g) DME that is purchased shall become the property of the beneficiary for whom it was prescribed;
- (h) In accordance with § 997.6(e), DHCF, or its designee, shall prior authorize any repairs to purchased equipment. A DME provider/supplier shall be required to submit to DHCF, or its designee, a copy of the warranty for the item needing repair within thirty (30) days of the date of the request for repair;
- (i) When DME is purchased for use by a beneficiary, and is under warranty, the provider/supplier of DME shall be required to pay reasonable charges for maintenance and servicing of the item;
- (j) A DME provider/supplier shall first seek to have a covered item maintained, serviced, or repaired by the manufacturer in accordance with the warranty;
- (k) DHCF shall reimburse a DME provider/supplier for charges related to parts and labor that are not otherwise covered under a manufacturer or supplier warranty;
- (l) When a beneficiary's DME item is undergoing repair, a DME provider/supplier may receive reimbursement for a substitute DME item, upon receipt of prior authorization by DHCF, or its designee. DHCF, or its designee, shall approve substitute DME items in two (2) month increments, except for substitute DME items provided during repair of customized equipment which shall be approved in six (6) month increments. Approval of substitute DME items is subject to the following conditions:
  - (1) The substitute DME item is reasonable and necessary;
  - (2) The frequency of use, or the number of units requested, of the substitute DME item is consistent with code definitions; and
  - (3) The total cost to rent the substitute DME item does not exceed the purchase price.
- (m) A DME provider/supplier who is responsible for maintaining, servicing, or repairing a customized item that requires repair or replacement shall perform the following:
  - (1) Obtain an estimated repair time from the manufacturer and provide the information to the Medicaid beneficiary and his/her caregivers; and

- (2) Provide the beneficiary a substitute DME item with specifications that are as similar to the customized item as possible, if needed or requested, in accordance with prior authorization requirements.
- (n) A DME provider/supplier of substitute DME items shall not continue to bill DHCF for the substitute DME item once the beneficiary receives the repaired or replacement DME item;
  - (o) Prior to or at the time of delivery of DME, the DMEPOS provider/supplier shall perform an on-site evaluation of the beneficiary's home, if applicable, in order to verify that the beneficiary can adequately maneuver the item that is provided considering the physical layout, doorway widths and thresholds, and surfaces. There shall be a written report of this evaluation, and the provider/supplier shall make it available upon DHCF's request. Documentation required under this section shall also be subject to the record keeping requirements of 29 DCMR § 996.9;
  - (p) A prescribing clinician shall describe the clinical appropriateness of oxygen therapy by completing CMS Form 484 and submitting to DHCF, or its designee, along with any other required documentation. A beneficiary shall be eligible for oxygen therapy, including portable oxygen therapy, if his or her condition is supported by documentation of diagnosis and laboratory results reflecting any of the following conditions:
    - (1) Severe lung disease, including but not limited to chronic obstructive pulmonary disease (COPD), diffuse interstitial lung disease, cystic fibrosis, bronchiectasis, and widespread pulmonary neoplasm; or
    - (2) Hypoxia-related symptoms or findings that might be expected to improve with oxygen therapy, including but not limited to pulmonary hypertension, recurring congestive heart failure due to chronic cor pulmonale, erythrocytosis, impairment of the cognitive process, nocturnal restlessness, and morning headache;
  - (q) Oxygen therapy shall be subject to the following:
    - (1) An authorization for oxygen therapy shall be valid for twelve (12) months for adults, beneficiaries twenty-two (22) and older, and six (6) months for children, ages zero (0) through age twenty-one (21); and
    - (2) A prescriber of oxygen therapy shall be required to see a beneficiary in person within a thirty (30) day period prior to the start of therapy in order to certify the need for the items/services.

- (r) Oxygen therapy shall not be covered for the following conditions:
  - (1) Angina pectoris in the absence of hypoxemia;
  - (2) Breathlessness without cor pulmonale or evidence of hypoxemia;
  - (3) Severe peripheral vascular disease resulting in clinically evident denaturation in one or more extremities;
  - (4) Terminal illnesses that do not affect the lungs;
  - (5) Treatment of headache, including migraine; and
  - (6) Treatment of other health care conditions in which oxygen therapy is determined to be experimental or investigational; and
- (s) Diabetic testing meters shall be limited to those preferred items authorized pursuant to the D.C. Medicaid Diabetic Supplies program.

997.15 The delivery of prosthetics and orthotics shall be subject to the requirements as follows:

- (a) Prosthetics and orthotics shall include the following:
  - (1) Devices that can replace all or part of an internal body organ, including ostomy bags and supplies directly related to ostomy care, as described in § 997.15(b);
  - (2) Breast prostheses, including the surgical brassiere;
  - (3) Leg, arm, back, and neck braces;
  - (4) Artificial legs, arms, including stump cover or harness, where necessary;
  - (5) One pair of conventional eyeglasses or contact lenses furnished subsequent to cataract surgery that included insertion of an intraocular lens;
  - (6) Artificial eyes; and
  - (7) Therapeutic shoes, diabetic shoe inserts, splints, and supports;
- (b) Coverage of prosthetic and orthotic devices shall include replacements that are required based on a change in a beneficiary's physical condition or consumable nature of the item (*e.g.*, ostomy supplies).

- (c) Replacement of prosthetic and orthotic devices shall be covered only when prescribed by a clinician meeting the requirements of § 997.3(b).
- (d) Covered prosthetic and orthotic devices shall not include the following items:
  - (1) Intraocular lenses;
  - (2) Supplies and equipment related to ostomy care that is furnished by home health agency personnel during the course of a home visit; and
  - (3) Dental prostheses.

997.16 The delivery of supplies shall be subject to the requirements as follows:

- (a) Supplies shall only include items required for use for the treatment of specific illnesses, injuries, diseases, and/or disabilities and that meet the following:
  - (1) Serve a medical purpose;
  - (2) Are generally not useful to a beneficiary in the absence of illness or injury; and
  - (3) Are appropriate for use in the beneficiary's home.
- (b) Supplies include, but are not limited to:
  - (1) Lancets;
  - (2) Gloves;
  - (3) Bandages;
  - (4) Enteral products; and
  - (5) Incontinence supplies.

**Section 999.1, DEFINITIONS, is amended by adding the following:**

**999.1 DEFINITIONS**

**Consumable** – Items that are designed or intended to be used up and then replaced.

**Discount** - Any form of rebate, wholesale pricing, sale pricing, and similar adjustments to the manufacturer's suggested retail price for an item.

**Institutional Facility or Provider** - Medicaid enrolled hospitals, nursing facilities, and intermediate care facilities for individuals with intellectual disabilities.

**Mobility Assistive Equipment** –Canes, crutches, walkers, manual wheelchairs, and power wheelchairs.

**Natural Environment** - Settings that are natural or typical for an infant or toddler of the same age without a disability, which may include the home or community settings.

**DEPARTMENT OF HUMAN SERVICES  
ECONOMIC SECURITY ADMINISTRATION**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Interim Director of the Department of Human Services (DHS), pursuant to the authority set forth in Section 552 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Official Code § 4-205.52 (2012 Repl.)), Mayor's Reorganization Plan No. 3 of 1986, and the authority set forth in Mayor's Order 97-53, dated March 19, 1997, hereby gives notice of its intent to amend Chapter 72 (Standards of Assistance and Payment Levels) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

The proposed rules will establish new payment levels for recipients of Temporary Assistance for Needy Families (TANF) benefits (D.C. Official Code § 4-205.52), General Assistance for Children (D.C. Official Code § 4-205.05a), Interim Disability Assistance (IDA) (D.C. Official Code § 4-204.07), and Program on Work, Employment and Responsibility (POWER) (D.C. Official Code § 4-205.78); those who have received a TANF benefit for in excess of sixty (60) months (whether or not consecutive); and will amend 29 DCMR § 5814.5 to refer to the new payment levels enumerated in Chapter 72.

The purpose of the proposed rule is to modify the District of Columbia's (District) public assistance payment levels for District of Columbia residents who have been participating in the TANF, General Assistance for Children, IDA, and POWER public benefit programs. The rules increase payment levels by one and half percent (1.5%) in accordance with the published increase in the Consumer Price Index (CPI). The rules also decrease the payment level for customers who have received a TANF grant for greater than sixty (60) months (whether or not consecutive). The rates are based on a decrease of forty-one and seven tenth percent (41.7%) of the payment levels for TANF recipients from the previous payment level. In addition, the rules modify specific sections of 29 DCMR § 5814.5 to direct the application of the modified payment levels for TANF benefits, pursuant to Chapter 72.

Emergency rulemaking action, pursuant to Section 6(c) of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505(c)), is necessary for the immediate preservation of the welfare of District residents who rely on cash assistance from the District's TANF, General Assistance for Children, IDA, and POWER programs. The forty-one and seven tenth percent (41.7%) decrease in TANF payments for families over the sixty (60)-month time limit goes into effect on October 1, 2014, and the one and half percent (1.5%) increase goes into effect on the same date pursuant to DHS independent authority to adjust the level of public assistance payments to partially offset the impact of increases in the cost of living and the significant benefit decrease for TANF families over the sixty (60)-month time limit. The amount and timing of the statutorily mandated decrease have been uncertain due to legislative efforts to reverse or modify the District law requiring the forty-one and seven tenth percent (41.7%) decrease. As a result,



there is a significant likelihood that TANF customers over the sixty (60)-month time limit are confused about whether and by how much the TANF cash assistance benefits for their family will change in Fiscal Year 2015. The change is imminent and represents a significant loss of cash benefits that these TANF sixty (60)-month families may heavily rely upon. It is imperative to enact these rules on an emergency basis so that these vulnerable District families can plan for the change and protect their welfare. In addition, the one and half percent (1.5%) increase for TANF, General Assistance to Children, IDA, and POWER recipients will benefit the welfare of families depending on cash assistance to combat cost of living increases reflected in the CPI.

DHS adopted the emergency rules on September 30, 2014, and they went into effect on October 1, 2014. The emergency rules shall remain in effect until January 28, 2015; one hundred twenty (120) days after the rules were adopted, unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*. The Interim Director gives notice of the intent to take final rulemaking action in not less than thirty (30) days after publication of this notice in the *D.C. Register*.

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

**7200 STANDARDS OF ASSISTANCE AND PAYMENT LEVELS**

7200.1 For the purposes of payments under TANF (D.C. Official Code § 205.52), POWER (D.C. Official Code § 4-205.78), General Assistance for Children (D.C. Official Code § 4-205.05a) and Interim Disability Assistance (D.C. Official Code § 4-204.07), effective October 1, 2007, the District of Columbia's payments levels are adjusted as set forth in § 7200.2.

7200.2 Pursuant to D.C. Official Code § 4-205.52(d), the payment levels set forth in this subsection shall apply to public assistance payments made after October 1, 2014.

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$274
2	560	\$341
3	712	\$434
4	870	\$531
5	1,002	\$611
6	1,178	\$719
7	1,352	\$824
8	1,494	\$910
9	1,642	\$1,002
10	1,786	\$1,088
11	1,884	\$1,148

12	2,024	\$1,234
13	2,116	\$1,290
14	2,232	\$1,360
15	2,316	\$1,412
16	2,432	\$1,483
17	2,668	\$1,626
18	2,730	\$1,664
19	2,786	\$1,698

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

7200.4 Effective October 1, 2014, the payment levels set forth in this subsection shall apply to recipients who have received TANF benefits for more than 60 months:

Family Size	Standards of Assistance	Payment Level
1	\$ 450	\$95
2	560	\$120
3	712	\$152
4	870	\$186
5	1,002	\$214
6	1,178	\$252
7	1,352	\$289
8	1,494	\$319
9	1,642	\$351
10	1,786	\$381
11	1,884	\$402
12	2,024	\$432
13	2,116	\$452
14	2,232	\$476
15	2,316	\$494
16	2,432	\$519
17	2,668	\$569
18	2,730	\$582
19	2,786	\$594

**Section 5814, INCOME DISREGARDS, of Chapter 58, TEMPORARY ASSISTANCE FOR NEEDY FAMILIES, of Title 29, PUBLIC WELFARE, DCMR is amended as follows:**

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

5814.5 After application of these disregards in § 5814.4, the remaining income shall

be compared to the Standard of Assistance for a family unit. The Standard of Assistance shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. If less than the Standard of Assistance, the income shall be compared to the payment standard. The payment standard shall be defined as specified in the District of Columbia Public Assistance Act of 1982, as amended. The payment levels set forth in Chapter 72 of Title 29 DCMR shall apply to payments made as of October 1, 2014.

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

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

Mayor's Order 2014-250  
October 29, 2014

**SUBJECT:** Establishment – Open Government Advisory Group

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia by section 422(11) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(11) (2014 Repl.), and in accordance with Mayor's Order 2014-170, dated July 21, 2014, it is hereby **ORDERED** that:

**I. ESTABLISHMENT**

There is hereby established an Open Government Advisory Group ("Advisory Group") within the executive branch of the government of the District of Columbia.

**II. PURPOSE**

The Advisory Group shall:

- A. Evaluate the District's progress towards meeting the requirements of Mayor's Order 2014-170, the Transparency, Open Government and Open Data Directive or any successor law or administrative issuance ("Directive"), and make specific recommendations for improving the openness and transparency of the District government; and
- B. Recommend to the Mayor and Chief Data Officer policies to:
  1. Establish specific criteria for agency identification of additional datasets;
  2. Designate categories of protected data in addition to those identified in the Directive;
  3. Ensure that new and existing datasets are regularly updated and archived; and
  4. Establish the types of open formats to be used for published data.

### III. FUNCTIONS

The Advisory Group shall:

- A. Provide a forum for agencies and the public to share best practices on innovative ideas to promote transparency, participation and collaboration. This shall include systems, process solutions, and new technologies designed to further the goals of the Directive;
- B. Provide a public forum for receiving input on the goals of the Directive, including input from the general public, information technology entities, nonprofit organizations, and individuals that use government data, such as academic researchers and representatives of media organizations;
- C. Provide a forum for sharing best practices and innovative ideas for engaging the public in agency decision-making;
- D. Identify and recommend additional categories and types of government information that should be proactively published online;
- E. Recommend to the Mayor and Chief Data Officer policies to:
  - 1. Establish specific criteria for agency identification of additional datasets;
  - 2. Designate categories of protected data in addition to those identified in the Directive;
  - 3. Ensure that new and existing datasets are regularly updated and archived; and
  - 4. Establish the types of open formats to be used for published data;
- F. Review and evaluate agency Open Government Reports and provide recommendations on improving the content and format of the reports;
- G. Review and recommend whether the terms and conditions applicable to additional categories and types of information published online should be changed;
- H. Provide recommendations on technology and methods that District boards and commissions can use to work more openly, including best practices to webcast and archive their meetings;

- I. The Chairperson of the Advisory Group shall publish the evaluation and recommendations on the Open Government Web Portal or create an Open Government Dashboard that will provide the public with both graphic and narrative evaluation information; and
- J. Undertake other duties as assigned by the Mayor, or his designee.

