

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 26, 2008
Petition Date: February 9, 2009
Hearing Date: February 24, 2009

License No.: ABRA-080916
Licensee: Acacia Skylan, Inc.
Trade Name: Acacia Wellness Bistro
License Class: Retailer's "D" Restaurant
Address: 4340 Connecticut Ave, NW
Contact information: Uzay Turker (202) 537-1040

WARD 3

ANC 3F

SMD 3F01

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 hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

New restaurant offering food, beer and wine and may offer vitamins depending on demand. Occupancy Load is 50. Summer Garden with seating capacity for 60 patrons.

HOURS OF OPERATION FOR INSIDE RESTAURANT AND SUMMER GARDEN

Monday – Thursday: 6 am – 2 am
Friday: 6 am – 3 am
Saturday: 8 am – 3 am
Sunday: 8 am – 2 am

HOURS OF SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES FOR INSIDE RESTAURANT AND SUMMER GARDEN

Sunday - Thursday: 11 am – 2 am
Friday and Saturday: 11 am – 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: December 26, 2008
Petition Date: February 9, 2009
Hearing Date: February 24, 2009

License No.: ABRA-079843
Licensee: Wilson Concepts, LLC
Trade Name: Indulj
License Class: Retailer's C Restaurant
Address: 1208 U Street, NW
Contact Information: Candace Fitch - 202.625.7700

WARD 1 ANC 1B SMD 1B02

Notice is hereby given that this licensee who has applied for a substantial change to his license under the D.C. Alcoholic Beverage Control Act and for objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 7th Floor, Suite 7200, 941 North Capitol Street, NE. A petition or request to appear before the Board must be filed on or before the petition date.

Licensee requests the following substantial changes to its nature of operation:

- Class change from a Retailer's C Restaurant to a Retailer's C Tavern
Changing the hours of alcoholic beverage sales/consumption:
Current Hours Proposed Hours
Sunday through Saturday, 12pm-2am Sunday through Thursday, 11am-2am
Friday and Saturday, 11am-3am
Changing the hours of Entertainment:
Current Hours Proposed Hours
unday through Saturday, 9am-1am Sunday through Thursday, 6pm-2am
Friday and Saturday, 6pm -3am
To Add a Summer Garden:
Proposed Hours of Operation and Alcoholic Beverage Sales and Consumption
Sunday through Thursday, 11am-2am
Friday and Saturday, 11am-3am

**DISTRICT OF COLUMBIA
HISTORIC PRESERVATION REVIEW BOARD**

NOTICE OF PUBLIC HEARING

The D.C. Historic Preservation Review Board will hold a public hearing to consider an application to designate the following properties as historic landmarks in the D.C. Inventory of Historic Sites. The Board will also consider the nomination of the properties to the National Register of Historic Places:

**Case No. 06-14: Dr. Franklin Kameny Residence
5020 Cathedral Avenue, NW
Square 1439, Lot 968**

**Case No. 07-01: The Sheridan Theater and Park and Shop
6201 (6201-6221) Georgia Avenue, NW
Square 2979, Lot 39**

**Case No. 09-05: Mead's Row
1305, 1307, 1309 and 1311 H Street, NE
Square 1026, Lots 86, 87, 88 and 89**

The hearing will take place at **10:00 a.m. on Thursday, January 22, 2009**, at 441 Fourth Street, NW (One Judiciary Square), in Room 220 South. It will be conducted in accordance with the Review Board's Rules of Procedure (10 DCMR 26). A copy of the rules can be obtained from the Historic Preservation Office at 801 North Capitol Street, NE, Room 3000, Washington, DC 20002, or by phone at (202) 442-8800.

The Board's hearing is open to all interested parties or persons. Public and governmental agencies, Advisory Neighborhood Commissions, property owners, and interested organizations or individuals are invited to testify before the Board. Written testimony may also be submitted prior to the hearing. All submissions should be sent to the address above.

