

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7th FLOOR, SUITE 7200
WASHINGTON, DC 20002
(202) 442-4423

POSTING DATE: MARCH 9, 2007
PETITION DATE: APRIL 23, 2007
HEARING DATE: MAY 9, 2007

LICENSE NO. 3880
LICENSEE: MORTON'S OF CHICAGO/WASHINGTON, DC., INC.
TRADE NAME: MORTON'S OF CHICAGO
LICENSE CLASS: RETAILER CLASS "C" RESTAURANT
ADDRESS: 3251-PROSPECT STREET, NW.
WARD 2 ANC 2E SMD 2E05

NOTICE IS HEREBY GIVEN THAT THE ABOVE LICENSEE HAS APPLIED FOR A SUBSTANTIAL CHANGE TO THIS 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 ABOVE HEARING DATE AT 10:00AM, 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL NE. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

THE LICENSEE IS RREQUESTING A SUMMER GARDEN

NUMBER OF SEATS - (FRONT) #34

SALE OF ALCOHOLIC BEVERAGES HOURS:
SUNDAY-SATURDAY 5:00PM-11:30PM

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
941 NORTH CAPITOL ST., NE, 7TH FLOOR SUITE 7200
WASHINGTON, DC 20002
(202) 442-4423

POSTING DATE: MARCH 9, 2007
PETITION DATE: APRIL 23, 2007
HEARING DATE: MAY 9, 2007

LICENSE#: 76139
LICENSEE: WHOLE FOODS MARKET GROUP, INC.
TRADE NAME: WHOLE FOODS MARKET
LICENSE CLASS: RETAILER'S "B"
ADDRESS: 4530 40TH STREET, NW

WARD 3 ANC 3F06

NOTICE IS HEREBY GIVEN THAT THIS APPLICANT HAS APPLIED FOR A 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 ABOVE HEARING DATE AT 10:00 A.M., 7TH FLOOR, SUITE 7200, 941 NORTH CAPITOL ST., N.E. PETITION AND/OR REQUEST TO APPEAR BEFORE THE BOARD MUST BE FILED ON OR BEFORE THE ABOVE PETITION DATE.

NATURE OF OPERATION
NEW GROCERY STORE.

HOURS OF OPERATION
SUNDAY 8:00AM THRU 9:00PM
MONDAY THRU SATURDAY 8:00AM-10:00PM

SALE, SERVICE OR CONSUMPTION OF ALCOHOLIC BEVERAGES
SUNDAY 10:00AM THRU 9:00PM
MONDAY THRU SATURDAY 9:00AM-10:00PM

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MAY 15, 2007
SECOND FLOOR HEARING ROOM, SUITE 220-S
441 4TH STREET, N.W.
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.

**9:30 A.M. TO 12:00 P.M. MORNING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION**

A.M.

WARD SEVEN

17607 **Application of Ike Agbim, pursuant to 11 DCMR § 3104.1, for a**
ANC-7C **special exception to construct a four (4) unit apartment building**
 under section 353, in the R-5-A District at premises 721 49th Street,
 N.E. (Square 5179, Lots 60 & 61).

WARD SEVEN

17608 **Application of Taiwo Demuren, pursuant to 11 DCMR § 3104.1,**
ANC-7C **for a special exception to construct a ten (10) unit apartment building**
 under section 353, in the R-5-A District at premises 1430 Eastern
 Avenue, N.E. (Square 5171, Lots 21 & 22).

P.M.

WARD SIX

17612 **Application of Square 673 Apartments LLC, pursuant to 11**
ANC-6C **DCMR § 3103.2, for a variance from the residential recreation space**
 requirements under section 773, and pursuant to 11 DCMR § 3104.1,
 and 411.11 a special exception from the uniform height of roof
 structures requirements under subsection 411.5, and the number of
 roof structure requirements under subsection 411.4, to allow the
 construction of a mix-use (residential/commercial) building in the C-
 3-C District at premises 1100 1st Street, N.E. (Square 673, Lots 833,
 834, and 835).

WARD FOUR

17609 **Application of First Church, Inc.**, pursuant to 11 DCMR § 3103.2,
ANC-4C for a variance from the limitation on the number of stories under
 section 400, a variance from the lot occupancy provisions under
 section 403, a variance from the court requirements under section
 406, and a variance from the nonconforming structure provisions
 under subsection 2001.3, to allow the construction of a 4 story
 addition to an existing church in the R-4 District at premises 710
 Randolph Street, N.W. (Square 3131, Lots 41 & 823).