#### **IV. MEMBERSHIP**

The Advisory Group shall consist of fifteen (15) voting members.

- A. The following members of the Advisory Group shall be appointed by the Mayor and shall serve at the pleasure of the Mayor:
  1. The Chief Data Officer of the Office of the Chief Technology Officer;
  2. The Chief Technology Officer, or his or her designee;
  3. The Mayor, or his or her designee;
  4. The City Administrator, or his or her designee;
  5. The Deputy Mayor for Planning and Economic Development, or his or her designee;
  6. The Deputy Mayor for Health and Human Services, or his or her designee;
  7. The Deputy Mayor for Education, or his or her designee;
  8. The Deputy Mayor for Public Safety and Justice, or his or her designee;
- B. The remaining members of the Advisory Group shall be appointed as follows:
  1. The Chairman of the Council of the District of Columbia, or his or her designee;
  2. The Director of the Office of Open Government within the Board of Ethics and Government Accountability, or his or her designee;
  3. The Chief Financial Officer of the District of Columbia, or his or her designee;

4. The Attorney General for the District of Columbia, or his or her designee; and
5. Three (3) public members who have an interest in government transparency, open data, and enhancing the public's access to government information.

## V. TERMS

- A. Public members of the Advisory Group shall be appointed to serve a term of three (3) years and shall serve until their successor is appointed. A public member of the Advisory Group may be re-appointed but may serve no more than two (2) consecutive terms.
- B. The Mayor shall appoint public members to fill vacancies in unexpired terms only for the remainder of the unexpired time of the terms.
- C. Members who are appointed based on their positions within the District government shall only serve during their tenure as employees of the District government.
- D. The Chairman of the Council of the District of Columbia, or his or her designee, shall serve at the pleasure of the Chairman.
- E. The Director of the Office of Open Government, or his or her designee, shall serve at the pleasure of the Chairman of the Board of Ethics and Government Accountability.
- F. The Chief Financial Officer of the District of Columbia, or his or her designee, shall serve at the pleasure of the Chief Financial Officer of the District of Columbia.
- G. The Attorney General for the District of Columbia, or his or her designee, shall serve at the pleasure of the Attorney General for the District of Columbia.
- H. The Mayor may remove any member of the Advisory Group for failure to attend three (3) consecutive meetings of the Advisory Group.

## VI. COMPENSATION

The members of the Advisory Group shall serve without compensation. However, reasonable expenses of the Commission may be reimbursed, when approved in advance by the Office of the Chief Technology Officer, subject to the availability of appropriations for that purpose, and shall become obligations against funds designated for that purpose, when sufficient budget authority exists to allow

reimbursement.

## VII. ORGANIZATION

- A. The Mayor shall appoint the Chairperson of the Advisory Group, from among the voting members, who shall serve in that capacity at the pleasure of the Mayor.
- B. A quorum for the purposes of conducting business shall be a majority of the voting members of the Advisory Group.
- C. The Advisory Group may elect other officers as it may deem necessary, and may determine its own bylaws and rules of procedure, subject to the approval of the Mayor or his or her designee.
- D. The Advisory Group may establish such subcommittees as it deems appropriate. Any subcommittee must be chaired by a member of the Advisory Group although it may include members of the public and District government employees who are not members of the Advisory Group.
- E. The Advisory Group shall establish its own meeting schedule, but the Advisory Group shall meet not fewer than four (4) times a year. Meetings of the Advisory Group shall be held in the District at such times and locations as are designated by the Chairperson.
- F. The Advisory Group may utilize telephone or video conferencing technologies to satisfy the District's Open Meetings Act requirements.
- G. The Advisory Group shall, when practicable, webcast live on the Internet all of its meetings and archive its meetings on its own website or a DC Government website.

## VIII. ADMINISTRATION

- A. Each meeting shall be open to the public and shall include a period of time for the public to comment on issues being considered by the Advisory Group.
- B. The Office of the Chief Technology Officer shall provide technical and administrative support to the Advisory Group.
- C. The Advisory Group may, at the request of the Chairperson, request information or technical support from any other agency of the District government.




**IX. CONFLICT OF INTEREST**


The Advisory Group must develop procedures to guard against conflicts of interest for its members. These procedures must guarantee that no member of the Advisory Group shall participate in any way in the consideration of decisions that are likely to provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under District of Columbia law.

**X. REPEALER.**

Section 4 of Mayor's Order 2014-170, dated July 21, 2014, is repealed.

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

  
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VINCENT C. GRAY  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-251  
October 29, 2014

**SUBJECT:** Appointments – Open Government Advisory Group

**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) (2014 Repl.), and in accordance with Mayor's Order 2014-250, dated October 29, 2014, it is hereby **ORDERED** that:

- I.** The following persons are appointed as voting public members, who have an interest in government transparency, open data, and enhancing the public's access to government information, of the Open Government Advisory Group ("Advisory Group"), for a term to end three years from the effective date of this order:

**ROBERT S. BECKER**  
**KATHRYN L. S. PETTIT**  
**JUSTIN M. GRIMES**

- II.** The following persons are appointed as *ex officio*, voting members of the Advisory Group and shall serve at the pleasure of the Mayor:

**DERVEL REED**, Interim Chief Data Officer of the Office of the Chief Technology Officer;

**ROBERT MANCINI**, Chief Technology Officer of the District of Columbia;

**BRIAN FLOWERS**, a designee of the Mayor;

**SCOTT BURRELL**, a designee of the City Administrator;

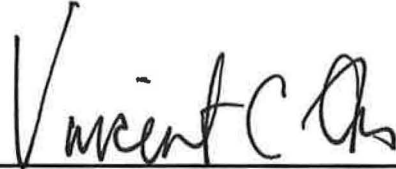
**AYESHA ABBASI**, a designee of the Deputy Mayor for Planning and Economic Development;


**RACHEL JOSEPH**, a designee of the Deputy Mayor for Health and Human Services;

**JENNIFER COMEY**, a designee of the Deputy Mayor for Education;  
and

**KEITH ST. CLAIR**, a designee of the Deputy Mayor for Public Safety  
and Justice.

- III. V. DAVID ZVENYACH**, General Counsel to the Council of the District of Columbia, is appointed to the Advisory Group as a designee of the Chairman of the Council and shall serve at the pleasure of the Chairman of the Council.
- IV. TRACI HUGHES**, Director of the Office of Open Government within the Board of Ethics and Government Accountability, is appointed to the Advisory Group and shall serve at the pleasure of the Chairman of the Board of Ethics and Government Accountability.
- V. TREVA SAUNDERS** is appointed to the Advisory Group as a designee of the Chief Financial Officer of the District of Columbia and shall serve at the pleasure of the Chief Financial Officer of the District of Columbia.
- VI. ARIEL LEVINSON-WALDMAN** is appointed to the Advisory Group as a designee of the Attorney General for the District of Columbia and shall serve at the pleasure of the Attorney General for the District of Columbia.
- VII. BRIAN FLOWERS** is appointed as Chairperson of the Advisory Group and shall serve in that capacity at the pleasure of the Mayor.
- VIII. EFFECTIVE DATE:** This Order shall become effective immediately.

  
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**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 2014-252  
October 29, 2014


**SUBJECT:** Appointment – Director, Office of Labor Relations and Collective Bargaining

**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.), it is hereby **ORDERED** that:

1. **DARRYL GORMAN** is appointed Director of the Office of Labor Relations and Collective Bargaining and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2007-47, dated January 31, 2007.
3. **EFFECTIVE DATE:** This Order shall be effective *nunc pro tunc* to September 29, 2014.

  
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 VINCENT C. GRAY  
 MAYOR

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA

## ADMINISTRATIVE ISSUANCE SYSTEM

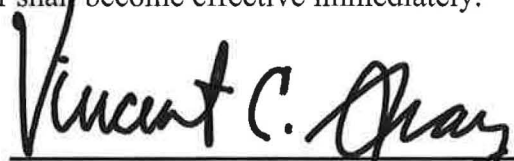
Mayor's Order 2014-253  
October 29, 2014

**SUBJECT:** Reappointments – Apprenticeship Council

**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 pursuant to section 2 of An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946, 60 Stat. 204, D.C. Official Code § 32-1402 (2012 Repl.), it is hereby **ORDERED** that:

1. **COURTLAND COX**, who was nominated by the Mayor on June 4, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0833 on October 4, 2014, is reappointed as a public representative, who is not a member of either employee or employer organizations member of the Apprenticeship Council (hereinafter referred to as “**Council**”), for a term to end November 19, 2016.
2. **FREDERICK ALFRED HOWELL**, who was nominated by the Mayor on June 4, 2014 and, following a forty-five day period of review by the Council of the District of Columbia, whose nomination was deemed approved pursuant to Proposed Resolution 20-0832 on October 4, 2014, is reappointed as a public representative, who is not a member of either employee or employer organizations member of the Council, for a term to end November 19, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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VINCENT C. GRAY  
MAYOR

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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

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**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2014-254  
October 29, 2014

**SUBJECT:** Reappointments – Board of Occupational Therapy


**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 section 206 of the District of Columbia Health Occupations Revision Act of 1995, effective March 25, 1986, D.C. Law 6-99, D.C. Official § 3-1202.06 (2014 Repl.), it is hereby **ORDERED** that:

1. **ROXANNE ARNEAUD**, who was nominated by the Mayor on June 16, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0868 on October 11, 2014, is reappointed as a licensed occupational therapist member of the Board of Occupational Therapy ("**Board**"), for a term to end April 16, 2015.
2. **CHARLES BOND**, who was nominated by the Mayor on June 16, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0869 on October 11, 2014, is reappointed as a licensed recreation therapist member of the Board, for a term to end April 16, 2016.
3. **TRACEY ELLIS**, who was nominated by the Mayor on June 16, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0870 on October 11, 2014, is reappointed as a licensed occupational therapist member of the Board, for a term to end January 13, 2017.

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 2014-255  
October 29, 2014


**SUBJECT:** Reappointment – Board of Physical Therapy

**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 section 209 of the District of Columbia Health Occupations Revision Act of 1995, effective March 25, 1986, D.C. Law 6-99, D.C. Official § 3-1202.09 (2014 Supp.), it is hereby **ORDERED** that:

1. **CHRISTOPHER COUSINS**, who was nominated by the Mayor on June 20, 2014 and deemed approved by the Council of the District of Columbia pursuant to Proposed Resolution 20-0894 on October 11, 2014, is reappointed as a licensed physical therapist member of the Board of Physical Therapy, for a term to end April 16, 2017.
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 2014-256  
October 29, 2014


**SUBJECT:** Appointment and Reappointment – Police and Firemen's Retirement and Relief Board

**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 section 122 of An Act To increase compensation for District of Columbia policemen, firemen, and teachers; to increase annuities payable to retired teachers in the District of Columbia; to establish an equitable tax on real property in the District of Columbia; to provide for additional revenue for the District of Columbia; and for other purposes, approved September 3, 1974, Pub. L. 93-407, D.C. Official Code § 5-722 (2012 Repl.), it is hereby **ORDERED** that:

1. **DR. CHARLES EPPS** is appointed as a public physician member of the Police and Firemen's Retirement and Relief Board, for a term to end two years from the effective date of this order.
2. **DR. HENRY J. WYATT** is reappointed as a public member of the Police and Firemen's Retirement and Relief Board, to complete the remainder of a term to end February 28, 2015.
3. **EFFECTIVE DATE:** This Order shall become effective immediately.

  
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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 2014-257  
October 29, 2014

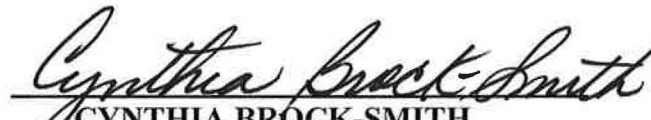
**SUBJECT:** Appointment -- Interim Secretary of the District of Columbia

**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.), it is hereby **ORDERED** that:

1. **SHARON D. ANDERSON** is appointed Interim Secretary of the District of Columbia and shall serve in that capacity at the pleasure of the Mayor.
2. This Order supersedes Mayor's Order 2011-98, dated May 11, 2011.
3. **EFFECTIVE DATE:** This Order shall become effective 12:01 a.m., November 1, 2014.