For each property, a copy of the historic landmark application is currently on file and available for inspection by the public at the Historic Preservation Office. A copy of the staff report and recommendation will be available at the office five days prior to the hearing. The office also provides information on the D.C. Inventory of Historic Sites, the National Register of Historic Places, and Federal tax provisions affecting historic property.

If the Historic Preservation Review Board designates the property, it will be included in the D.C. Inventory of Historic Sites, and will be protected by the D.C. Historic Landmark and Historic District Protection Act of 1978. The Review Board will simultaneously consider the nomination of the property to the National Register of Historic Places. The National Register is the Federal government's official list of prehistoric and historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving our nation's heritage. Listing provides recognition of the historic importance of properties and assures review of Federal undertakings that might affect the character of such properties. If a property is listed in the

Register, certain Federal rehabilitation tax credits for rehabilitation and other provisions may apply. Public visitation rights are not required of owners. The results of listing in the National Register are as follows:

Consideration in Planning for Federal, Federally Licensed, and Federally Assisted Projects: Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.

Eligibility for Federal Tax Provisions: If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 (which revised the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and the Tax Reform Act of 1984) provides, as of January 1, 1987, for a 20% investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15% and 20% Investment Tax Credits (ITCs) for rehabilitation of older commercial buildings are combined into a single 10% ITC for commercial and industrial buildings built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because the tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

Qualification for Federal Grants for Historic Preservation When Funds Are Available: The National Historic Preservation Act of 1966, as amended, authorizes the Secretary of the Interior to grant matching funds to the States (and the District of Columbia) for, among other things, the preservation and protection of properties listed in the National Register.

Owners of private properties nominated to the National Register have an opportunity to concur with or object to listing in accord with the National Historic Preservation Act and 36 CFR 60. Any owner or partial owner of private property who chooses to object to listing must submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, and objects to the listing. Each owner or partial owner of private property has one vote regardless of the portion of the property that the party owns. If a majority of private property owners object, a property will not be listed. However, the State Historic Preservation Officer shall submit the nomination to the Keeper of the National Register of Historic Places for a determination of eligibility for listing in the National Register. If the property is then determined eligible for listing, although not formally listed, Federal agencies will be required to allow the Advisory Council on Historic Preservation an opportunity to comment before the agency may fund, license, or assist a project which will affect the property. If an owner chooses to object to the listing of the property, the notarized objection must be submitted to the above address by the date of the Review Board meeting.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, MARCH 3, 2009
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.

1:00 P.M. TO 6:00 P.M. AFTERNOON SESSION

P.M.

WARD THREE

17883 **Application of The Vestry of Saint Patrick's Parish**, pursuant to
ANC-3D 11 DCMR § 3104.1, for a special exception to expand the existing
St. Patrick's Episcopal Day School campus by incorporating Lots
854 and 855, in Square 1374, and to use the property as outdoor
physical education and science program space (with no new
structures) under section 206, in the R-1-B District at premises 4800
U Street, N.W. (Square 1374, Lots 854 and 855).

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.

RUTHANNE G. MILLER, CHAIRPERSON, MARC D. LOUD, MARY OATES WALKER, SHANE L. DETTMAN, AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY JERRILY R. KRESS, FAIA, DIRECTOR.

PHN 3/3/09 rsn

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

TIME AND PLACE: Thursday, February 26, 2009, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W. Suite 220-S
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

Case No. 08-20 (Text Amendment – DCMR Title 11 - Text Amendment to Regulate Firearms Retail Sales Establishments)

THIS CASE IS OF INTEREST TO ALL ANCs

On July 28, 2008, the Office of Zoning received a report that served as a petition from the District of Columbia Office of Planning requesting certain amendments to the Zoning Regulations concerning firearms and firearms retail sales establishments. At a properly noticed special public meeting on July 28, 2008, the Zoning Commission (the “Commission”) set down this case for a public hearing. The Commission also took action to adopt the amendments on an emergency basis and authorized the publication of a notice of proposed rulemaking. A Notice of Emergency and Proposed Rulemaking and a Notice of Public Hearing were published in the *D.C. Register* on August 8, 2008 (55 *DCR* 8547 and 55 *DCR* 8516, respectively).

