

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

Posting Date: October 2, 2009
Petition Date: November 16, 2009
Hearing Date: November 30, 2009

License No.: ABRA-060263
Licensee: Palena, LLC
Trade Name: Palena
License Class: Retail Class "C" Restaurant
Address: 3529 Connecticut Avenue, N.W.
Contact: Stephen J. O'Brien, Esq., 202-625-7700

WARD 3

ANC 3C

SMD 3C04

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 that the 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, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

The licensee requests to expand the licensed premises to the adjacent space increasing its interior capacity by 60 new seats for a total of 169 seats and a Summer Garden with 36 seats.

**SUMMER GARDEN HOURS OF OPERATION AND
SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES**
Monday through Saturday 5:30 pm – 11:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 16, 2009
Petition Date: November 30, 2009
Hearing Date: December 14, 2009

License No.: ABRA-060263
Licensee: Palena, LLC
Trade Name: Palena
License Class: Retail Class "C" Restaurant
Address: 3529 Connecticut Avenue, N.W.
Contact: Frank A. Ruta, 202-537-9250

WARD 3

ANC 3C

SMD 3C04

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 that the 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, Washington, DC 20002. Petition and/or request to appear before the Board must be filed on or before the petition date.

The licensee requests to expand the licensed premises to the adjacent space increasing its interior capacity by 100 new seats for a total of 209 seats; change the hours of operation and sales; and a new Summer Garden with 36 seats.

CURRENT HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES FOR INSIDE

Sunday – Closed, Monday through Saturday 5:30 pm – 11:30 pm

PROPOSED HOURS OF HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES FOR INSIDE AND SUMMER GARDEN

Sunday through Saturday 11 am – 11:30 pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: October 16, 2009
Petition Date: November 30, 2009
Hearing Date: December 14, 2009

License No.: ABRA-080916
Licensee: Acacia Skylan, Inc.
Trade Name: Acacia Wellness Bistro
License Class: Retail Class "D" Restaurant
Address: 4340 Connecticut Avenue, N.W.
Contact: Uzay Turker, 202-537-1040

WARD 3

ANC 3F

SMD 3F01

Notice is hereby given for this licensee who has applied for a substantial change to the license under the D.C. Alcoholic Beverage Control Act and for objectors who are entitled to be heard before the granting of such on the hearing date at 10:00 a.m., 7th floor, Room 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 a class change from a Retailer Class "D" Restaurant to a Retailer Class "C" Restaurant.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA

NOTICE OF PUBLIC INTEREST HEARING

GT97-3, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND ITS RATE SCHEDULE NO. 6,

GT06-1, IN THE MATTER OF THE APPLICATION OF WASHINGTON GAS LIGHT COMPANY FOR AUTHORITY TO AMEND GENERAL SERVICE PROVISION NO. 23,

and

FORMAL CASE NO. 1027, IN THE MATTER OF THE EMERGENCY PETITION OF THE OFFICE OF THE PEOPLE'S COUNSEL FOR AN EXPEDITED INVESTIGATION OF THE DISTRIBUTION SYSTEM OF WASHINGTON GAS LIGHT COMPANY,

The Public Service Commission of the District of Columbia ("Commission") hereby gives notice that the evidentiary hearing regarding the recovery of hexane commodity costs by Washington Gas Light Company ("WGL") is being converted into a public interest hearing to consider the Settlement Agreement filed by WGL and the Office of the People's Counsel.¹ The public interest hearing will convene Wednesday, October 28, 2009, at 10:00 a.m. in the Commission Hearing Room, 1333 H Street, N.W., East Tower, Suite 700, Washington, DC 20005.

Copies of the Settlement Agreement may be obtained by contacting the Office of the Commission Secretary, Public Service Commission of the District of Columbia, 1333 H Street, N.W., West Tower, Suite 200, Washington, DC 20005 or by visiting the Commission's website at www.dcpsc.org.

¹ *Formal Case No. 1027, GT97-3, GT06-1, Joint Motion for Approval of Unanimous Agreement of Stipulation and Full Settlement and Waiver of Commission Rule 130.12, filed October 2, 2009.*

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, DECEMBER 22, 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.

9:30 A.M. TO 12:00 P.M

A.M.

