

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

Posting Date: February 12, 2010

Petition Date: March 29, 2010

Hearing Date: April 12, 2010

License No.: ABRA-083793

Licensee: BGR DuPont, LLC

Trade Name: BGR The Burger Joint

License Class: Retail Class "D" Restaurant

Address: 1528 Connecticut Avenue, N.W.

Contact: Michael D. Fonseca, Esq., 202-625-7700

WARD 2

ANC 2B

SMD 2B02

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, 2nd Floor, Suite 2000, 1250 U Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date.

NATURE OF OPERATION

Family burger joint featuring burgers, fries, onion rings and shakes. No entertainment or dancing. Total Occupancy load of 80 with seating for 57 and standing for 23.

HOURS OF OPERATION AND SALES/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday through Thursday 11 am – 11:30 pm and Friday & Saturday 11 am - 2 am

HISTORIC PRESERVATION REVIEW BOARD**NOTICE OF PUBLIC HEARING**

The D.C. Historic Preservation Review Board will hold a public hearing to consider applications 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. 10-02: John J. Earley Office and Studio**
2131 G Street, NW
Square 79, part of Lot 861 (former Lot 8)
- Case No. 10-03: The Everglades**
2223 H Street, NW
Square 55, Lot 854
- Case No. 10-04: The Flagler**
736 22nd Street, NW
Square 56, Lot 31
- Case No. 10-05: Munson Hall**
2212 I Street, NW
Square 55, part of Lot 855 (former Lot 841)
- Case No. 10-06: Milton Hall**
2222 I Street, NW
Square 55, part of Lot 855 (former Lot 842)
- Case No. 10-07: The Keystone**
2150 Pennsylvania Avenue, NW
Square 75, part of Lot 46 (former Lot 35)

The hearing will take place at **10:00 a.m. on Thursday, January 28, 2010**, 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 2000 14th Street, NW, Fourth Floor, Washington, DC 20009, 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.

For further information, contact Tim Dennee, Landmarks Coordinator, at 202-442-8847.

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 13, 2010
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 HEARING SESSION
1:00 P.M. TO 6:00 P.M. AFTERNOON HEARING SESSION**

A.M.

WARD TWO

18053 **Application of Italo Rodriguez**, pursuant to 11 DCMR § 3104.1, for a
ANC-2E special exception to allow a two story rear addition to an existing one-
family row dwelling under section 223, not meeting the lot occupancy
(section 403), and rear yard (section 404), requirements, in the R-3
District, at premises 3212 P Street, N.W. (Square 1256, Lot 1).

WARD ONE

18051 **Application of Easter Seals Greater Washington-Baltimore Region**,
ANC-1B pursuant to 11 DCMR § 3104.1, for a special exception to allow a child
development center (96 Children and 35 Staff) under section 205, in the
R-4 District at premises 2800 13th Street, N.W. (Square 2855, Lot 837).

WARD SEVEN

18052 **Application of Freeda’s Child Development Center**, pursuant to 11
ANC-7B DCMR § 3104.1, for a special exception for a child development center
(24 Children and 10 Staff) under section 205, in the R-1-B District at
premises 3217 Alabama Avenue, S.E. (Square 5677, Lot 804).

P.M.

WARD ONE

BZA PUBLIC HEARING NOTICE

APRIL 13, 2010

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18054 **Application of Raymond C. Fay**, pursuant to 11 DCMR § 3103.2, ANC-1A for a variance from the lot occupancy requirements under section 403, and a variance from the rear yard requirements under section 404, to allow the construction of a rear deck addition to an existing one-family row dwelling in the R-4 District at premises 1348 Perry Place, N.W. (Square 2827-S, Lot 147).

WARD EIGHT

18050 **Application of Johnny’s Sub Shop**, pursuant to 11 DCMR § 3103.2, for ANC-8E a variance from the use provisions under subsection 701.1, to operate a fast food establishment in the C-1 District at 4139 Wheeler Road, S.E. (Square 5925, Lot 821).

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, NICOLE C. SORG AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, BY CLIFFORD MOY, SECRETARY TO THE BZA, JAMISON L. WEINBAUM, DIRECTOR.