  
\_\_\_\_\_  
VINCENT C. GRAY  
MAYOR

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS  
CALENDAR

WEDNESDAY, NOVEMBER 12, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson  
Members: Nick Alberti, Donald Brooks, Herman Jones  
Mike Silverstein, Hector Rodriguez, James Short

- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-AUD-00032;** Taj Mahal Enterprises, Ltd., t/a Fiesta Restaurant and Lounge, 1327 Connecticut Ave NW, License #882, Retailer CR, ANC 2B  
**Failed to Allow an ABRA Investigator to Enter or Inspect Without Delay or Otherwise Interfered with an Investigation, Failed to Qualify as a Restaurant, Failed to Maintain Books and Records**
- Show Cause Hearing (Status)** **9:30 AM**  
**Case # 14-CC-00086;** AG Corporation, t/a Fairmont Liquor and Grocery, 2633 Sherman Ave NW, License #80900, Retailer A, ANC 1B  
**Sale to Minor Violation**
- Fact Finding Hearing\*** **9:30 AM**  
Naomi Ladder, LLC, t/a Touche, 1123 H Street NE, License #96779, Retailer CT ,ANC 6A  
**Application for a New License**
- Fact Finding Hearing\*** **10:00 AM**  
**Case # 14-251-00221;** Adams Morgan Spaghetti Garden, Inc., t/a Spaghetti Garden, Brass Monkey, Peyote, Roxanne, 2317 18th Street NW, License #10284  
Retailer CR, ANC 1C  
**Simple Assault**
- Show Cause Hearing\*** **11:00 AM**  
**Case # 14-251-00018;** Meseret Ali & Yonas Chere, t/a Merkato Ethiopian Restaurant, 1909 9th Street NW, License #89019, Retailer CR, ANC 1B  
**Operating After Legal Hours**

Board's Calendar  
November 12, 2014

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

**Protest Hearing\***

**1:30 PM**

**Case # 14-PRO-00055; Cham Restaurant Group, t/a New Town Kitchen and Lounge, 1336 U Street NW, License #93095, Retailer CT, ANC 1B  
Renewal Replacard**

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

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

**NOTICE OF PUBLIC HEARINGS  
CALENDAR**

**THURSDAY, NOVEMBER 13, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S  
WASHINGTON, D.C. 20009**

**Ruthanne Miller, Chairperson  
Members: Nick Alberti, Donald Brooks, Herman Jones  
Mike Silverstein, Hector Rodriguez, James Short**

**Public Hearing**

**9:30 AM**

1. Administrative and Procedural Rulemaking-Chapter 16; 2. Technical  
Amendment Rulemaking

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

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
INVESTIGATIVE AGENDA

WEDNESDAY, NOVEMBER 12, 2014  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

On November 12, 2014 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#14-CMP-00589 Johnny Pistolas, 2333 18TH ST NW Retailer C Restaurant, License#: ABRA-060401

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2. Case#14-CMP-00595 The Bottom Line, 1716 I ST NW A Retailer C Tavern, License#: ABRA-000755

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3. Case#14-251-00259 Music & Arts Club/Tropicalia, 2001 14TH ST NW Retailer C Nightclub, License#: ABRA-083264

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4. Case#14-CMP-00596 Dirty Martini Inn Bar/Dirty Bar, 1223 CONNECTICUT AVE NW Retailer C Nightclub, License#:ABRA-083919

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5. Case#14-CMP-00466 Sign of the Whale, 1825 M ST NW Retailer C Tavern, License#: ABRA-085120

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6. Case#14-CMP-00588 Uncle Lee's Seafood, 1102 EASTERN AVE NE Retailer A Retail - Liquor Store, License#:ABRA-085918

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7. Case#14-CC-00183 Tortino Restaurant, 1228 11TH ST NW Retailer C Restaurant, License#: ABRA-087730

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8. Case#14-CC-00184 Fuel Pizza & Wings, 600 F ST NW Retailer C Restaurant, License#: ABRA-088727

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9. Case#14-PRO-00052 Gypsy Sally's, 3401 K ST NW Retailer C Tavern, License#: ABRA-090582

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10. Case#14-PRO-00055 NEW TOWN KITCHEN AND LOUNGE, 1336 U ST NW Retailer C Tavern, License#:ABRA-093095

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
LEGAL AGENDA

WEDNESDAY, NOVEMBER 12, 2014 AT 1:00 PM  
2000 14<sup>th</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Letter of ANC Support, dated November 3, 2014, submitted by Zahra Jilani. *New Town Kitchen and Lounge*, 1336 U Street, NW, Retailer CT, License No.: 093095.

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2. Review of Settlement Agreement between ANC 4C and Safeway, dated October 8, 2014. *Safeway*, 3830 Georgia Avenue, NW, Retailer B, License No.: 093822.

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3. Review of Settlement Agreement among ANC 2E, Citizen's Association of Georgetown and Yummi Crawfish, dated November 3, 2014. *Yummi Crawfish*, 1529 Wisconsin Avenue, NW, Retailer CR, License No.: 096169.

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**\* 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  
LICENSING AGENDA

WEDNESDAY, NOVEMBER 12, 2014 AT 1:00 PM  
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review Request to Extend Safekeeping Status of License – 3<sup>rd</sup> Request. Original Safekeeping Date: 11/30/2012. ANC 1B. SMD 1B02. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Serv-U-Liquors*, 1935 9<sup>th</sup> Street NW, Retailer A Liquor Store, License No. 060026.

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2. Review Request to Extend Safekeeping Status of License – 5<sup>th</sup> Request. Original Safekeeping Date: 07/11/2011. ANC 1C. SMD 1C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *California Liquors*, 1801 California Street NW, Retailer A Liquor Store, License No. 005018.

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3. Review Application for Safekeeping of License – Original Request. ANC 2C. SMD 2C01. No outstanding fines/citations. No outstanding violations. No pending enforcement matters. No Settlement Agreement. *Aria*, 1300 Pennsylvania Avenue NW, Retailer CR, License No. 074742.

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**\*In accordance with D.C. Official Code §2-574(b) of the Open Meetings Amendment Act, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CLASS B RETAILERS & WHOLESALERS CANCELLATION AGENDA  
WEDNESDAY, NOVEMBER 12, 2014 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-001213 – **B & M Food Store** – Retail – Grocery – B – 215 NEW YORK AVENUE NW  
[Safekeeping][Licensee did not renew.]

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ABRA-014355 - **Seaton Market** – Retail – Grocery - B - 1822 NORTH CAPITOL ST NW  
[Licensee did not renew.]

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ABRA-084703 – **Fairlawn Market** - Retail – Grocery - B - 2323 PENNSYLVANIA AVE SE  
[Licensee did not renew.]

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ABRA-087502 – **Fresh & Green** – Retail – Grocery – B – 4330 48<sup>th</sup> STREET NW  
[Safekeeping][Licensee did not renew.]

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ABRA-090658 – **DiVinoSphere & DiVinoDirect/Off-Site Storage** - Wholesaler - B – 455  
MASSACHUSETTS AVENUE NW  
[Licensee did not renew.]

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ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING  
CLASS C & D RETAILERS CANCELLATION AGENDA  
WEDNESDAY, NOVEMBER 12, 2014 AT 1:00 PM  
2000 14<sup>TH</sup> STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

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

ABRA-076369 - **Lace** - Retail – CT - 2214 RHODE ISLAND AVE NE  
[Licensee did not make 2nd Year Payment.]

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ABRA-070719 – **The Fab Lounge** - Retail – CT - 1805 CONNECTICUT AVE NW B  
[Safekeeping][Licensee did not make 2nd Year Payment.]

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ABRA-075377 – **Manchester Bar & Restaurant** – Retail – CT – 944 FLORIDA AVENUE  
NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-080957 - **Fusion Restaurant & Bar** - Retail - CT - 4815 GEORGIA AVE NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-081092 - **Sesto Senso/ Andalu/Spot/Lupe/M I A** - Retail – CT - 1214 18TH ST NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-091249 – **Federal Lounge** - Retail - CT - 2477 18TH ST NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-091907 – **Todd Gray’s Muse** – Retail – CT - 500 17TH ST NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-091912 – **Union Kitchen** – Retail - CT - 1100 3RD ST NE  
[Licensee did not make 2nd Year Payment.]

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Revised 8/19/2014

ABRA-092156 - **NTH (National Tap House)** – Retail – CT - 1331 CONNECTICUT AVE NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-001341 – **Edwards Bar & Grill** – Retail - CN - 1729 20<sup>TH</sup> STREET, NW  
[Safekeeping][Licensee did not make 2nd Year Payment.]

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ABRA-081805 – **Recess Bar** – Retail - CN - 727 15TH ST NW  
[Licensee did not make 2nd Year Payment.]

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ABRA-094283 – **Brooklyn Flea DC** – Retail - DT - 945 FLORIDA AVENUE NW  
[Licensee did not make 2nd Year Payment.]

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**DEPARTMENT OF BEHAVIORAL HEALTH****SECOND AMENDED NOTICE OF MORATORIUM ON  
ISSUANCE OF NEW MHCRF LICENSES**

The Director of the D.C. Department of Behavioral Health (DBH), pursuant to the authority set forth in sections 5113, 5115, 5117 and 5118 of the “Department of Behavioral Health Establishment Act of 2013,” effective December 24, 2013, D.C. Law 20-0061, 60 DCR 12523, hereby gives notice that effective November 7, 2014, the moratorium on issuance of new MHCRF licenses that took effect August 22, 2014, shall remain in place, but is revised as provided herein. DBH will not accept applications from business entities or individuals seeking licensure for a mental health community residence facility pursuant to Title 22-B of the D.C. Municipal Regulations, Chapters 31 and 38, subject to the exception described below. Applications that are currently under review by the Office of Accountability, Division of Licensure will be processed in accordance with applicable laws and regulations and any moratorium that was in effect at the time of application

The moratorium shall not apply to applications for a new MHCRF from an existing operator seeking to close a currently-licensed MHCRF and to open a MHCRF at a new address consisting of the same number of beds. In order to apply for this exception from the moratorium, the operator shall: (1) provide written notice to DBH, residents and MHCRF staff of the operator’s intent to close the currently licensed MHCRF in compliance with all legal requirements for closure; (2) submit a new completed application for the new location and identify the number of beds, which shall not exceed the number currently licensed in the facility to be closed; (3) comply with all licensing requirements in Title 22-B, D.C. Municipal Regulation, Chapters 31 and 38. NOTE: Accepted applications will be processed by DBH in the normal course of business. If the applicant meets all legal requirements and a new MHCRF license is issued, the MHCRF licensee will not automatically receive DBH contract dollars for residents at the new facility, as a contract modification identifying the new facility must first be approved by the DBH Office of Contracts.

This Amended Notice rescinds and replaces the Notice of Moratorium published on August 8, 2014, at 61 DCR 008172.

DBH reserves the right to temporarily lift this moratorium to receive a specified number of applications, if there is an immediate need to license additional mental health community residence facilities in order to meet the needs of persons within the DBH system of care.

If you have any questions, you may contact Ms. Atiya Frame-Shamblee, Deputy Director of Accountability, Department of Behavioral Health, 64 New York Avenue, NE, Third Floor, Washington, D.C. 20002, telephone (202) 673-2245, or [atiya.frame@dc.gov](mailto:atiya.frame@dc.gov).

**COMMUNITY ACADEMY PUBLIC CHARTER SCHOOL (CAPCS)****REQUEST FOR PROPOSALS****Storm Water Management Modifications**

Community Academy Public Charter Schools (CAPCS) is soliciting proposals from qualified contractors to perform DC-approved modifications for Storm Water Management at the 1400 First Street campus. Contact Waydal Sanderson at [waydalsanderson@capcs.org](mailto:waydalsanderson@capcs.org) for scope of work or with any questions. Contractor must be licensed in DC, have \$5M liability coverage, and provide proof of relevant experience and references. Detailed cost proposals are due electronically by COB Friday, Friday, November 14th, 2014 to [waydalsanderson@capcs.org](mailto:waydalsanderson@capcs.org). CAPCS RESERVES THE RIGHT TO CANCEL THIS RFP AT ANY TIME.

**OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION****NOTICE OF FUNDS AVAILABILITY****Fiscal Year 2015 DC School Garden Grant (SGG)**

Request for Application Announcement Date: **November 7th, 2014**

RFA Release Date: **November 21st, 2014**

Pre-Application Question Period Deadline: **January 14th, 2014**

Application Submission Deadline: **January 23rd, 2015**

**Background:** The Division of Wellness and Nutrition Services within the Office of the State Superintendent of Education (OSSE) is soliciting grant applications for the DC School Garden Grant (SGG) as mandated by the Healthy Schools Act (HSA) of 2010 (DC Law 18-209). The purpose of this grant is to increase the capacity and scope of DC school gardens as educational resources.

**Eligibility:** OSSE will accept applications from DC public schools and public charter schools participating in the HSA in partnership with DC-based school garden or farm to school focused organizations with 501(c) 3 status. OSSE will accept 1 application per school campus, however an organization may submit up to 4 applications with 4 different schools. Schools that have been awarded 3 or more SGG awards within the past 5 years are not eligible.

**Length of Award:** The grant award period will be one year. Grant activities must take place between March 2<sup>nd</sup>, 2015 and March 1<sup>st</sup>, 2016.

**Available Funding for Award:** The total funding available for this award period is \$300,000. Applicants may apply for an award amount of up to \$15,000 to fund new and active school garden/farm to school programs.

The RFA and all supporting documents will be available on November 21<sup>st</sup> at <http://grants.osse.dc.gov>. To receive more information or for a copy of this RFA, please contact:

Sam Ullery  
School Garden Specialist  
Wellness and Nutrition Services Division  
DC Office of the State Superintendent of Education  
[sam.ullery@dc.gov](mailto:sam.ullery@dc.gov)

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit (#6377) to the U.S. Department of the Treasury, Bureau of Engraving and Printing to operate a D200M nickel electroforming/plating line for intaglio printing plates and dies, at the Bureau of Engraving and Printing, located at 14<sup>th</sup> and C Streets SW, Washington DC. The contact person for the facility is David Kaczka, Environmental Compliance Manager, Office of Environment, Health & Safety at (202) 874-2107. The applicant's mailing address is 14<sup>th</sup> and C Streets SW, Washington, DC 20228.

The proposed emission limits are as follows:

- a. The maximum nickel emissions from the operation of the nickel electroforming/plating line for the manufacture of intaglio printing plates shall not exceed 3.16E-04 lb/hr and 0.002 ton/yr. [20 DCMR 201]
- b. The maximum sulfuric acid emissions from the operation of the nickel electroforming/plating line for the manufacture of intaglio printing plates shall not exceed 1.9E-03 lb/hr and 0.0083 ton/yr. [20 DCMR 201]
- c. Visible emissions shall not exceed zero percent opacity from the nickel electroforming/plating line for the manufacture of intaglio printing plates. [20 DCMR 201 and 20 DCMR 606.1]
- d. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited . [20 DCMR 903]

The estimated maximum emissions from the Nickel Electroforming/Plating Line are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Nickel (Ni)	0.002
Sulfuric Acid (H <sub>2</sub> SO <sub>4</sub> )	0.0083

The application to operate the nickel electroforming/plating line 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, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue Permit Nos. 6848, 6849, and 6850 to the United States Department of Commerce, to operate three existing, identical, 2,000 kW Cummins emergency generator sets with associated 2,919 diesel fired engines (Unit 1, Unit 2, and Unit 3, respectively), located in Washington, DC. The contact person for the applicant is Anthony Kessler, Manager, Safety & Occupational Health, at (202) 482-2520.