The amendments permitted a Firearms Retail Sales Establishment use in a C-3-C through C-5 zones as a special exception and disallowed the use in all other zones, whether as a principal or an accessory use. In addition, the use was conditioned upon compliance with several requirements and the maintenance of a 600 foot buffer between it and certain other uses and the boundary line of any residence and special purpose zone.

At a properly noticed hearing held September 29, 2008, the Commission heard public testimony and, in response thereto, requested additional information from the Office of Planning. The Commission also received written comments submitted on behalf of the National Rifle Association. After consulting with the Metropolitan Police Department and the Office of the Attorney General, the Office of Planning, by supplemental report dated November 14, 2008, submitted a revised proposal and requested that the Commission take proposed action to approve, and emergency action to adopt, the revised amendments. The Office of Planning did not specifically request that another public hearing be held.

The revisions differed in several respects from the published rules. Specifically the revised proposal would (i) prohibit a firearms retail sales establishment use as a home occupation; (ii) allow firearm retail sales establishments as a permitted use in the C-2-A through C-5 Commercial Districts and in both of the Industrial Zones; (iii) eliminate the performance conditions; and (iv) reduce the buffer area from 600 to 300 feet. The use would continue to be disallowed in all other zone districts, whether as a principal or an accessory use.

At a properly noticed public meeting held November 20, 2008, the Commission adopted the revised amendments on an emergency basis and authorized the publication of a notice of

proposed rulemaking. That Notice of Emergency and Proposed Rulemaking is published in this volume of the *DC Register*.

The Commission also decided to advertise the revised rules for a public hearing.

The following amendments to the Zoning Regulations Title 11 (DCMR) are proposed. Addition to existing provisions shown in **bold** and underlined text:

1. *Amend Chapter 1, the Zoning Regulations, by adding the following definitions to § 199.1:*

Firearm - a gun, pistol, or any weapon capable of firing a projectile and using an explosive charge as a propellant.

Firearms retail sales establishment - an establishment engaged in the sale, lease, or purchase of firearms or ammunition. If an establishment is a firearms retail sales establishment as defined here, it shall not be deemed to constitute any other use permitted under the authority of this title.

2. *Amend Chapter 5, Special Purpose Districts, § 502.7, as follows:*

502.7 Any other accessory use and accessory building customarily incidental to the uses otherwise authorized by this chapter, shall be permitted in an SP District, **except that a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

3. *Amend Chapter 6, Mixed Use (Commercial Residential) Districts, § 602.1, to add firearms retail sales establishment to the list of prohibited uses, by adding a new paragraph (r) to read as follows:*

602.1 (r) Firearms retail sales establishments as a principal or an accessory use.

4. *Amend Chapter 7, Commercial Districts, as follows:*

(a) *Amend § 702.4 to read as follows:*

702.4 Other accessory uses customarily incidental and subordinate to the uses permitted in C-1 Districts shall be permitted in a C-1 District, **except that a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

(b) *Amend, § 721.3 by adding a new paragraph (u) to read as follows:*

721.3 (u) Firearms retail sales establishments, provided that no portion of the establishment shall be located within three hundred feet (300 ft.) of:

- (i) A Residence (R) or Special Purpose (SP) District; or
- (ii) A church or other place of worship, public or private school, public library, or playground.

5. *Amend Chapter 9, Waterfront Districts, as follows:*

(a) Amend § 901.2 to read as follows:

901.2 Accessory use (including parking), building, or structure customarily incidental and subordinate to the principal uses permitted in § 901.1 shall be permitted in a Waterfront District as a matter of right, **except that a firearms retail sales establishment shall not be permitted as a principal or an accessory use.**

(b) Amend § 902.1 by adding a new paragraph (r) to read as follows:

902.1 (r) Firearms Retail Sales Establishment.

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

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

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

Information should be forwarded to Sharon Schellin, the Secretary of the Zoning Commission, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C., 20001. Please include the number of this particular case and your daytime telephone number. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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