WARD THREE

18011 **Application of Kil Huh and Jenny Yang**, pursuant to 11 DCMR §
ANC-3E 3104.1, for a special exception to allow a rear addition to an existing one-
family detached dwelling under section 223, not meeting the side yard
(section 405) and nonconforming structure (subsection 2001.3)
requirements in the R-1-B District at premises 4419 45th Street, N.W.
(Square 1591, Lot 830).

WARD FIVE

18013 **Application of Franklin Commons Intergenerational Day Care**
ANC-5C **Center, Inc.**, pursuant to 11 DCMR § 3104.1, for a special exception for a
child development center (50 Children and 14 Staff), under section 205, in
the R-3 District at premises 119 Franklin Street, N.E. (Square 3505, Lot
802).

WARD SEVEN

18014 **Application of The Elizabeth Ministry, Inc.**, pursuant to 11 DCMR §
ANC-7C 3104.1, for a special exception to establish a child development center (25
children and 4 staff) under section 205, in the R-2 District at premises 210
55th Street, N.W. (Square 5252, Lot 140).

BZA PUBLIC HEARING NOTICE
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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.

**MARC D. LOUD, CHAIRMAN, SHANE L. DETTMAN, MERIDITH H. MOLDENHAUER AND A MEMBER OF THE ZONING COMMISSION -----
----- BOARD OF ZONING ADJUSTMENT, BY CLIFF MOY, SECRETARY TO THE BZA, JAMISON L. WEINBAUM, DIRECTOR.**

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

TIME AND PLACE: **Monday, November 30, 2009, 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. 06-01B (Modification to the Approved PUD at 3rd and H Streets, N.E. –
Steuart-H Street LLC)**

THIS CASE IS OF INTEREST TO ANC 6C

On August 31, 2009, the Office of Zoning received an application from the Steuart-H Street LLC. The Applicant is requesting approval of modification to the approved planned unit development (“PUD”) for the subject property. A related zoning map amendment from C-2-A to C-2-B for a portion of the subject property approved as part of the original PUD remains as part of the proposed modification. The Office of Planning provided its report on September 4, 2009, and the case was set down for hearing on September 14, 2009. The Applicant provided its prehearing statement as part of its application on September 24, 2009.

The property that is the subject of this application consists of approximately 60,870 square feet of land area and is located in the block bounded by 3rd, 4th, H, and I Streets, N.E. The property fronts on 3rd, 4th, and H Streets and is known as Square 776, Lot 54. The subject property is zoned C-2-B pursuant to the original PUD approval.

By Order No. 06-01, dated December 11, 2006, effective October 12, 2007, the Zoning Commission approved the consolidated PUD and related map amendment from C-2-A to C-2-B for a mixed-use development containing approximately 210 to 250 apartment units and approximately 60,500 square feet of gross floor area devoted to retail and service uses, including a grocery store of approximately 45,000 square feet plus additional loading and support space. The building was approved with a maximum height of 90 feet, stepping down to the north and east sides of the project. The total gross floor area of the project was approved at approximately 287,930 square feet and the approved overall floor area ratio (“FAR”) of the project was 4.8. The project was approved with approximately 400 parking spaces.

The Applicant now seeks a modification to reduce the height, bulk and number of parking spaces for the project. As proposed, the PUD would now have a maximum height of 75 feet, the maximum gross floor area would be 250,160 square feet, the maximum FAR would be 4.11, and the number of parking spaces proposed is 270.

The C-2-A Zone 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 50 feet.

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Under Chapter 24, the guideline for height in a PUD is 65 feet and the guideline for density in a PUD is 3.0 FAR, of which no more than 2.0 may be commercial.

The C-2-B Zone District permits mixed residential and commercial development as a matter-of-right, to a maximum lot occupancy of 80% for residential use, a maximum density of 3.5 FAR, of which no more than 1.5 may be devoted to other than residential uses and a maximum height of 90 feet. Under Chapter 24, the guideline for height in a PUD is 90 feet and the guideline for density in a PUD is 6.0 FAR, of which no more than 2.0 may be commercial.

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;
- (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;

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- (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.

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 |

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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.**

ANTHONY J. HOOD, WILLIAM W. KEATING, III, KONRAD W. SCHLATER, PETER G. MAY AND MICHAEL G. TURNBULL, ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JAMISON L. WEINBAUM, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

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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.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of 11 DCMR § 3022.3.

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;
- (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;

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- (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.

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 maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

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.**

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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;
- (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.

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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 maximum time limits for oral testimony shall be adhered to and no time may be ceded:

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

Pursuant to § 3020.3, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 200/210-S, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

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