Emergency Generators to be Permitted

<b>Equipment Location</b>	<b>Address</b>	<b>Generator Standby Rating (Engine Size)</b>	<b>Model Numbers (Engine/Generator)</b>	<b>Permit Nos.</b>
U.S. Department of Commerce	1401 Constitution Ave NW Washington, DC 20230	2,000 kW (2,919 bhp/2,177 kW)	Cummins/ 2000DQKAB	6848, 6849, 6850

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

<b>Emission Standards</b>	
<b>Pollutant</b>	<b>g/kW-hr</b>
NMHC+NO <sub>x</sub>	6.4
CO	3.5
PM	0.20

- b. Visible emissions shall not be emitted into the outdoor atmosphere from each 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 maximum emissions from each emergency generator are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.23
Oxides of Nitrogen (NO <sub>x</sub> )	6.8
Volatile Organic Compounds (VOC)	0.14
Total Particulate Matter , PM (Total)	0.21
Sulfur Dioxide (SO <sub>x</sub> )	0.42

The applications to operate the emergency generators and the draft set of permits 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, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (#6862) to Super Concrete Corporation (the Permittee) to operate one (1) 1,000 kW emergency generator set with a 1,582 HP diesel fired engine and a Miratech Diesel Oxidation Catalyst at the Aggregate Industries site located at 5001 Fort Totten Drive NE, Washington, DC 20011. The contact person for the facility is Lisa Hunt, Permitting Advisor, at (301) 982-1400.

**Emissions:**

Maximum annual potential emissions from the unit are expected to be as follows:

	<b>Maximum Annual Emissions</b>
<b>Pollutant</b>	<b>(tons/yr)</b>
Total Particulate Matter (PM Total)	0.277
Sulfur Oxides (SO <sub>x</sub> )	0.005
Nitrogen Oxides (NO <sub>x</sub> )	5.142
Volatile Organic Compounds (VOC)	0.279
Carbon Monoxide (CO)	0.462

The proposed overall emission limits for the equipment are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from each 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].
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

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

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

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6870 to Georgetown University to construct and operate a cold-cleaning degreaser at the Georgetown University, Southwest Quad Building, 3700 O Street NW, Washington DC. The contact person for the facility is Greg Simmons at (202) 594-6523

The proposed emission limit is as follows:

- a. 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 Cold-Cleaning are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Volatile Organic Compounds (VOCs)	0.147

The application to construct and operate the cold-cleaning degreaser 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, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6948 to Presidential Building LLC to operate one (1) 450 kW emergency generator set with a 685 HP diesel fired engine at the Jones Lang LaSalle Inc. property located at 1111 Pennsylvania Avenue NW, Washington DC 20004. The contact person for the facility is William Farrell at (202) 347-5922.

The proposed emission limits are as follows:

- a. 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]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.94
Oxides of Nitrogen (NO <sub>x</sub> )	4.11
Total Particulate Matter , PM (Total)	0.12
Sulfur Dioxide (SO <sub>x</sub> )	1.39
Volatile Organic Compounds (VOCs)	0.12

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining



the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue air quality permit #6949 to operate one (1) existing 80 kW emergency generator set with a 107 HP diesel-fired engine at Joint Base Myer-Henderson Hall (Fort Lesley J. McNair), Building 32, at 4<sup>th</sup> and P Streets SW, Washington DC. The contact person for the facility is Richard LaFreniere, Chief of the Environmental Management Division, at (703) 696-8055.

The proposed emission limits are as follows:

- a. 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]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator set are as follows:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.18
Oxides of Nitrogen (NO <sub>x</sub> )	0.83
Total Particulate Matter, (PM Total)	0.059
Sulfur Dioxide (SO <sub>x</sub> )	0.0549
Volatile Organic Compounds (VOCs)	0.0674

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

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

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

Stephen S. Ours  
Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (#6950) to the Cellco Partnership (DBA Verizon Wireless) to construct and operate one (1) 30 kW emergency generator set with a 66.5 horsepower natural gas fired engine at 2501 Martin Luther King Jr. Avenue SE, Washington, DC 20020. The contact person for the facility is Bryan Scallon at (202) 633-1560.

The proposed emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(c), 40 CFR 60.4231(c), and 40 CFR 90.103, Table 1]:

<b>Pollutant Emission Limits (g/kW-hr)</b>	
NO <sub>x</sub> + HC	CO
13.4	519

- b. Visible emissions shall not be emitted into the outdoor atmosphere from this generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1].
- c. 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:

<b>Pollutant</b>	<b>Maximum Annual Emissions (tons/yr)</b>
Carbon Monoxide (CO)	0.600
Oxides of Nitrogen (NO <sub>x</sub> )	0.150
Total Particulate Matter (PM Total)	0.0014
Sulfur Dioxide (SO <sub>x</sub> )	0.0009
Hydrocarbons (HCs)	0.042

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

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Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 will be accepted.**

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

**DISTRICT DEPARTMENT OF THE ENVIRONMENT**

FISCAL YEAR 2015

**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, 5<sup>th</sup> Floor, Washington, DC, intends to issue an air quality permit (#6951) to the Cellco Partnership (DBA Verizon Wireless) to construct and operate one (1) 30 kW emergency generator set with a 66.5 horsepower natural gas fired engine at 5125 MacArthur Boulevard NW, Washington, DC 20016. The contact person for the facility is Bryan Scallon at (202) 633-1560.

The proposed emission limits for the equipment are as follows:

- a. Emissions from the unit shall not exceed those in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E [40 CFR 60.4233(c), 40 CFR 60.4231(c), and 40 CFR 90.103, Table 1]:

<b>Pollutant Emission Limits (g/kW-hr)</b>	
NO <sub>x</sub> + HC	CO
13.4	519

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

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Chief, Permitting Branch  
Air Quality Division  
District Department of the Environment  
1200 First Street NE, 5<sup>th</sup> Floor  
Washington, DC 20002  
[Stephen.Ours@dc.gov](mailto:Stephen.Ours@dc.gov)

**No written comments or hearing requests postmarked after December 8, 2014 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**

**NOTICE OF INTENT**

Friendship Public Charter School is seeking bids from prospective vendors to provide;

**On Call Architectural Design Services:** The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, November 24<sup>th</sup>, 2014. No proposal will be accepted after the deadline. Questions can be addressed to: [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org). -- **Bids not addressing all areas as outlined in the RFP will not be considered.**

**IT Hardware and Software Equipment Purchase and Service:** The competitive Request for Proposal can be found on FPCS website at <http://www.friendshipschools.org/procurement>. Proposals are due no later than 4:00 P.M., EST, November 24<sup>th</sup>, 2014. No proposal will be accepted after the deadline. Questions can be addressed to: [ProcurementInquiry@friendshipschools.org](mailto:ProcurementInquiry@friendshipschools.org). -- **Bids not addressing all areas as outlined in the RFP will not be considered.**

Pursuant to the School Reform Act, D.C. 38-1802 (SRA) and the D.C. Public Charter Schools procurement policy, Friendship PCS hereby submits this Notice of Intent to award the following Sole Source Contracts:

**Vendor: International Baccalaureate**

**Description of Good or Service Procured:** International Baccalaureate North America Fees, Training, Materials and related Services.

**Amount of Contract:** \$100,000

**Selection Justification:** International Baccalaureate is the sole owner of the Training and Instructional Materials for the International Baccalaureate Program

**Vendor: College Board AP**

**Description of Good or Service Procured:** College Board Advance Placement program, AP, SAT, PSAT, publications, software, services and materials.

**Amount of Contract:** \$100,000

**Selection Justification:** College Board is the Sole provider of advance placement exams, publications and software which include tangible and in tangle related services and materials.



**DEPARTMENT OF HEALTH CARE FINANCE  
NOTICE OF PUBLIC MEETING**

**Department of Health Care Finance Pharmacy and Therapeutics Committee**

The Department of Health Care Finance (DHCF) Pharmacy and Therapeutics Committee (P&T Committee), pursuant to the requirements of Mayor's Order 2007-46, dated January 23, 2007, hereby announces a public meeting of the P&T Committee to obtain input on the review and maintenance of a Preferred Drug List (PDL) for the District of Columbia. The meeting will be held **Thursday, December 4, 2014, at 2:30 PM** in the **11<sup>th</sup> Floor Citywide Conference Room 1107 at 441 Fourth Street NW, Washington, DC 20001**. Please note that a government issued ID is needed to access the building. Use the South Lobby elevators to access the 11<sup>th</sup> floor.

The P&T Committee will receive public comments from interested individuals on issues relating to the topics or class reviews to be discussed at this meeting. The clinical drug class review for this meeting will include:

Acne Agents, Topical	Beta-Blockers
Androgenic Agents	Bone Resorption Suppression Agents
Angiotensin Modulator Combinations	Calcium Channel Blockers
Angiotensin Modulators	Growth Hormone
Antianginal Agent (Ranexa)	Hepatitis B Agents
Antiarrhythmics-Oral (Tentatively)	Hepatitis C Agents
Antibiotics, Inhaled	Immunomodulators, Atopic Dermatitis
Antibiotics, Topical	Immunomodulators, Topical
Anticoagulants	Lipotropics, Others
Antihypertensives, Sympatholytics	Lipotropics, Statins
Antihyperuricemics	Pancreatic Enzymes
Antipsoriatics, Topical	Platelet Aggregation Inhibitors
Antiviral Agents, Oral (HSV & Influenza)	Progestins for Cachexia
Antiviral Agents, Topical	Vaginal Estrogen Preparations (Tentatively)

Any person or organizations who wish to make a presentation to the DHCF P&T Committee should furnish his or her name, address, telephone number, and name of organization represented by calling (202) 442-9076 **no later than 4:45 PM on Wednesday, November 26, 2014**. The person or organization may also submit the aforementioned information via e-mail to Charlene Fairfax ([charlene.fairfax@dc.gov](mailto:charlene.fairfax@dc.gov)).

An individual wishing to make an oral presentation to the P&T Committee will be limited to three (3) minutes. A person wishing to provide written information should supply twenty (20) copies of the written information to the P&T Committee **no later than 4:45 PM on Wednesday, November 26, 2014**. **Handouts are limited to no more than two standard 8-1/2 by 11 inch pages of "bulleted" points (or one page front and back)**. The ready-to-disseminate, written information can also be mailed **to arrive no later than Wednesday, November 26, 2014** to:

Department of Health Care Finance  
Attention: Charlene Fairfax, RPh, CDE  
441 4<sup>th</sup> Street NW, Suite 900 South  
Washington, DC 20001

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONAL LICENSING ADMINISTRATION**

**NOTICE OF MEETING**

Board of Medicine  
November 13, 2014

On NOVEMBER 13, 2014 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 11:30 am 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, 2<sup>nd</sup> 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](http://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.

**DEPARTMENT OF HEALTH  
COMMUNITY HEALTH ADMINISTRATION**

**NOTICE OF FUNDING AVAILABILITY  
RFA # CHA CCTP112114**

**FY 2015 Concussion Care and Training Program**

The Government of the District of Columbia, Department of Health (DOH), Community Health Administration (CHA) is soliciting applications from eligible organizations to develop and implement a concussion care and training program for the District of Columbia.

The program should provide concussion care training and accompanying educational training materials on the following:

- Concussion – Signs and Symptoms
- Concussion in Sports
- Concussion in Youth Sports
- Traumatic Brain Injury

Local appropriated enhancement funding in the amount of \$480,000 is available to implement this program.

The release date for **RFA#CHA\_CCTP11.21.14** will be **Friday, November 21, 2014**. The complete RFA will be available on the Office of Partnerships and Grants Services website, <http://opgs.dc.gov/page/opgs-district-grants-clearinghouse> under the DC Grants Clearinghouse. A limited number of copies will also be available for pick-up at 899 North Capitol Street, NE, Third Floor (Reception Area), Washington, D.C. 20002.

The deadline for submission and receipt of completed applications is **Monday, December 22, 2014 by 4:00 p.m.** Late submissions will not be accepted.

A Pre-Application Conference will be held on Tuesday, December 2, 2014 from 2:00 p.m. to 4:00 p.m. at \*899 North Capitol St., NE, Conference Room 306.

Applicants are encouraged to e-mail their questions to [sherry.billings@dc.gov](mailto:sherry.billings@dc.gov) or call (202) 442-9173 prior to the pre-application conference.

\*899 North Capitol St. NE is a secured building. Government issued identification must be presented for entrance.

**DEPARTMENT OF HEALTH****PUBLIC NOTICE**

The Director of the Department of Health hereby gives the following notice pursuant to the Prescription Drug Monitoring Program Act of 2013, effective February 22, 2014 (D.C. Law 20-66; 61 DCR 7, published January 3, 2014).

The District of Columbia Department of Health's Pharmaceutical Control Division will hold an informal listening session on DRAFT proposed rulemaking to implement the District of Columbia's Prescription Drug Monitoring Program:

**Friday, November 14, 2014 at 2pm**  
**Department of Health**  
**At 899 North Capitol St, NE, Room 216**  
**Washington, D.C. 20002**

The DRAFT proposed rulemaking will be emailed to stakeholders who have previously notified the Department of their interest in District of Columbia's Prescription Drug Monitoring Program. A copy of the DRAFT proposed rulemaking may also be obtained on the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp) under the "Laws and Regulations" link.

Please submit all written comments in advance of the meeting by 4:00pm Tuesday, November 11, 2014. Written comments may be submitted electronically by email to [doh.pcd@dc.gov](mailto:doh.pcd@dc.gov). Please include "PDMP Comments" in the subject line of the email.

Any person who would like to present on the DRAFT proposed rulemaking, may sign up by emailing his/her name and contact information to [doh.pcd@dc.gov](mailto:doh.pcd@dc.gov) before 4:30 p.m. on Tuesday, November 11, 2014. Persons presenting, whether representing an organization or presenting as an individual, may be limited to 3 minutes in order to allow all interested parties the opportunity to be heard.

Presenters are requested to also submit five (5) copies of their presentation to the Department by November 11, 2014, if their presentation will be different from the electronic comments submitted.

Any person who has not signed up by Tuesday, November 11, 2014, may still share comments at the end of the session, time permitting. Written comments may be submitted until the conclusion of the listening session on November 14, 2014.

Please monitor the Department's Prescription Drug Monitoring Program website at [doh.dc.gov/pdmp](http://doh.dc.gov/pdmp) for updates. Phone inquiries will not be accepted regarding this topic.

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

November 13, 2014  
815 Florida Avenue, NW  
Washington, DC 20001  
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the October 28, 2014 board meeting.
- III. Vote to close meeting to discuss the approval of the 7611 & 7701 Georgia Avenue project and bond transaction, the Langdon Apartments project and bond transaction and the Ontario Court 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 7611 & 7701 Georgia Avenue project and bond transaction, the Langdon Apartments project and bond transaction and the Ontario Court project and bond transaction. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- IV. Re-open meeting.
- V. Consideration of DCHFA Final Bond Resolution No. 2014-19 for 7611 & 7701 Georgia Avenue.
- VI. Consideration of DCHFA Eligibility Resolution No. 2014-20 for the Langdon Apartments.
- VII. Consideration of DCHFA Eligibility Resolution No. 2014-21 for Ontario Court.
- VIII. Vote to close meeting to discuss the selection of a firm to perform real estate advisory services for the Agency.

