

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC NOTICE

Persons objecting to the approval of a renewal application are entitled to be heard before the granting of the license. Hearings will begin at 10:00 am at 1250 U Street, NW, 2nd Floor, Hearing Room, 202-442-4423

RENEWAL NOTICES

POSTING DATE 7/2/2010
PETITION DATE 8/16/2010
HEARING DATE 8/30/2010

THE FOLLOWING ESTABLISHMENTS ARE RENEWING THEIR ABC LICENSES:

License # ABRA-081793	The New Brookland Café LLC
ANC 5A06	Brookland Café
Class Retailer CT 01	3740 12TH STREET NE
Endorsement:	

	<u>Hours of Operation</u>	<u>Hours of Sales</u>	<u>Hours of Entertainment</u>
MON	7 am to 2 am	10 am to 1:30 am	10 am to 1 am
TUE	7 am to 2 am	10 am to 1:30 am	10 am to 1 am
WED	7 am to 2 am	10 am to 1:30 am	10 am to 1 am
THU	7 am to 2 am	10 am to 1:30 am	10 am to 1 am
FRI	7 am to 3 am	10 am to 2:30 am	10 am to 2 am
SAT	7 am to 3 am	10 am to 2:30 am	10 am to 2 am
SUN	7 am to 2 am	10 am to 1:30 am	10 am to 1 am

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

Posting Date: June 18, 2010
Petition Date: August 2, 2010
Hearing Date: August 16, 2010

License No.: ABRA-021925
Licensee: Jaime T. Carillo
Trade Name: Don Jaime
License Class: Retail Class "C" Restaurant
Address: 3209 Mt. Pleasant Street, N.W.

WARD 1

ANC 1D

SMD 1D04

Notice is hereby given for a request to terminate the voluntary agreement below, as approved and incorporated into an order by the Board for the following and to modify Board Order 2008-190 to extend entertainment hours to correspond with the hours of sale.

Parties to the Voluntary Agreement: Jaime T. Carillo t/a Don Jaime and MPNA, Inc.

Protest Petitions: Objectors are entitled to be heard before the granting of such request on August 16, 2010 at 10 am 2nd Floor, Suite 2000, 1250 U Street, N.W. Protest petitions must be filed on or before August 2, 2010

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

Posting Date: June 18, 2010
Petition Date: August 2, 2010
Hearing Date: August 16, 2010

License No.: ABRA-015934
Licensee: Don Juan Restaurant, Inc.
Trade Name: Don Juan Restaurant & Carry-Out
License Class: Retail Class "C" Restaurant
Address: 1660 Lamont St., N.W.

WARD 1

ANC 1D

SMD 1D04

Notice is hereby given for a request to terminate the voluntary agreement below, as approved and incorporated into an order by the Board for the following and to modify Board Order 2008-233 to extend entertainment hours to correspond with the hours of sale and to allow all permitted forms of entertainment.

Parties to the Voluntary Agreement: Don Juan's Restaurant, Inc., t/a Don Juan's Restaurant, Mount Pleasant Neighborhood Alliance.

Protest Petitions: Objectors are entitled to be heard before the granting of such request on August 16, 2010 at 10 am 2nd Floor, Suite 2000, 1250 U Street, N.W. Protest petitions must be filed on or before August 2, 2010.

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD
NOTICE OF A PUBLIC HEARING ON THE

Notice of Proposed Rulemaking regarding
“Off-Site Food Sales”

The Alcoholic Beverage Control Board (Board) announces a public hearing to receive testimony on the proposed rules that would create a new section 2102 of Title 23 of the DCMR to clarify what constitutes “off-site food sales” for the purpose of calculating a restaurant or hotel’s statutory food requirements. The proposed rulemaking clarifies that food sales occurring outside of the licensed premises at catered events constitute off-site food sales. Under the proposed rules, off-site food sales do not include food sales generated by a licensed establishment as take-out or delivery food items.