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. Individuals and organizations wishing party status in any case before the Board must request that status and should do so in writing not less than fourteen (14) days prior to the date set for the public hearing on the particular application in accordance with Subsection 3106.2. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence. FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

**GEOFFREY H. GRIFFIS, CHAIRPERSON, RUTHANNE G. MILLER,
VICE CHAIRPERSON, CURTIS L. ETHERLY, JR., JOHN A. MANN II,
AND A MEMBER OF THE ZONING COMMISSION ----- BOARD
OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.**

PHN 5/15/07 rsn

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

TIME AND PLACE: Monday, May 7, 2007, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 05-37 (3rd and H Streets, N.E. – Capitol Place, Station Holdings LLC)

THIS CASE IS OF INTEREST TO ANC 6C

On November 22, 2005, the Office of Zoning received an application from Station Holdings LLC, which was supplemented by an additional filing on March 22, 2006. The Applicant requested consolidated review and approval of a planned unit development (PUD) and a related zoning map amendment from C-2-A to C-2-B for a portion of the subject property. The Office of Planning provided its report on April 3, 2006, and the case was set down for hearing on April 20, 2006. The Applicant provided its prehearing statement as part of its application on May 15, 2006, and a hearing was scheduled for July 31, 2006. On July 11, 2006, the Applicant requested a postponement of the hearing in order to provide additional time for a redesign of portions of the project to respond to issues raised by the community and the Office of Planning. On January 12, 2007, the Applicant filed a modified prehearing submission, setting forth the revised design and amending the application for a zoning map amendment, which now requests a zoning map amendment from C-2-A and C-2-B to C-3-C for a portion of the project. The Office of Planning submitted a report in support of set-down on February 2, 2007, and the Zoning Commission set down the revised application for hearing at its February 12, 2007, public meeting.

The property that is the subject of this application consists of approximately 76,713 square feet of land area and is located in the block bounded by 2nd, 3rd, G and H Streets, N.E. The property fronts on all of those streets and is known as Square 752, lots 30, 39, 40, 41, 45, 48, 801, 804, 805, 806, 811, 813, 814, 856, 857, 2001, 2002 and 2003. The subject properties are currently zoned C-2-B and C-2-A.

The Applicant proposes to construct a mixed-use development containing approximately 315 apartment units and approximately 23,748 square feet of gross floor area devoted to retail, professional office, and service uses. The building will have a maximum height of 110 feet at the corner of 2nd and H Streets, NE, stepping down to the south and east sides of the project. The total gross floor area of the project is approximately 403,194 square feet; the proposed overall floor area ratio (FAR) of the project is 5.25. The project will contain a total of 323 parking spaces plus an additional 60 tandem spaces.

The C-2-A District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 60% for residential use, a maximum FAR of 2.5, of which no more than 1.5 may be devoted to other than residential uses and a maximum height of fifty feet.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 05-37
PAGE NO. 2

Under Chapter 24, the guideline for height in a PUD is sixty-five feet and the guideline for FAR in a PUD is 3.0, of which no more than 2.0 may be commercial.

The C-2-B District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 80% for residential use, a maximum FAR of 3.5, of which no more than 1.5 may be devoted to other than residential uses and a maximum height of sixty-five feet. Under Chapter 24, the guideline for height in a PUD is ninety feet and the guideline for FAR in a PUD is 6.0, of which no more than 2.0 may be commercial.

The C-3-C District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 100% for residential use, a maximum FAR of 6.5, and a maximum height of ninety feet. Under Chapter 24, the guideline for height in a PUD is 130 feet and the guideline for FAR in a PUD is 8.5.

This public hearing will be conducted in accordance with the contested case provisions of the Zoning Regulations, 11 DCMR § 3022.

How to participate as a witness.

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

How to participate as a party.

A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Zoning Commission, and to exercise the other rights of parties as specified in the Zoning Regulations.

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 Commission, not less than fourteen (14) days prior to the date set for the hearing, a written statement containing the following information:**

- (a) The person's name, address, and daytime telephone number;
- (b) A request to appear and participate as a party;

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 05-37
PAGE NO. 3

- (c) Whether the person will appear as a proponent or opponent of the application;
- (d) Whether the person will appear through legal counsel, and if so, the name and address of legal counsel;
- (e) A list of witnesses who will testify on the person's behalf;
- (f) A summary of the testimony of each witness;
- (g) An indication of which witnesses will be offered as expert witnesses, the areas of expertise in which any experts will be offered, and the resumes or qualifications of the proposed experts;
- (h) The total amount of time being requested to present their case; and
- (i) A written statement setting forth why the person should be granted party status, including reference to the following:
 - (1) The property owned or occupied by the person, or in which the person has an interest, that will be affected by the action requested of the Commission;
 - (2) The legal interest the person has in said property, such as owner, tenant, trustee, or mortgagee;
 - (3) The distance between the person's property and the property that is the subject of the application before the Commission;
 - (4) The economic, social, or other impacts likely to affect the person and/or the person's property if the action requested of the Commission is approved or denied; and
 - (5) An explanation of how the person's interest as identified in response to paragraph (4) would likely be more significantly, distinctively, or uniquely affected in character or kind by the proposed zoning action than those of other persons in the general public.