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 regarding the selection of a firm to provide real estate advisory services for the Agency. An open meeting would adversely affect the bargaining position or negotiation strategy of the public body. (D.C. Code §2-575(b)(2)).

- IX. Re-open meeting.
- X. Consideration of DCHFA Resolution No. 2014-10(G) regarding the selection of a firm to provide real estate advisory services.
- XI. Interim Executive Director's Report.
- XII. Other Business.
- XIII. Adjournment.

**KIPP DC PUBLIC CHARTER SCHOOL****REQUEST FOR PROPOSALS****Professional Development Retreat Venue**

KIPP DC, a public charter school, is looking for a location with overnight accommodations for 400 people to host its 2015 summer professional development retreat for from August 3, 2015- August 7, 2015. Proposals will be accepted until 5:00pm, EST on Friday, November 21, 2014. For a full RFP and/or more details, please email Rachel Yost at **BOTH** [Rachel.Yost@kipfdc.org](mailto:Rachel.Yost@kipfdc.org) and [procurement@kipfdc.org](mailto:procurement@kipfdc.org).

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION**

**BOARD OF DIRECTORS**

**NOTICE OF CLOSED MEETING**

The Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will hold a closed session conference call meeting pursuant to D.C. Official Code §§ 2-575(b)(2),(4A)(10) at 9:00am on Thursday, November 20, 2014. Notice of this meeting will be posted in the Not-For-Profit Hospital Corporation, and published in the D.C. Register.

**DRAFT AGENDA**

**I. CALL TO ORDER**

**II. DETERMINATION OF A QUORUM**

**III. APPROVAL OF AGENDA**

**IV. BOARD DISCUSSION**

Potential Partnership; Legal Advice - (D.C. Official Code §§ 2-575(b)(2)(4A)(10))

**V. ANNOUNCEMENT**

Our Annual Community Meeting will be held on Saturday, November 22, 2014 from 12noon-2pm at the R.I.S.E Demonstration Center, located at 2730 Martin Luther King Jr. Avenue, SE, Washington DC 20032 (on the campus of St. Elizabeth East).

**VI. ADJOURNMENT**



**OFFICE OF THE DEPUTY MAYOR FOR PLANNING AND ECONOMIC DEVELOPMENT****AND****DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS****OFFICE OF THE SURVEYOR****NOTICE OF AN OPPORTUNITY TO SUBMIT COMMENTS**

The District of Columbia Office of the Surveyor, pursuant to Section 9-101.06 of the D.C. Official Code, gives notice of an opportunity to submit comments on the proposal to remove the Highway Plan for a portion of 13<sup>th</sup>, 14<sup>th</sup>, Dahlia and Butternut Streets, N.W. in Parcels 319/2, 319/3, 319/4 and 319/5, from the Plan of Permanent System of Highways.

All persons desiring to comment on the proposal should submit comments in writing to Diana Dorsey Hill, Program Specialist, Office of the Surveyor, 1100 Fourth Street, S.W., Room E320, Washington, D.C. 20024 or via e-mail at [diana.dorsey@dc.gov](mailto:diana.dorsey@dc.gov), not later than thirty (30) days after publication of this notice in the *D.C. Register*.

A map showing the proposed modification is in the files in the Office of the Surveyor at the address above. The file number is S.O. 14-07241. This map may be examined during business hours, from 8:30am to 4:15pm Monday through Friday.

For further information, you may contact Roland F. Dreist, Jr., Surveyor of the District of Columbia at 202-442-4699.

**OFFICE OF POLICE COMPLAINTS**

**NOTICE OF PUBLIC MEETING**

**POLICE COMPLAINTS BOARD MEETING**

**November 13, 2014**

**6:00 p.m.**

**1400 I St, Suite 700, Washington, DC, 20008**

**For additional information, contact Christian J. Klossner at 202-727-3838**

**AGENDA OF MEETING**

- I. Call to Order
- II. Public Comment Period
- III. Approval of PCB Minutes
  - a. September 8, 2014
  - b. October 2, 2014
- IV. Caseload Statistics
- V. Agency Report
- VI. Executive Session

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**THE DISTRICT OF COLUMBIA**

**PUBLIC EMPLOYEE RELATIONS BOARD**

<hr/>	
In the Matter of:	)
	)
District of Columbia Child and Family	)
Services Agency,	)
	)
Petitioner,	)
	)
and	)
	)
American Federation of State, County and	)
Municipal Employees, District Council 20,	)
Local 2401, AFL-CIO,	)
	)
Respondent.	)
<hr/>	

PERB Case No. 08-A-07  
Opinion No. 956

**DECISION AND ORDER**

**I. Statement of the Case:**

The District of Columbia Child and Family Services Agency ("CFSA" or "Agency") filed an Arbitration Review Request ("Request") in the above captioned matter. CFSA seeks review of an arbitrator's award ("Award"), which rescinded the termination of three (3) employees. CFSA contends that: (1) the arbitrator exceeded his authority; and (2) the Award is contrary to law and public policy. (See Request at pgs. 5 and 7). The American Federation of State, County and Municipal Employees, Council 20, Local 2401, AFL-CIO ("AFSCME" or "Union") opposes the Request.

The issues before the Board are whether "the award on its face is contrary to law and public policy" and "whether the arbitrator was without or exceeded his or her jurisdiction." D.C. Code § 1605.02(6) (2001 ed.).

Decision and Order  
PUB Case No. 08-A-07  
Page 2

## II. Discussion

On January 8, 2008, the bodies of four children were discovered at the home of Banita Jacks, a resident of the District of Columbia. (See Award at p. 2). Prior to this time, on July 12, 2006, and April 27, 2007, there had been calls to the CFSA hotline concerning Banita Jacks' family situation. The last call triggered a CFSA investigation that began on April 28, 2007. CFSA Social Workers Nikole Smith, Carl Miller, and Foletia Nguasong were identified as personnel who had contact with the family. On January 14, 2008, the CFSA gave each of the three (3) employees a 30-day advance notice of proposed removal. (See Award at p. 2). The proposed removal was based upon actions of the employees that: (1) "threatened the integrity of government operations," and (2) were "detrimental to public, health, safety and welfare." (Award at p. 2).

The employees were given the opportunity to be heard by an agency Hearing Officer, who on February 13, 2008, recommended that the removal actions be dismissed. (See Award at pgs. 2-3). The Mayor "prohibited the Agency Deciding Official from considering the Hearing Officer's recommendation." (Award at p. 3). Thus, the CFSA Director, who served as the Deciding Official, rejected the Hearing Officer's recommendation and issued Notices of Final Decision terminating the three (3) employees. (See Award at p. 3). On March 6, 2008, the Union filed grievances on behalf of the employees. The Agency denied the grievances on March 27, 2008. On April 22, 2008, the Union invoked arbitration over the terminations. (See Award at p. 3).

The issue before the arbitrator was: "Did the Agency have cause, as required by Article 7 of the collective bargaining agreement, to terminate Carl Miller, Nikole Smith and Foletia Nguasong and, if not, what shall be the remedy?" (Award at p. 2).

At arbitration the Agency argued that the Grievants were lawfully terminated from their positions for cause, because they did not follow CFSA policy. (See Award at p. 14). Specifically, the Agency claimed that "[Ms.] Nikole Smith's failure to probe the July 2006 caller exhibited poor professional judgment. [Mr.] Carl Miller failed to report that the caller said that one of the children was being held hostage, and did not ask what the caller meant by her use of the 'hostage' language. [Also,] Mr. Foletia Nguasong failed to make contact with individuals with close ties, such as paternal grandparents, relatives, and neighbors who could have provided information on the family. When he received additional information, he failed to conduct any follow-up investigation to contact or locate the family. Instead, the case remained closed." (Award at pgs. 14-15).

The Union countered that the Agency failed to establish by a preponderance of the evidence that it had cause to terminate the Grievants. The Union argued that the Agency's only witness testified that she was neither the deciding official nor the proposing official. Also, the Union contended that the Grievants were outstanding employees. The Agency's sole witness, Audry Sutton, stated that Nicole Smith "had an

Decision and Order  
PERB Case No. 08-A-07  
Page 3

outstanding record, was a valuable member of the Agency, had been promoted, and had never been disciplined." (Award at p. 8). Carl Miller testified that Mrs. Sutton told him that "[e]veryone here loves your work." (Award at p. 9). Sutton also stated about Foletia Nguasong, "He had an outstanding record." (Award at p. 12). The Union asserted that the Mayor ordered that the employees be terminated without investigation and prohibited CFSA from considering mitigating evidence. (See Award at p. 15). Finally, the Union asserted that the Grievants were provided no specific information concerning the reason for their termination.

In an award issued on September 2, 2008, Arbitrator John Truesdale found that "[CFSA] did not have cause to terminate [the Grievants] [;] therefore [he] sustain[ed] the Union's grievances." (Award at pgs. 18-19). In support of his decision that there was no cause to terminate the Grievants, the arbitrator found that the termination decisions: (1) failed to meet basic standards of fairness and due process<sup>2</sup> (see Award at p. 16); (2) violated Article 7 of the collective bargaining agreement (see Award at pgs. 16-17); and (3) merited reversal under *United Paperworkers International Union, AFL-CIO v. Misco*, 484 U.S. 29 (1987) (see Award at p. 18). The arbitrator ordered that the Grievants be reinstated without loss of seniority and be made whole for loss of pay and benefits, with interest, and that the Grievants' records be expunged. He also ordered that a letter be placed in the Grievants' personnel folders for three (3) years reiterating the Agency's Hotline Policy and the Intake and Investigations Policy. (See Award at pgs. 1819).

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Arbitrator Truesdale first discussed various standards of proof used by arbitrators, stating as follows:

In discharge and disciplinary cases, the burden of proof, a composite of the burden of proceeding and the burden of persuasion, lies with the employer. The amount of evidence necessary for a favorable decision is the 'quantum of proof. As stated in *Elkouri & Elkouri*, the quantum of proof varies according to the issue to be decided. In ordinary discipline and discharge cases, arbitrators apply the "preponderance of the evidence" standard. But in cases involving criminal conduct or stigmatizing behavior, many arbitrators apply the higher "clear and convincing" standard, and some go further to apply the 'beyond a reasonable doubt' standard.

This case certainly involves allegations of stigmatizing behavior, for in effect the Agency has laid the blame for the tragic deaths of these four children on the Grievants without solid evidence that the matter was fully investigated; that consideration was given to mitigating factors, that their stellar and unblemished records over many years of service to the Agency and to the public, to notions of progressive discipline; and that they were given a fair opportunity to be heard. (Award at p. 16).

<sup>2</sup> The arbitrator found that the Grievants were only told that they had contact with the Jacks family and were not given any other reason for the proposed removal action. (See Award at p. 17).

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CFSA filed a Request challenging the arbitrator's Award. CFSA asserts that the arbitrator exceeded his authority by "implicitly applying a higher level of proof and imposing a standard which is outside of [the] District's regulatory provisions that are applicable to District government employees in disciplinary proceedings." (Request at p. 6). CFSA also asserts that the Award on its face is contrary to law and public policy because Arbitrator Truesdale "improperly applied a higher level of proof whereas the District Personnel Regulations mandate that the standard of proof for the Agency is preponderance of the evidence ([pursuant to] DCMR § 6-1603.9)." (Request at pgs. 7-8).

The Union opposes the Request. CFSA's Request and AFSCME's Opposition are before the Board for disposition.

When a party files an arbitration review request, the Board's scope of review is extremely narrow. Specifically, the Comprehensive Merit Personnel Act ("CMPA") authorizes the Board to modify or set aside an arbitration award in only three limited circumstances where:

1. "the arbitrator was without, or exceeded, his or her jurisdiction";
2. "the award on its face is contrary to law and public policy"; or
3. the award "was procured by fraud, collusion or other similar and unlawful means."

D.C. Code § 1-605.02(6) (2001)

#### ed.). **Procedural Claims**

The Agency asserts that the arbitrator applied a higher standard of proof than mandated by the District's regulatory provisions. (See Request at p. 6, citing 6 DCMR § 1603.9). (See also, District Personnel Manual ("DPM"), Chap. 16, § 1603.9,<sup>3</sup> which contains the identical provision.)

CFSA asserts that the preponderance of the evidence standard found in the DCMR is applicable in the three (3) terminations because Article 7, Section 8 of the parties' collective bargaining agreement

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<sup>3</sup> 6 DCMR §1603.9 provides as follows:

In any disciplinary action, the District government will bear the burden of proving by a preponderance of the evidence that the action may be taken, or in the case of summary action, that the disciplinary action was taken for cause, as that term is defined in this section....

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provides that "discipline shall be ... consistent with ... D.C. Office of Personnel regulations." (Request at p. 7). CFSA also claims that "the arbitrator could not impose a standard that was heavier and outside of the regulatory authority. Neither the collective bargaining agreement, nor the personnel regulations gave the arbitrator this authority." (Request at pgs. 6-7).

The Union disputes CFSA's assertion that the arbitrator must apply the standard of proof found in the DPM. Relying on D.C. Code § 1-616.52 (d),<sup>4</sup> the Union asserts that the parties' collective bargaining agreement takes precedence over DPM regulations. (See Opposition at pgs. 4-5).<sup>5</sup> The Union claims that "the section of the personnel regulations upon which the Agency relies is part of the statutory grievance procedure under D.C. Code § 1-616.53, and not one under a collective bargaining agreement." (Opposition at p. 4).

The Board has previously addressed the issue of whether an arbitrator must adopt the same standard of proof used by an agency when determining whether just cause for the discipline was met. In *District of Columbia Metropolitan Police Department and Fraternal Order of Police/Metropolitan Police Department Labor Committee (on behalf of Officer Anthony Brown)*, - DCR-, Slip Op. No. 757 at pgs. 7-9, PERB Case No. 03-A-06 (2004), ("*Brown*"), the Board considered "*whether an [a]rbitrator, in reviewing a Police Disciplinary Trial Board decision, is authorized to use a different standard of proof than the [Police] Trial Board did when determining whether just cause for the discipline was met, where the Police Department procedures expressly set forth the standard of proof*" (emphasis in the original).