The Board adopted this proposed rulemaking on March 10, 2010 by a 3-0 vote. A public hearing will be held on Wednesday, July 21, 2010 at 2:00 p.m. at 1250 U Street, NW, 2nd Floor Board Hearing Room, Washington, D.C. 20009. Individuals wishing to testify should contact Cynthia Simms at (202) 442-4496 or by e-mail at cynthia.simms@dc.gov by July 16, 2010. E-mail contacts should include the full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring nine (9) copies of their written testimony to the Board.

If you are unable to testify and wish to comment, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Charles Brodsky, Chairman, Alcoholic Beverage Control Board, 1250 U Street, NW, 3rd Floor, Washington, D.C. 20009, no later than 4:00 p.m., Friday, August 6, 2010.

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

NOTICE OF PROPOSED RULEMAKING

The Alcoholic Beverage Control Board ("Board"), pursuant to the authority set forth in D.C. Official Code § 25-211(b) (2009 Supp.), hereby gives notice of the adoption of proposed rules that create a new section 2102 of Title 23 of the District of Columbia Municipal Regulations (DCMR) to clarify what constitutes "off-site food sales" for the purposes of determining whether a restaurant or hotel is meeting either of the statutory food requirements. The proposed rulemaking clarifies that food sales occurring outside of the licensed premises at catered events or street festivals constitute off-site food sales. Under the proposed rules, off-site food sales do not include those food sales generated at the licensed establishment as either take-out or delivery food items.

The Board gives notice of its intent to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*. Pursuant to D.C. Official Code § 25-211(b) (2009 Supp.), these proposed rules are also being transmitted to the Council of the District of Columbia, and the final rules may not become effective until the expiration of the ninety (90) day period of Council review or upon approval by Council resolution, whichever occurs first.

The proposed rulemaking was adopted by the Board on March 10, 2010 by a three (3) to zero (0) vote. A public hearing on this proposed rulemaking will occur on July 21, 2010 at 2:00 p.m. at 1250 U Street N.W., 2nd Floor.

Title 23 DCMR, Chapter 21 (Restaurant and Hotel Food Sales Requirements), is amended by adding a new section 2102 to read as follows:

2102 OFF-SITE FOOD SALES

- 2102.1 Off-site food sales by a licensee under a license, class C/R, D/R, C/H, or D/H, shall not be included for the purposes of calculating whether an establishment is meeting either of the food sales requirements set forth in D.C. Official Code § 25-101(43), § 25-113 or this chapter.
- 2102.2 Food sales occurring outside of the licensed premises at catered events or street festivals shall be considered off-site food sales. Food sales generated at the licensed establishment as either take-out or delivery food sales shall not be considered off-site food sales.

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage Regulation Administration, 1250 U Street N.W., 3rd Floor, Washington, D.C. 20009. All persons desiring to comment on the proposed rulemaking must submit their written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the above address.

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

Posting Date: July 2, 2010
Petition Date: August 16, 2010
Hearing Date: August 30, 2010

License No.: ABRA-073166
Licensee: The Pug, LLC
Trade Name: The Pug
License Class: Retail Class "C" Tavern
Address: 1234 H Street, N.E.
Contact: Candace M. Fitch, 202-589-1836

WARD 6

ANC 6A

SMD 6A01

Notice is hereby given for this licensee who has applied for a substantial change to his 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., 2nd floor, Suite 2000, 1250 U 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:

LICENSEE REQUESTS EXPANSION OF PREMISE TO INCLUDE 2ND FLOOR FOR 39 ADDITIONAL SEATS AND CHANGE OF HOURS OF OPERATION AND HOURS OF ALCOHOL SALES & SERVICE

CURRENT HOURS OF OPERATION

Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am, Friday 5 pm – 3 am, and Saturday 11 am – 3 am

CURRENT HOURS SALE/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday 11 am – 2 am, Monday through Thursday 5 pm – 2 am, Friday 5 pm – 3 am, and Saturday 11 am – 3 am