The applicant shall also provide the information indicated in (e) through (h) to the extent that the information is not contained in the Applicant's prehearing submission as required by 11 DCMR § 3013.1. The information shall be filed no later than fourteen (14) days before the date of the hearing.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 05-37
PAGE NO. 4

If an affected Advisory Neighborhood Commission (ANC) intends to participate at the hearing, the ANC shall submit the written report described in § 3012.5 no later than seven (7) days before the date of the hearing. The report shall also contain the information indicated in (e) through (h) above.

Time limits.

The following time limits for oral testimony shall be adhered to unless changed by the Commission, and no time may be ceded:

- | | | |
|----|----------------------------------|-------------------------------------------|
| 1. | Applicant and parties in support | 60 minutes collectively |
| 2. | Parties in opposition | 15 minutes each (60 minutes collectively) |
| 3. | Organizations | 5 minutes each |
| 4. | Individuals | 3 minutes each |

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS AND MICHAEL G. TURNBULL, ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

**Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 05-37
PAGE NO. 5**

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

TIME AND PLACE: **Thursday, April 19, 2007, @ 6:30 P.M.**
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 06-23 (Text Amendment – Eating Establishment Definitions)

THIS CASE IS OF INTEREST TO ALL ANCs

On May 12, 2006, Advisory Neighborhood Commission 6A petitioned the Zoning Commission to amend § 199 of the Zoning Regulations (Title 11, DCMR) to revise the definitions of “restaurants” and “fast food restaurants”, and to make other amendments intended to better differentiate between the various types of eating establishment uses permitted in the District. The Zoning Commission set down the case for public hearing at its meeting of October 16, 2006. The Commission authorized the Office of Planning and the Office of the Attorney General to revise the text as needed to clarify the intent of the proposal. A somewhat revised text was shared with representatives of the Petitioner, who agreed with most of the modifications proposed.

The proposed text advertised in this notice would revise the definition of “restaurant”, change the name of the “fast food restaurant” use to “fast food establishment”, include criteria within the definition of “fast food establishment” that can be readily determined as being satisfied or not as part of the Zoning Administrator’s review of building permit plans, and recognize a new use, to be called a “prepared food shop”. The new use is intended to apply to establishments that offer seating or carrying our service and are principally devoted to the sale of: (1) prepared food (such as a sandwich shop); (2) t non-alcoholic beverages (such as a coffee shop); or (3) refreshments (such as an ice cream parlor). The text proposes to define prepared food as “food that is assembled, but not cooked on the premises of a “prepared food shop.”

No change is proposed to the locations where restaurants and fast food restaurants are permitted. In most instances, prepared food shops will be permitted wherever restaurant are allowed, except that prepared food shops with seating for more than twelve patrons will require special exception approval in the C-1 and C-2-A zone districts.

The proposed text amendments to the Zoning Regulations (Title 11, DCMR) are as follows (text added to existing provisions is shown in bold and underline; deleted text is shown in strikethrough):

NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-23
PAGE 2

1. Section 199, Definitions, § 199.1, is amended as follows:

(a) Insert the following new definitions in alphabetical order:

Fast food establishment - a place of business where food is cooked on the premises and sold to customers for consumption and one of the following conditions apply:

- (a) The premises include a drive-through;
- (b) Customers pay for the food before it is consumed. This element is satisfied if the building permit plans depict a service counter without seating unless the applicant certifies that the intended principal use is for a restaurant or grocery and that the counter is part of a carry out service that is clearly subordinate to that principal use; or
- (c) Food is served on/in anything other than non-disposable plates. This element is satisfied if the building permit plans do not depict a dishwasher or do depict trash receptacles in public areas.

A proposed or existing establishment meeting this definition shall not be deemed to constitute any other use permitted under the authority of these regulations, except that a restaurant or grocery store providing carryout service that is clearly subordinate to its principal use shall not be deemed a fast-food establishment.

Prepared food – food that is assembled, but not cooked, on the premises of a prepared food shop. This term includes such food items as sandwiches, wraps, and sushi.