*Brown* involved an arbitration review request concerning discipline for conduct that was considered to be a criminal act. In *Brown*, the arbitrator applied the higher standard of proof found in criminal cases, i.e., beyond a reasonable doubt, when determining whether the MPD had cause for terminating the grievant in that case. The Board found that MPD's regulations set forth the preponderance of the evidence standard as "the appropriate standard of proof to be used in a disciplinary proceeding based on criminal charges." (*Brown* at p. 8). The Board held that "if a standard of proof is set forth in law, rule, regulation, or a collective bargaining agreement, an arbitrator's failure to apply the prescribed standard will constitute a basis for finding the award deficient, as contrary to law, rule, regulation, or as failing to draw its essence

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<sup>4</sup> D.C. Code § 1-616.52(d) provides as follows: "Any system of grievance resolution or review of adverse actions negotiated between the District and a labor organization shall take precedence over the procedures of this subchapter for employees in a bargaining unit represented by a labor organization."

<sup>5</sup> DPM, Chap. 16, Sec. 1601.2, provides: "Any procedural system for the review of adverse actions negotiated between the District of Columbia and a labor organization shall take precedence over the provisions of this chapter for employees in a bargaining unit represented by a labor organization, to the extent that there is a difference. A contract, memorandum of understanding or collective bargaining agreement cannot modify the standard for cause as defined in § 1603."

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from the agreement." *Brown* at p. 8. The Board concluded that the arbitrator in *Brown* "clearly failed to follow MPD's [established] regulations and procedures ... [and therefore] exceeded his authority [when he applied] a higher standard of proof. Thus, [MPD] established a [statutory] basis for review." (*Id.* at p. 8).

It must be noted that *Brown* was a case of first impression. Nothing the record suggests that *Brown* has been applied in District agencies other than the MPD, where a specific regulation states that in discipline matters, including criminal charges, the preponderance of the evidence standard is to be used. Nothing in the record indicates that CFSA has a similar rule or regulation.

Here, the Board must determine whether to grant CFSA's Request based on its argument that, in reviewing the disciplinary actions of three (3) employees, the arbitrator was not authorized to apply a different standard of proof than CFSA applied, where the collective bargaining agreement requires, at Article 7, Section 3, that discipline will be "consistent with ... D.C. Office of Personnel Regulations." CFSA requests that the Board overturn the Award.'

In the present case, the arbitrator concluded that "[CFSA] did not have cause to terminate [the Grievants] and therefore [he] sustained] the Union's grievances." (Award at pgs. 18-19). In reaching his conclusion on the whether there was cause for discipline, the arbitrator discussed the standard of proof as follows: "*In ordinary discipline and discharge cases, arbitrators apply the 'preponderance of the evidence' standard. But in cases involving criminal conduct or stigmatizing behavior, many arbitrators apply the higher 'clear and convincing' standard, and some go further to apply the 'beyond a reasonable doubt' standard. This case certainly involves allegations of stigmatizing behavior. . .*" (emphasis added). (Award at p. 16; also, see n. 1 *supra*).

While the arbitrator states that the preponderance of the evidence standard is used in termination cases, he also states that "the higher 'clear and convincing' [and] 'beyond a reasonable doubt' standard" may be used in cases involving criminal conduct or stigmatizing behavior. (Award at p. 16). He then comments that "[t]his case certainly involves allegations of stigmatizing behavior." (Award at p.16). This creates an ambiguity as to which standard was actually used by the arbitrator. In the present case, we find that the arbitrator does not clearly state which standard of proof he applied when determining whether there was cause for termination. In the absence of an articulated standard of proof we cannot rule on whether

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<sup>6</sup> Citing *U.S. Department of Defense Education Activity v. Federal Education Ass'n*, 56 FLRA 779 (2000).

<sup>7</sup> It should also be noted that CFSA's cite to Section 3 is subject to more than one interpretation.

<sup>8</sup> CFSA also requests that the Board "overturn this Award, deny the grievance, and assess the fee and expenses of the arbitrator to the Union." (Request at p. 10).



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there is merit in CFSA's assertion that the arbitration award conflicts with law and public policy or whether the arbitrator exceeded his authority.

Reviewing bodies have limited power to remand cases to an arbitrator. Furthermore, it is well-settled that once an arbitrator has issued an opinion, "he *is functus officio* and can do nothing more in regard to the subject matter of the arbitration." *Washington-Baltimore Newspaper Guild, Local 35 v. The Washington Post Company*, 442 F.2d 1234, at p. 1238 (D.C. Cir. 1971); and see *Williams v. Richey*, 948 A.2d 564, 567 n. 1 (D.C. 2008). We note that under *United Steel Workers of America v. Enterprise Wheel and Car Corp.*, 363 U.S. 593 (1960), an arbitration decision may not be modified simply because the arbitrator's decision is ambiguous.<sup>9</sup> Nevertheless, when an arbitration award is ambiguous, reviewing bodies may remand the award for clarification. "[A]n award is ambiguous if it is susceptible to more than one interpretation." *American Postal Workers Union, AFL-CIO v. United States Postal Service*, 254 F. Supp. 2d 12, 16 (D.D.C. 2003) (citations omitted). Here, the only ambiguity is in the standard of proof used by the arbitrator, rather than the award. Remand for clarification permits the reviewing body to avoid "judicial guessing" and instead gives the parties the decision for which they bargained. *Id.* at 15. The power to remand for clarification has been described as the "necessary corollary to the courts' reluctance themselves to interpret either the collective bargaining agreements or arbitration awards based on the construction of such agreements." (*Id.* at 15, n.1). (citation omitted).

In the present case, the arbitrator mentioned the three (3) standards of proof and under what conditions each is sometimes used by the arbitrators, but did not indicate which one he applied. In *Williams v. Richey*, 948 A.2d at 568, the District of Columbia Court of Appeals found that the trial court appropriately remanded a case for clarification where the arbitrator's remedy was subject to more than one interpretation. "[T]he [trial] court sought to clarify the award that it was being asked to enforce." *Id.* at

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<sup>9</sup> In *United Steel Workers of America v. Enterprise Wheel and Car Corp.*, 363 U.S. 593, 597-98 (1960), the Supreme Court opined as follows:

The opinion of the arbitrator in this case . . . is ambiguous. It may be read as based solely upon the arbitrator's view of the requirements of enacted legislation, which would mean that he exceeded the scope of the submission. Or it may be read as embodying a construction of the agreement itself, perhaps with the arbitrator looking to 'the law' for help in determining the sense of the agreement. A mere ambiguity in the opinion accompanying an award, which permits the inference that the arbitrator may have exceeded his authority, is not a reason for refusing to enforce the award. Arbitrators have no obligation to the court to give their reasons for an award. To require opinions free of ambiguity may lead arbitrators to play it safe by writing no supporting opinions. This would be undesirable, for a well-reasoned opinion tends to engender confidence in the integrity of the process and aids in clarifying the underlying agreement. Moreover, we see no reason to assume that this arbitrator has abused the trust the parties confided in him and has not stayed within the areas marked out for his consideration. It is not apparent that he went beyond the submission.

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566. While the remedy in the present case is clear, the standard of proof used to determine the case is subject to more than one interpretation. Therefore, under *Williams v. Richey*, the Board may remand this case for clarification. In *Williams v. Richey*, the D.C. Court of Appeals approvingly noted that the trial court was clear in its order that the proceedings were not being remanded, but rather the court only sought clarification on two specific questions.<sup>10</sup> (See *Williams v. Richey*, 948 A.2d at 566). We find the arbitrator created an ambiguity regarding the standard of proof he utilized. Therefore, consistent with *Williams v. Richey*, we are remanding this case to Arbitrator Truesdale for the limited purpose of seeking clarification on the question of what standard of proof the arbitrator used when determining the question of cause." The merits of this case are not being remanded. As in *Williams*, "[we are] in no way reopening the arbitration proceedings." *Williams v. Richey*, 948 A.2d at p. 566.

Furthermore, the Federal Labor Relations Authority ("FLRA") has determined that re-submission to the arbitrator is necessary when the record does not permit it to determine whether the arbitration award conflicts with law and public policy. See *United States Department of Justice Federal Bureau of Prisons Federal Correctional Complex Coleman, Florida v. American Federation of Government Employees Council of Prison Local 506*, 63 FLRA 351, 354-355 (2009) ("*Bureau of Prisons*").<sup>12</sup> Similarly here, in the absence of the arbitrator's articulation of the standard of proof used, it is difficult for the Board to determine the merits of the Agency's assertion that the arbitrator exceeded his authority or whether the Award is contrary to law and public policy. (*Id.* at 5).

In remanding this case, the Board is not making a determination as to whether grounds exist to modify or set aside the Award. Therefore, it is not necessary to rule on the Union's request to file briefs under Board Rule 538.2.

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<sup>10</sup> Specifically, the D.C. court of Appeals listed the questions for remand and stated, "[i]n remanding this matter to you for clarification, I am in no way reopening the arbitration proceedings." *Williams v. Richey*, 948 A. 2d at 566.

The Board seeks clarification with respect to one question only: What standard of proof was used to determine whether there was 'just cause' to terminate the three (3) Grievants?

<sup>12</sup> It should be noted that the FLRA describes its role in determining a law and public policy claim as "*de novo* review." See *Bureau of Prisons*, *id.*

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**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. This matter is remanded to Arbitrator John Truesdale for the sole purpose of clarification of the standard of proof used in determining whether the District of Columbia Child and Family Services Agency had cause to terminate the Grievants.
2. The arbitrator's clarification award shall be issued within fifteen (15) days of the issuance of this Decision and Order.
3. Pursuant to Board Rule 559.1, this Decision and Order shall be final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD**  
Washington, D.C.

May 21, 2010

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 08-A-07 was transmitted via Fax and U.S. Mail to the following parties on this the 21<sup>st</sup> day of May 2010.

Anton Hajar, Esq.  
O'Donnell, Schwartz & Anderson, P.C.  
1300 L. Street, N.W. Suite 1200  
Washington, DC 20005

FAX & U.S. MAIL

Jim Toscano, Esq.  
Office of General Counsel  
Child and Family Services Agency  
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Washington, DC 20024

FAX & U.S. MAIL

John C. Truesdale, Esq.  
7101 Bay Front Drive, #609  
Annapolis, MD, 21403

FAX & U.S. MAIL

Courtesy Copies:

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Office of the General Counsel  
Child and Family Services Agency  
400 6<sup>th</sup> Street, SW, 5<sup>th</sup> Floor  
Washington, DC 20024

U.S. MAIL

Nicole Gray, Esq.  
Office of the General Counsel  
Child and Family Services Agency  
400 6<sup>th</sup> Street, SW, 5<sup>th</sup> Floor  
Washington, DC 20024

U.S. MAIL

  
\_\_\_\_\_  
Sheryl V. Harrington  
Secretary

## PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

## PUBLIC NOTICE

**RM27-2014-01, IN THE MATTER OF THE COMMISSION'S INVESTIGATION INTO THE RULES GOVERNING LOCAL EXCHANGE CARRIER QUALITY OF SERVICE STANDARDS FOR THE DISTRICT**

1. By this Public Notice, the Public Service Commission of the District of Columbia ("Commission") informs interested persons of an extension of time to file reply comments in Response to a Notice of Proposed Rulemaking ("NOPR") published in this proceeding on July 11, 2014 in *D.C. Register*,<sup>1</sup> a Public Notice published in the *D.C. Register* on August 8, 2014,<sup>2</sup> and a Public Notice published in the *D.C. Register* on October 10, 2014.<sup>3</sup> The NOPR seeks to amend 15 DCMR § 2720, the retail quality of service rules applicable to telecommunications service providers.

2. Through this Public Notice, the Commission extends the reply comment period from November 14, 2014 to December 22, 2014.

3. All persons interested in filing reply comments on the subject matter of the NOPR shall file reply comments with Brinda Westbrook-Sedgwick, Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, NW, West Tower, Suite 200, Washington, DC 20005. Copies of the NOPR may be obtained by visiting the Commission's website at [www.dcpssc.org](http://www.dcpssc.org) or at cost, by contacting the Commission Secretary at the above address.

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<sup>1</sup> 61 *D.C. Reg.* 7057 (July 11, 2014).

<sup>2</sup> 61 *D.C. Reg.* 8195 (August 8, 2014).

<sup>3</sup> 61 *D.C. Reg.* 10665 (October 10, 2014).

**OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**  
**RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after December 1, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4<sup>th</sup> Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on November 7, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at [www.os.dc.gov](http://www.os.dc.gov).