PROPOSED HOURS OPERATION

Sunday through Saturday 10:30 am – 5 am

PROPOSED HOURS SALE/SERVICE/CONSUMPTION OF ALCOHOLIC BEVERAGES

Sunday through Thursday 10:30 am – 2 am and Friday & Saturday 10:30 am – 3 am

BOARD OF ELECTION AND ETHICS**NOTICE OF PUBLIC HEARING****RECEIPT AND INTENT TO FORMULATE PROPOSED BALLOT LANGUAGE**

Pursuant to D.C. Official Code § 1-203.03 and D.C. Mun. Regs. tit. 3, § 1801.6, the Board of Elections and Ethics hereby gives notice of its intent to formulate ballot language for the proposed Charter amendment, “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010” and “Elected Attorney General Referendum Amendment Act of 2010,” at a Special Board Meeting on **Wednesday, July 7, 2010 at 2:00 p.m., One Judiciary Square, 441 4th Street, N.W., Suite 280, Washington, D.C. 20001.**

The ballot language that the Board shall formulate for the proposed Charter amendment shall include summary statement not exceeding one hundred and fifty (150) words in length, and a short title not exceeding twenty (20) words in length.

The proposed Charter amendment as submitted, reads as follows:

AN ACT
D.C. ACT 18-351
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MARCH 30, 2010

To clarify the independence of the Attorney General for the District of Columbia and the obligation of that position to represent the public interest, to provide for a 4-year term of office for the Attorney General to coincide with the term of office of the Mayor, to set minimum qualifications and requirements for the position of Attorney General, to require for the automatic forfeiture of the position of Attorney General if the incumbent fails to meet the requirements of this act, to codify the salary of the Attorney General, to codify the budget process for the Office of the Attorney General, to require the appointment of a Chief Deputy Attorney General, to authorize the administration of oaths, to permit the appointment of special counsel in the event of conflict, and to address the inability of the Attorney General to carry out the duties of office; to amend the District of Columbia Election Code of 1955 to provide for the election of the Attorney General; and to amend the District of Columbia Home Rule Act to establish the Attorney General for the District of Columbia as an elected position.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the “Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010”.

TITLE I -- ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA

PART A.

Sec. 101. Duties of the Attorney General for the District of Columbia.

(a)(1) The Attorney General for the District of Columbia ("Attorney General") shall have charge and conduct of all law business of the said District and all suits instituted by and against the government thereof, and shall possess all powers afforded the Attorney General by the common and statutory law of the District and shall be responsible for upholding the public interest. The Attorney General shall have the power to control litigation and appeals, as well as the power to intervene in legal proceedings on behalf of this public interest.

(2) The Attorney General shall furnish opinions in writing to the Mayor and the Council whenever requested to do so. All requests for opinions from agencies subordinate to the Mayor shall be transmitted through the Mayor. The Attorney General shall keep a record of requests, together with the opinions. Those opinions of the Attorney General issued pursuant to Reorganization Order No. 50 shall be compiled and published by the Attorney General on an annual basis.

(b) The authority provided under this section shall not be construed to deny or limit the duty and authority of the Attorney General as heretofore authorized, either by statute or under common law.

Sec. 102. Appointment of the Attorney General.

(a) Until such time as an Attorney General is elected under section 201, the Attorney General for the District of Columbia shall be appointed by the Mayor with the advice and consent of the Council pursuant to section 2 of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01).

(b) The Attorney General shall:

(1) Serve a 4-year term to coincide with the term for Mayor; and

(2) Be eligible for reappointment by the Mayor with the advice and consent of the Council, and may serve in a holdover capacity at the expiration of his or her term pursuant to section 2(c) of the Confirmation Act of 1978, approved March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(c)).

(c) This section shall not apply to the incumbent Attorney General on the effective date of this act.

Sec. 103. Minimum qualifications and requirements for Attorney General.

(a) No person shall hold the position of Attorney General for the District of Columbia unless that person:

(1) Is a registered qualified elector as defined in section 2(20) of the District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.02(20));

(2) Is a bona fide resident of the District of Columbia;

(3) Is a member in good standing of the bar of the District of Columbia;

(4) Has been a member in good standing of the bar of the District of Columbia for at least 5 years prior to assuming the position of Attorney General; and

(5) Has been actively engaged, for at least 5 of the 10 years immediately preceding the assumption of the position of Attorney General, as:

(A) An attorney in the practice of law in the District of Columbia;

- (B) A judge of a court in the District of Columbia;
- (C) A professor of law in a law school in the District of Columbia;

or

(D) An attorney employed in the District of Columbia by the United States or the District of Columbia.