Prepared food shop - a place of business that offers seating or carry out service, or both, and which is principally devoted to the sale of prepared food, non-alcoholic beverages, or cold refreshments. This term includes an establishment known as a sandwich shop, coffee shop, or an ice cream parlor.

- (b) Delete the definition "Restaurant, fast food."
- (c) Amend the definitions of "drive-through", "restaurant", and Food delivery service to read as follows:

Drive-through - a system designed to permit customers of a ~~restaurant~~, fast food establishment ~~restaurant~~, bank, dry cleaning or other establishment to obtain goods or services by driving through the property and conducting the transaction

NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-23
PAGE 3

while the customer remains within a motor vehicle. The system has two (2) major parts: a vehicular queuing lane or lanes, and one (1) or more service locations where customers place orders or receive services or both. No part of this definition shall be construed to apply to a gasoline service station

Food delivery service - a restaurant, ~~delicatessen~~ **prepared food shop**, or fast food **establishment** restaurant in which the principal use is delivery of prepared food by motor vehicle to customers located off the business premises. Seating and tables for customers may or may not be provided for on-premises consumption, but if present are clearly subordinate to the principal use of delivering prepared food to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments

Restaurant - a place of business, **which does not meet the definition of a "fast food establishment"**, where food, ~~drinks or refreshments are prepared~~ is **cooked** on the premises and sold to customers primarily for consumption on the premises. ~~This term shall include but not be limited to an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, a~~ **Any** facilities for carryout shall be clearly subordinate to the principal use of providing prepared foods for consumption on the premises.

2. Section 601, Uses as a Matter of Right (CR), § 601.1(i), is amended to read as follows:

- (i) Private club, restaurant, **prepared food shop**, fast food ~~restaurant establishment~~, or food delivery service, provided a fast food restaurant establishment, or food delivery service shall not include a drive-through;

3. Chapter 7, COMMERCIAL DISTRICTS, is amended as follows:

(a) Section 701, Uses as a Matter of Right (C-1), is amended as follows:

- (i) By amending § 701.4 (q) to read as follows:

- (q) Restaurant, but not including a fast food ~~restaurant~~ **establishment**, a drive-in restaurant, or a food delivery service.

- (ii) By Adding a new § 701.4 (aa) to read as follows:

- (aa) Prepared food shop, twelve or fewer seats for patrons.

NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-23
PAGE 4

(b) Section 704, Special Exceptions: General (C-1), § 704.1, is amended to read as follows:

704.1 The following uses as specified in §§ 706 through ~~711~~ 712 shall be permitted as special exceptions in a C-1 District if approved by the Board of Zoning Adjustment under § 3104.

(c) By adding a new § 712 to read as follows:

712 PREPARED FOOD SHOP

712.1 A Prepared Food Shop with more than twelve seats for patrons shall be permitted in a C-1 District as a special exception if approved by the Board of Zoning Adjustment under 3104.

(d) Section 721, Uses as a Matter of Right (C-2), is amended as follows:

(i) Subsection 721.3 (t) is amended by striking the phrase “fast food restaurant” and inserting the phrase “fast food establishment” in its place.

(ii) By adding a new § 721.3 (t) to read as follows:

(t) Prepared food shop, except that in a C-2-A district, a prepared food shop with greater than twelve seats for patrons shall be only be permitted by special exception pursuant to 11 DCMR 712.

(e) Sections 733, 741.3 (c), and 743.4 are amended by striking the phrase “fast food restaurant” wherever it appears and inserting the phrase “fast food establishment” in its place.

(f) Subsections 742.4, 752.4, and 761.6 (governing the use of drive-throughs as accessory uses in the C-3 through C-5 zone districts) are amended by striking the phrase “fast food restaurant, delicatessen, or carryout” and inserting the phrase “fast food establishment” in its place.

4. Chapter 8, INDUSTRIAL DISTRICTS, §§ 801.10 and 821.5 (governing the use of drive-throughs as accessory uses in the C-M and M zone districts) are amended by striking the phrase “fast food restaurant, delicatessen, or carryout” and inserting the phrase “fast food establishment” in its place.