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

**Effective: December 1, 2014**

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Alston	Martha	Department of Public Health, Vital Records Division 899 North Capitol Street, NE	20002
Andrews	Paulette C.	Goulston & Storrs 1999 K Street, NW, Suite 500	20006
Antonelli	John A.	US Department of Justice 1425 New York Avenue, NW, Suite 5000	20005
Baly	Andrae E.	National Trust Community Investment Corporation 1155 15th Street, NW, Suite 300	20005
Barton	Jacqueline	SGR Investments, LLC 5301 Wisconsin Avenue, NW, Suite 510	20015
Bazemore	Tamara Gaither	EagleBank 1228 Connecticut Avenue, NW	20036
Beers	Anna	The Barker Foundation 1066 30th Street, NW	20007
Black	Isis Michelle	Roadside Development, LLC 1730 Rhode Island Avenue, NW	20036
Brown	Derek J.	National Committee to Preserve Social Security and Medicare 10 G Street, NE, Suite 600	20002
Chen	Jinwen	Smithsonian Institution 425 3rd Street, SW, Suite 850	20024
Clark	Delores Vera	Georgetown University 3300 Whitehaven Street, NW, Suite 3000	20007
Crane	Candace K.	TD Bank 901 7th Street, NW	20001
Dickerson	Verdette C.	Cooley, LLP 1299 Pennsylvania Avenue, NW, Suite 700	20004
Donn	Wendy J.	Centene Corporation 1150 Connecticut Avenue, NW, Suite 1000	20036

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public**

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Ehlinger	Jennifer Teresa	U.S. Chamber of Commerce 1615 H Street, NW	20062
Fitzpatrick	Jennifer	Capitol Title Insurance Agency, Inc. 1501 27th Street, SE, Unit 305	20020
Green	Darrell L.	Wells Fargo Bank 3200 Pennsylvania Avenue, SE	20020
Hafner	Rheanna C.	Arent Fox 1717 K Street, NW	20006
Hawkins	Daniel W.	Ace-Federal Reports, Inc. 1625 I Street, NW, Suite 790	20006
Jackson	Johnetta D.	Crowell and Moring, LLP 1001 Pennsylvania Avenue, NW	20004
Jett	Brenda	Lone Star Americas Acquisitions LLC 1401 New York Avenue, NW, Suite 520	20005
Lee	Z. Lynn	Avenue Settlement Corporation 2401 Pennsylvania Avenue, NW, Suite H	20037
Lockhart	Tenese L.	Arent Fox, LLP 1717 K Street, NW	20036
Lynch	Arvia	George Washington University General Counsel's Office 2100 Pennsylvania Avenue, NW, Suite 250	20052
Martin	Adam J.	Victory Fund 1133 15th Street, NW, Suite 350	20005
Mason	Renaldo	Capital One Bank 5714 Connecticut Avenue, NW	20015
Matsko	Jessica L.	International Dairy Foods Association 1250 H Street, NW, Suite 900	20005
McKenzie	Yeniekie	Self 800 Kenilworth Avenue, NE, Apt 127	20019



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Recommended for appointment as a DC Notaries Public****Effective: December 1, 2014  
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Nelson	Angela R.	Association of Fish & Wildlife Agencies 444 North Capitol Street, NW, Suite 725	20001
Norris	Priscilla Diana	Self 1329 Delafield Place, NW	20011
Panameno	Henry	Capital One Bank 4000 Wisconsin Avenue, NW	20016
Paterson	Brandon	Neal R. Gross & Co. , Inc. 1323 Rhode Island Avenue, NW	20002
Petrosyan	Arpine	Bank of America 2201 C Street, NW	20520
Phills	Fleur V.	United Bank 1001 G Street, NW	20001
Plaisir	Barbara	Morgan Stanley 1850 K Street, NW, Suite 900	20006
Porter	Marcy	National Association for the Education of Young Children 1313 L Street, NW, Suite 500	20005
Ragucci	Christina	Bank of America 1801 K Street, NW	20006
Rayman	Latchmin	Holiday Inn Express & Suites 1917 Bladensburg Road, NE	20002
Redmond	Dannette A.	Expatz 2 Go 900 Brentwood Road, NE, Suite 91068	20090
Reeves	Timothy	Department of Behavior Health, Saint Elizabeths Hospital 1100 Alabama Avenue, SE	20032
Root	Casey J.	David M. Schwarz Architects, Inc. 1707 L Street, NW, Suite 400	20036
Smith	Mary C.	Gilbert LLP 1100 New York Avenue, NW, Suite 700	20005

**D.C. Office of the Secretary  
Recommended for appointment as a DC Notaries Public****Effective: December 1, 2014  
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Sparkman	Frances E.	Morgan Lewis & Bockius LLP 1111 Pennsylvania Avenue, NW	20004
Staggs	Sylvia D.	International Center for Not-for-Profit Law, Inc. 1126 16th Street, NW, Suite 400	20036
Sterling	Shirley M.	Pilgrim Rest Baptist Church 4611 Sheriff Road, NE	20019
Valladares	Angelique A.	Ms. P's Unique Daycare Services 1103 M Street, NW	20005
Volkman	Rebecca E.	Abramson & Associates, LLC 5147 MacArthur Boulevard, NW	20016
Walker	Johanna	Wells Fargo Bank, NA 1510 K Street, NW	20005
Washington	Everlyn B.	Self 403 16th Street, SE	20003
Williams	Veronica	University of the District of Columbia 4200 Connecticut Avenue, NW	20008

**THURGOOD MARSHALL ACADEMY PUBLIC CHARTER HIGH SCHOOL****REQUEST FOR PROPOSALS****Bus Service Bulk Purchasing**

Thurgood Marshall Academy—a nonprofit, college-preparatory, public charter high school located in Washington, DC—seeks transportation contractors for student activities.

Interested bus companies should submit a proposal consisting of the following:

1) **Answers to the following questions:**

- a. What is the total cost per bus per trip for each of the following types of service in a standard (44 person) coach, inclusive of all fees and surcharges?
  - i. Round trip from 2427 Martin Luther King, Jr. Ave. SE, Washington, DC 20020 to a destination on K St. NW in Washington, DC?
  - ii. Round trip from 2427 Martin Luther King, Jr. Ave. SE, Washington, DC 20020 to George Mason University in Fairfax, VA?
  - iii. Round Trip from 2427 Martin Luther King, Jr. Ave. SE, Washington, DC 20020 to Spelman College in Atlanta, GA?  
(Note: These are sample trips only; actual orders may or may not include these trips.)
- b. Are there any additional costs or fees?
- c. Are any discounts available (for not-for-profit organizations; volume, etc.)?
- d. What various capacity buses does the company offer, and how do prices vary?
- e. Are standard buses handicap accessible?
- f. Does the company offer specialized handicap bus or van service?
- g. Are there any requirements or restrictions of any kind on the services the company provides?
- h. How are orders placed? (Note: Companies accepting orders via e-mail or a Web site preferred.)
- i. Does the company require payment—in full or in part—prior to service, or will the company submit invoices? (Note: Companies that submit a net-30 invoice after service and require no deposit are preferred.)
- j. What qualifications must drivers have to work for the company?
- k. Does the company conduct criminal background checks of drivers?
- l. Can the bus company offer evidence of a safe driving record among its drivers and vehicles?
- m. Can the bus company offer evidence that its vehicles are well maintained, safe, and rarely if ever break down?
- n. Can the company offer evidence of timely and efficient services—for example, on-time pick up as well as knowledge of routes and alternates to ensure on-time arrival at destinations?
- o. How can the school reach the company when service is underway after business hours? Can the company offer further information/evidence that it communicates effectively with customers during orders and service?

- 2) **References:** Please provide three business references including company name, contact name, telephone number, and email address.
- 3) **Certificate of Insurance** naming Thurgood Marshall Academy as an additional insured
- 4) Copy of a current **operating license** (DC Basic Business License or equivalent)
- 5) **Current IRS Form W-9**
- 6) **Contract** or Letter of Agreement stating that
  - a. The company will provide bus service when ordered by the school.
  - b. The agreement will not expire but can be terminated by either party upon written notice.
  - c. Any other terms or conditions of service.If the bidder does not have a contract or terms-and-conditions, please commit to the items above (#6a-6c) in the proposal.
- 7) Any **other pertinent information**, such as **DC CBE registration number**, may be included.

**Thurgood Marshall Academy may select one or more bidder to provide service.**

For **further information** regarding the RFP, contact **David Schlossman, Chief Operating Officer**, at [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) or 202-276-4722. Further information about Thurgood Marshall Academy—including the school’s nondiscrimination policy—may be found at [www.thurgoodmarshallacademy.org](http://www.thurgoodmarshallacademy.org).

By submitting a bid, every bidder affirms that neither the bidder nor its subcontractors (if any) is an excluded party by or disbarred from doing business with/receiving funds from either the US federal government or the government of the District of Columbia.

By submitting a bid, every bidder agrees to Thurgood Marshall Academy’s General Conditions Statement, available at <http://www.thurgoodmarshallacademy.org/about/71/employment-opportunities>.

**Submit proposals** no later than **Friday, November 21, 2014**, via e-mail to [dschlossman@tmapchs.org](mailto:dschlossman@tmapchs.org) (bidders without e-mail must contact Mr. Schlossman no later than 5 pm on Thursday, November 20, 2014, to make alternate arrangements; Thurgood Marshall Academy will not guarantee receipt of bids submitted by methods other than e-mail).

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF CANCELLED PUBLIC MEETING**

**Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee meeting scheduled for Friday, November 21, 2014 at 9:30 a.m. has been CANCELLED.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dcwater.com](mailto:lmanley@dcwater.com).

## DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

## BOARD OF DIRECTORS

## NOTICE OF PUBLIC MEETING

**Environmental Quality and Sewerage Services Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Environmental Quality and Sewerage Services Committee will be holding a meeting on Thursday, November 20, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

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|--|--|
| <b>1. Call to Order</b>                                  | Committee Chairperson                          |
| <b>2. AWTP Status Updates</b><br>1. BPAWTP Performance   | Assistant General Manager,<br>Plant Operations |
| <b>3. Status Updates</b>                                 | Chief Engineer                                 |
| <b>4. Project Status Updates</b>                         | Director, Engineering &<br>Technical Services  |
| <b>5. Action Items</b><br>- Joint Use<br>- Non-Joint Use | Chief Engineer                                 |
| <b>6. Emerging Items/Other Business</b>                  |  |
| <b>7. Executive Session</b>                              |  |
| <b>8. Adjournment</b>                                    | Committee Chairperson                          |

**DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**

**BOARD OF DIRECTORS**

**NOTICE OF PUBLIC MEETING**

**Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Friday, November 21, 2014 at 11:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at [www.dewater.com](http://www.dewater.com).

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dewater.com](mailto:lmanley@dewater.com).

**DRAFT AGENDA**

- |    |                                       |                              |
|----|---------------------------------------|------------------------------|
| 1. | Call to Order                         | Chairman                     |
| 2. | October Financial Report              | Director of Finance & Budget |
| 3. | Agenda for December Committee Meeting | Chairman                     |
| 4. | Executive Session                     |                              |
| 5. | Adjournment                           | Chairman                     |

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

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Governance Committee will be holding a meeting on Wednesday, November 12, 2014 at 9:00 a.m. The meeting will be held in the Board Room (4<sup>th</sup> floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at [www.dewater.com](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

**DRAFT AGENDA**

- |  |                                 |
|--|---------------------------------|
| 1. Call to Order                               | Chairperson                     |
| 2. Government Affairs: Update                  | Government Relations<br>Manager |
| 3. Update on the Compliance Monitoring Program | TBD                             |
| 4. Update on the Workforce Development Program | Contract Compliance Officer     |
| 5. Emerging Issues                             | Chairperson                     |
| 6. Agenda for Upcoming Committee Meeting (TBD) | Chairperson                     |
| 7. Executive Session                           |                                 |
| 8. Adjournment                                 | Chairperson                     |



DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Human Resources and Labor Relations Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Human Resources and Labor Relations Committee will be holding a meeting on Wednesday, November 12, 2014 at 11:00 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](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [لمانley@dewater.com](mailto:لمانley@dewater.com).

DRAFT AGENDA

- 1. Call to Order Committee Chairperson
- 2. Union Presidents
- 3. Other Business
- 4. Executive Session Committee Chairperson
- 5. Adjournment Committee Chairperson

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Retail Water and Sewer Rates Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Retail Water and Sewer Rates Committee will be holding a meeting on Tuesday, November 18, 2014 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 the DC Water’s website at [www.dcwater.com](http://www.dcwater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [lmanley@dcwater.com](mailto:lmanley@dcwater.com).

DRAFT AGENDA

- 1. Call to Order Committee Chairman
- 2. Action Items Chief Financial Officer
- 3. Retail Rates Committee Workplan Chief Financial Officer
- 4. Other Business Chief Financial Officer
- 5. Executive Session
- 6. Adjournment Committee Chairman

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Water Quality and Water Services Committee

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Water Quality and Water Services Committee will be holding a meeting on Thursday, November 20, 2014 at 11:30 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](http://www.dewater.com).

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or [linda.manley@dewater.com](mailto:linda.manley@dewater.com).

DRAFT AGENDA

- 1. **Call to Order** Committee Chairperson
- 2. **Water Quality Monitoring** Assistant General Manager, Consumer Ser.
- 3. **Action Items** Assistant General Manager, Consumer Ser.
- 4. **Emerging Issues/Other Business** Assistant General Manager, Consumer Ser
- 5. **Executive Session**
- 6. **Adjournment** Committee Chairperson

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

**Application No. 18792 of The Preparatory School of D.C.**, pursuant to 11 DCMR § 3104.1, for a special exception for a private school (120 Students and 10 Staff) under § 206, in the R-1-B District at premises 4501 16th Street, N.W. (Square 2702, Lot 805).

**HEARING DATES:** July 8, 2014, September 23, 2014, and October 21, 2014

**DECISION DATE:** October 21, 2014

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum, dated April 17, 2014, from the Zoning Administrator, which stated that Board of Zoning Adjustment (“Board” or “BZA”) approval is required for special exception relief. (Exhibit 7.)

The Board of Zoning Adjustment (“Board” or “BZA”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 4C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 4C, which is automatically a party to this application. ANC 4C filed a report, which indicated that at a properly noticed, scheduled public meeting held on July 9, 2014, with a quorum of Commissioners present, the ANC voted to support the application. (Exhibit 28.)

The Office of Planning (“OP”) submitted a timely report indicating its support of the application with conditions. (Exhibit 26.) The District Department of Transportation (“DDOT”) submitted a timely report of “no objection” to the application with conditions. (Exhibit 27.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under § 206. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 206, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 18792  
PAGE NO. 2

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED** that this application be **GRANTED SUBJECT TO THE APPROVED PLANS AT EXHIBIT 5 AND WITH THE FOLLOWING CONDITIONS:**

1. The number of children shall not exceed 120.
2. The number of employees shall not exceed 10.
3. The hours of operation shall not exceed 7:00 a.m. to 6:00 p.m.
4. The Applicant shall utilize an off-site play area on Arkansas Avenue, N.W., between Upshur and Allison streets.
5. Drop-off and pick up of children shall occur curbside in front of the school along Allison Street.
6. The Applicant shall work with DDOT's Safe Routes to School Coordinator to establish appropriate curbside signage.

**VOTE:**           **5-0-0** (Lloyd L. Jordan, S. Kathryn Allen, Marnique Y. Heath, Jeffrey L. Hinkle, and Marcie I. Cohen, to Approve.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 30, 2014

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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO

BZA APPLICATION NO. 18792  
PAGE NO. 3

OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR 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.

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

**Application No. 18831 of Kira Vol**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family semi-detached dwelling under § 223, not meeting the side yard (§ 405) and non-conforming structure (§ 2001.3) requirements in the R-1-B District at premises 1729 Upshur Street, N.W. (Square 2644, Lot 67).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** October 28, 2014 (Expedited Review Calendar).

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibits 6 and 7.)<sup>1</sup>

Pursuant to 11 DCMR § 3181, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 4A, and to owners of property within 200 feet of the site.<sup>2</sup> The site of this application is located within the jurisdiction of ANC 4A, which is automatically a party to this application. ANC 4A did not submit a report for this application. The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 27.) The Department of Transportation (“DDOT”) submitted a report expressing no objection to the application. (Exhibit 28.)

No objections to expedited calendar consideration were made by any person or entity

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<sup>1</sup> The Applicant filed a Self-Certification form (Exhibits 6 and 7) as well as submitted a memorandum from the Zoning Administrator as to the relief required. (Exhibits 15 and 16.)