5. Chapter 9, WATERFRONT DISTRICTS, Section 901, Uses as a Matter of Right (W), § 901.1 (j), is amended to read as follows:

NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-23
PAGE 5

- (j) Private club, restaurant, fast food ~~restaurant~~ **establishment**, **Prepared food shop**, or food delivery service, provided that a fast food ~~restaurant~~ **establishment**, or food delivery service shall not include a drive-through;

6. Chapter 13, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT is amended as follows:

- (a) Section 1307, Woodley Park Neighborhood Commercial Overlay District, § 1307.5, is amended to read as follows:

1307.5 No hotel, inn, or fast food ~~restaurant~~ **establishment** shall be permitted in the WP Overlay District.

- (b) Section 1309, Eight Street Southeast Neighborhood Commercial Overlay District, § 1309.4, is amended to read as follows:

1309.4 For purposes of § 1302.5, restaurants, fast food ~~restaurants~~ **establishments**, ~~delicatessens, carry-outs, and similar eating or drinking establishments~~ **and prepared food shops**, shall be subject to the following limitations: these uses shall occupy no more than fifty percent (50%) of the linear street frontage within the ES Overlay District, as measured along the lots that face designated roadways in the ES Overlay District of which up to half (1/2) of the fifty percent (50%) of the linear street frontage shall only be occupied by fast food restaurants.

- (c) Section 1320, H Street Northeast Neighborhood Commercial Overlay District (HS). § 1320.4(c), is amended to read as follows:

(c) Fast food ~~restaurant~~ **establishment** or food delivery service provided:

7. Chapter 14, REED-COOKE OVERLAY DISTRICT, Section 1401, Use Provisions, § 1401.1 (c) is amended to read as follows:

(c) Restaurant or fast food ~~restaurant~~ **establishment**;

8. Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, is amended as follows:

- (a) Subsection 1703.3(b) is amended to read as follows:

1703.3 Each new or altered building that faces or abuts a public street shall devote all of the ground floor leasable space to the retail and service

NOTICE OF PUBLIC HEARING
 Z.C. CASE NO. 06-23
 PAGE 6

uses listed in § 1710 or the arts and arts-related uses listed in § 1711; provided:

...
 (b) Not more than twenty percent (20%) of the required gross floor area on the ground floor shall be occupied by banks, loan offices, other financial institutions, travel agencies, or other transportation ticket offices, ~~delicatessens~~ prepared food shops, fast food ~~restaurants~~ establishments, printing or fast copy services, newsstands, dry cleaners, or any combination thereof;

(b) Subsections 1710.1 (v) and 1732.2 (ee), are amended by striking the phrase “fast food restaurant” where it appears and inserting the phrase “fast food establishment” in its place.

9. Chapter 19, UPTOWN ARTS-MIXED USE (ARTS) OVERLAY DISTRICT, §1907.1 (o) (listing “delicatessen” as a preferred use) is repealed.

10. CHAPTER 31, BOARD OF ZONING ADJUSTMENT RULES OF PRACTICE AND PROCEDURE, § 3104, Special Exceptions, is amended by adding the following to the list of special exceptions set forth in the table in § 3104.1.

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Prepared food shop with greater than twelve seats for patrons	C-1, C-2-A	712

Proposed amendments to the Zoning Regulations of the District of Columbia are authorized pursuant to the Zoning Act of June 20, 1938, (52 Stat. 797); D.C. Official Code § 6-641.01 *et seq* (2001).

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

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

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C., 20001. Please include the

**NOTICE OF PUBLIC HEARING
Z.C. CASE NO. 06-23
PAGE 7**

number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF RESCHEDULED¹ PUBLIC HEARING

TIME AND PLACE: Thursday, June 14, 2007, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 06-32 (Text Amendment - Capitol Gateway Receiving Zone)

THIS CASE IS OF INTEREST TO ANC 6D

On June 20, 2006, the Office of Zoning received a request from Washington Telecom Associates, LLC requesting a zoning text amendment to add Square 766 to the Capitol South receiving zone. This case was set down for hearing on September 11, 2006. The petitioner filed its prehearing statement on October 19, 2006.

The following amendments to Title 11 of the District of Columbia Municipal Regulations (ZONING) are proposed:

Chapter 17, § 1709.18, is amended to read as follows (new text shown in bold and underline; deleted text in strikethrough):

The Capitol South receiving zone consists of those portions of Squares 695 through 697, N697, 698, 699, N699, 737 through 742, ~~and~~ N743 **and 766**, each zoned C-3-C.

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

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

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

¹ The hearing was previously scheduled for Monday, March 5, 2007.

DISTRICT OF COLUMBIA REGISTER

Z.C. NOTICE OF PUBLIC HEARING

Z.C. CASE NO. 06-32

PAGE 2

MAR 9 2007

Information should be forwarded to the Secretary of the Zoning Commission, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. Please include the number of the particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY N. JEFFRIES, MICHAEL G. TURNBULL, AND JOHN G. PARSONS ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON SCHELLIN, SECRETARY TO THE ZONING COMMISSION.