<sup>2</sup> The Applicant filed the Affidavit of Posting (Exhibit 30) one day late on Friday, October 24, 2014, along with a Motion to Waive the filing deadline (Exhibit 31) and accept the late filing of the affidavit, which was due on Thursday, October 23, 2014, pursuant to the requirements of § 3113.19. The Board waived the time requirement to accept the Affidavit of Posting for the record.

**BZA APPLICATION NO. 18831**  
**PAGE NO. 2**

entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board's expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 405, and 2001.3. No parties appeared at the public meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP report, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 405, and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBITS 10 - 13.**

**VOTE:**       **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle and Peter G. May to APPROVE; S. Kathryn Allen not present, not voting).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 30, 2014

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



**BZA APPLICATION NO. 18831****PAGE NO. 3**

OTHER ACTION, INCLUDING THE FILING OR 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.

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

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

**Application No. 18836 Beth Antunez**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a one-story rear porch addition to an existing one-family row dwelling under § 223, not meeting the lot occupancy (§ 403), rear yard (§ 404) and nonconforming structure (§ 2001.3) requirements in the R-4 District at premises 1419 F Street, N.E. (Square 1052, Lot 31).

**HEARING DATE:** October 21, 2014

**DECISION DATE:** October 21, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (the “Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 6A, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6A, which is automatically a party to this application. ANC 6A voted 7-0-0 to support the application. (Exhibit 23.) OP submitted a report and testified at the hearing in support of the application. (Exhibit 26.) The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 24.) Three letters of support were submitted in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223, 403, 404, and 2001.3. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, 403, 404, and 2001.3, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in the accordance with the Zoning Regulations and Map.

**BZA APPLICATION NO. 18836**  
**PAGE NO. 2**

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED PLANS AT EXHIBIT 7.**

**VOTE: 5-0-0** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, S. Kathryn Allen, and Marcie I. Cohen to APPROVE).

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 28, 2014

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 PRIOR TO THE EXPIRATION OF THE TWO-YEAR PERIOD AND THE REQUEST IS GRANTED. PURSUANT TO § 3129.9, NO OTHER ACTION, INCLUDING THE FILING OR GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL TOLL OR 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.

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,

**BZA APPLICATION NO. 18836****PAGE NO. 3**

MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

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

**Application No. 18838 of 2737 Sherman Ave NW LLC and Gwendolyn Rucker**, pursuant to 11 DCMR § 3103.2, for a variance from the use provisions under § 330.4, to allow a restaurant in the R-4 District at premises 2737 Sherman Avenue, N.W. (Square 2885, Lot 100).

**HEARING DATE:** October 21, 2014

**DECISION DATE:** October 21, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 5.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 1B and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1B, which is automatically a party to this application. ANC 1B submitted a report in support of the application (Exhibits 25 and 35) as well as a Settlement Agreement between the ANC and the Applicant (Exhibit 29). The Office of Planning (“OP”) submitted a report expressing conditional support for the use on the basement and ground floor only, and opposition for the use on the second floor. (Exhibit 34.) However, after testimony at the hearing, OP revised its position and expressed support for the entire application. The District Department of Transportation filed a report expressing no objection to the application. (Exhibit 33.) Forty-nine letters were filed in support of the application. (Exhibits 26, 27, 28 (46 form letters), and 31.)

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for a variance from § 330.4. The only parties to the application were the Applicant and the ANC which supported the proposal. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variance relief from § 330.4, the Applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates an undue hardship for the owner in complying with the Zoning Regulations, and that the relief can be

**BZA APPLICATION NO. 18838****PAGE NO. 2**

granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT to the APPROVED PLANS, as shown on Exhibit 7 - Architectural Plans, and Exhibit 30 - Existing Second Floor Drawing, and the following CONDITIONS:**

1. Refuse shall be stored and collected within the building. It shall be collected between the hours of 10:00 a.m. and 3:00 p.m. Rodent and pest control measures shall be implemented. No trash shall be stored in public space adjacent to the lot.
2. Loading/deliveries shall take place approximately one time a month during the hours of 9:00 a.m. to 5:00 p.m.
3. The indoor hours of operation shall be limited to 10:00 a.m. to 1:00 a.m. Sunday through Wednesday; Thursday through Saturday 10:00 a.m. to 2:00 a.m.
4. Outdoor café seating hours of operation are limited to 10:00 a.m. to 11:00 p.m. every day, and are ultimately subject to review, approval and permitting through the District's public space process.
5. The Applicant shall move outdoor furniture inside or make it otherwise inaccessible when the establishment is closed.
6. The Applicant shall maintain security cameras and perimeter alarms on the interior of the building and two cameras for the outside patio.
7. The Applicant shall maintain the exterior area immediately in front and behind 2737 Sherman Ave., N.W.
8. The Applicant shall not place signs/posters on more than twenty-five percent of its windows and shall not stack merchandise in front of the windows so as to obstruct visibility into the establishment. Windows shall be cleaned on a regular basis. The Applicant shall maintain the property in reasonable condition that does not detract from the adjacent residential community and shall expeditiously remove or paint over any graffiti on its immediate premises.

**VOTE:**        **5-0-0** (Lloyd J. Jordan, Marcie I. Cohen, S. Kathryn Allen, Marnique Y. Heath, and Jeffrey L. Hinkle to Approve.)

**BZA APPLICATION NO. 18838**  
**PAGE NO. 3**

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 29, 2014

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 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

**BZA APPLICATION NO. 18838****PAGE NO. 4**

APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.



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

**Application No. 18839 of 47th Avenue, LLC**, pursuant to 11 DCMR § 3103.2, for a variance from the off-street parking requirements under § 2101.1 and a variance from the size of parking spaces requirements under § 2115, to allow the construction of a new four story mixed-use building with 16 residential units plus ground floor retail in the C-2-A District at premises 4700 through 4704 Wisconsin Avenue, N.W. (Square 1733, Lots 800, 833 and 834).<sup>1</sup>

**HEARING DATE:** October 28, 2014

**DECISION DATE:** October 28, 2014

**SUMMARY ORDER**

**SELF-CERTIFIED**

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2. (Exhibit 3.)

The Board of Zoning Adjustment ("Board" or "BZA") provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission ("ANC") 3E and to owners of property located within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3E, which is automatically a party to this application. ANC 3E submitted a resolution in support of the application (Exhibit 30), which indicated that at its duly noticed October 9, 2014 meeting, at which a quorum was present, the ANC voted 4-0-0 to support the application. ANC 3E also submitted a Memorandum of Understanding to the record (Exhibit 31) signed by the Applicant and the Chair of ANC 3E.

The Office of Planning ("OP") submitted a timely report on October 21, 2014, recommending approval of the application (Exhibit 28) and testified in support of the application at the hearing. The District Department of Transportation ("DDOT") submitted a timely report on October 21, 2014 (Exhibit 29), indicating that it had no objection to the parking relief requested, and testified to the same at the public hearing.

**Variance Relief**

As directed by 11 DCMR § 3119.2, the Board required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2 for an area variance from §§ 2101.1 and 2115. No parties appeared at the public hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

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<sup>1</sup> The Applicant revised the plans and amended the application to seek a variance from the size of parking space requirements of § 2115. The caption has been amended accordingly.

**BZA APPLICATION NO. 18839****PAGE NO. 2**

Based upon the record before the Board, and having given great weight to the ANC and OP reports filed in this case, the Board concludes that in seeking variances from §§ 2101.1 and 2115, the Applicant has met the burden of proof under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case.

It is therefore **ORDERED that this application is HEREBY GRANTED SUBJECT TO THE REVISED PLANS IN THE RECORD AT EXHIBIT 27B AND THE FOLLOWING CONDITIONS:**

1. The Applicant shall have the flexibility to rearrange the location and size of the parking spaces, so long as the number of parking spaces is not reduced below eight spaces and the modifications do not require any additional areas of zoning relief;
2. The Applicant shall designate a Transportation Management Coordinator to implement the following transportation demand management (“TDM”) strategies: (i) development and distribution of information and promotional brochures to residents, visitors, patrons, and employees regarding transit facilities and services, pedestrian and bicycle facilities and linkages, ridesharing (carpool and vanpool) and car sharing, and (ii) ensure that loading activities are properly contained and do not impede the pedestrian, bicycle, or vehicular lanes adjacent to the development. The TMC will generally encourage non-private auto usage and will have related information prominently displayed in the common spaces of the project; and
3. The Applicant shall place a provision in the leases for all commercial tenants requiring them actively to discourage visitors to their establishment from unlawfully stopping or parking automobiles in front of the subject property or elsewhere in the neighborhood in connection with visits to the subject property. The provision shall note that should ANC 3E receive complaints about unlawful stopping or parking in connection with visits to the property, it may send a written notification to the Applicant concerning the same, and the Applicant shall ensure that a senior representative thereof will attend the next ANC meeting to address such complaints.

**BZA APPLICATION NO. 18839****PAGE NO. 3**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter May to approve; S. Kathryn Allen, not present or participating.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this order.

**FINAL DATE OF ORDER:** October 29, 2014

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 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.

**BZA APPLICATION NO. 18839****PAGE NO. 4**

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

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

**Application No. 18846 of Shawn Bird**, pursuant to 11 DCMR § 3104.1, for a special exception to allow a rear addition to an existing one-family detached dwelling under § 223, not meeting the side yard (§ 405) requirements in the R-1-B District at premises 1231 Irving Street, N.W. (Square 3933, Lot 18).

**HEARING DATE:** Applicant waived right to a public hearing

**DECISION DATE:** October 28, 2014 (Expedited Review Calendar).

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

This application was accompanied by a memorandum, dated July 28, 2014, from the Zoning Administrator certifying the required relief. (Exhibit 15.)

Pursuant to 11 DCMR § 3181, this application was tentatively placed on the Board of Zoning Adjustment (“Board”) expedited review calendar for decision without hearing as a result of the applicant’s waiver of its right to a hearing. (Exhibit 2.)

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (“ANC”) 5B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5B, which is automatically a party to this application. The ANC submitted a report indicating that at a regularly scheduled and properly noticed meeting on October 22, 2014, at which a quorum was in attendance, ANC 5B voted 4-0-0 to support the application. (Exhibit 36.) The Office of Planning (“OP”) submitted a timely report and testified at the hearing in support of the application. (Exhibit 35.) The District Department of Transportation (“DDOT”) filed a report expressing no objection to the application. (Exhibit 34.) Two letters of support from neighbors were submitted in support of the application. (Exhibits 16 and 17.)

No objections to expedited calendar consideration were made by any person or entity entitled to do by §§ 2118.6 and 2118.7. The matter was therefore called on the Board’s expedited calendar for the date referenced above and the Board voted to grant the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for a special exception under §§ 223 and 405. No parties appeared at the public

BZA APPLICATION NO. 18846  
PAGE NO. 2

meeting in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223, and 405, that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party and is appropriate in this case. It is therefore **ORDERED** that this application is hereby **GRANTED, SUBJECT TO THE APPROVED REVISED PLANS AT EXHIBIT 9.**

**VOTE:**           **4-0-1** (Lloyd J. Jordan, Jeffrey L. Hinkle, Marnique Y. Heath, and Peter G. May to APPROVE; S. Kathryn Allen not present, not voting).

**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:** November 3, 2014

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 GRANTING OF AN APPLICATION FOR A MODIFICATION PURSUANT TO §§ 3129.2 OR 3129.7, SHALL EXTEND THE TIME PERIOD.

BZA APPLICATION NO. 18846

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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.

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

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

**Application No. 18873 of Deidra M. Barksdale**, pursuant to 11 DCMR § 3103.2, for a variance from the lot occupancy requirements (§ 403) and a variance from the nonconforming structure requirements (§ 2001.3), and pursuant to § 3104.1, for a special exception from the carport location requirements (§ 2300.8) to allow the additions, including a carport, to a flat in the R-4 District at premises 100 S Street, N.W. (Square 3104, Lot 804).

**HEARING DATES:** October 28, 2014 and December 9, 2014<sup>1</sup>  
**DECISION DATE:** October 28, 2014

**SUMMARY ORDER**

**REVIEW BY THE ZONING ADMINISTRATOR**

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief. (Exhibit 7.)

The Board of Zoning Adjustment (“Board”) provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register*, and by mail to Advisory Neighborhood Commission (“ANC”) 5E and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 5E, which is automatically a party to this application. ANC 5E submitted a report noting that with a quorum present, it voted 6 to 0 in support of the application. (Exhibit 47.) The Office of Planning (“OP”) also submitted a report recommending approval of the application. (Exhibit 55.) The D.C. Department of Transportation submitted a report expressing no objection to the application. (Exhibit 54.) There were 16 letters filed in support of the application. (Exhibits 22-33, 44-45, and 50.)

**Variance Relief:**

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case, pursuant to § 3103.2, for variances from §§ 403 and 2001.3. The only parties to this case were the Applicant and ANC 5E which supported the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant the variance relief would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP

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<sup>1</sup> The application was originally scheduled for hearing on December 9, 2014. However, upon the request of the Applicant on October 3, 2014, the hearing was rescheduled to October 28, 2014 by Office of Zoning staff. (See Exhibit 51.)



**BZA APPLICATION NO. 18873**  
**PAGE NO. 2**

reports filed in this case, the Board concludes that in seeking variances from §§ 403 and 2001.3, the applicant has met the burden of proving under 11 DCMR § 3103.2, that there exists an exceptional or extraordinary situation or condition related to the property that creates a practical difficulty for the owner in complying with the Zoning Regulations, and that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

Special Exception Relief:

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception relief under § 2300.8. The only parties to this case were the Applicant and ANC 5E which supported the application. No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant the special exception relief would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and the OP reports filed in this case, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 2003.8, that the requested relief can be granted, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is appropriate in this case. It is therefore **ORDERED that this application is HEREBY GRANTED SUBJECT TO THE APPROVED PLANS IN THE RECORD AT EXHIBIT 5 (Plans and Elevations).**

**VOTE: 4-0-1** (Lloyd J. Jordan, Marnique Y. Heath, Jeffrey L. Hinkle, and Peter G. May to Approve; S. Kathryn Allen not present and not voting.)

**BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT**

A majority of the Board members approved the issuance of this summary order.

**FINAL DATE OF ORDER:** October 30, 2014

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.

**BZA APPLICATION NO. 18873  
PAGE NO. 3**

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 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.

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.

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