(b) The Attorney General shall devote full-time to the duties of the office and shall not engage in the private practice of law and shall not perform any other duties while in office that are inconsistent with the duties and responsibilities of Attorney General.

Sec. 104. Forfeiture of the position of Attorney General.

The occurrence of any of the following shall result in automatic forfeiture of the position of Attorney General for the District of Columbia:

- (1) Failure to maintain the qualifications required under section 103(a);
- (2) Violation of the prohibition against the private practice of law as provided in section 103(b); or
- (3) Conviction of a felony while in office.

Sec. 105. Attorney General salary.

(a) Except as provided in subsection (b) of this section, the Attorney General for the District of Columbia shall be paid at an annual rate equal to the rate of basic pay for level E5 on the Executive Schedule pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective June 10, 1998 (D.C. Law 12-124; D.C. Official Code § 1-610.52).

(b) An Attorney General for the District of Columbia elected under section 201 shall receive compensation equal to the Chairman of the Council of the District of Columbia as provided in section 403(d) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 787; D.C. Official Code § 1-204.03(d)).

Sec. 106. Annual budget for the Office of Attorney General.

(a) The Attorney General for the District of Columbia shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under Part D of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 798; D.C. Official Code § 1-204.41 et seq.), for the year, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Attorney General for the year. The Mayor shall make recommendations to the Council of the District of Columbia based on said submissions for the Council's action pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and section 603(c) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 814; D.C. Official Code § 1-206.03(c)).

(b) Amounts appropriated for the Office of the Attorney General shall be available solely for the operation of the office, and shall be paid to the Attorney General by the Mayor (acting through the Chief Financial Officer of the District of Columbia) in such installments and at such times as the Attorney General requires.

Sec. 107. Chief Deputy Attorney General, Deputy Attorneys General, and Assistant Attorneys General.

(a) The Attorney General shall appoint a Chief Deputy Attorney General who shall meet the qualifications of section 103. The Chief Deputy Attorney General shall serve under the direction and control of the Attorney General and shall perform such duties as may be assigned to him or her by the Attorney General.

(b)(1) The Deputy Attorneys General and Assistant Attorneys General shall serve under the direction and control of the Attorney General and shall perform such duties as may be assigned to them by the Attorney General.

(2) A Deputy Attorney General shall be a resident of the District of Columbia within 180 days of his or her appointment.

Sec. 108. Authority to administer oaths.

The Attorney General, Chief Deputy Attorney General, Deputy Attorneys General, and Assistant Attorneys General are authorized to administer oaths and affirmations in the discharge of their official duties within the District of Columbia.

Sec. 109. Appointment of special counsel.

(a) Except as provided in subsection (b) of this section, if the Attorney General determines that his or her duty to represent the public interest in a particular matter may prevent him or her from adequately representing the government, an agency, or an official, the Attorney General shall notify the Mayor of this circumstance and the Mayor shall appoint special counsel to represent the government, an agency, or an official for the matter.

(b) If the Attorney General determines that he or she is unable to provide adequate representation pursuant to subsection (a) of this section in a matter in which the Mayor is expected to be adverse to the special counsel, the Attorney General shall notify the Chief Judge of the District of Columbia Court of Appeals, who shall appoint the special counsel for the matter.

PART B.

Subpart 1.

Sec. 121. Inability to carry out duties as Attorney General.

(a)(1) If the Attorney General for the District of Columbia is temporarily unable or unavailable to carry out the duties of the office, the Chief Deputy Attorney General shall serve as acting Attorney General as of the date that notice of such disability or unavailability is provided under paragraph (2) of this subsection and until the date that notice of resolution of the disability is provided under paragraph (3) of this subsection.

(2) Upon determining that he or she is temporarily unable or unavailable to carry out the duties of the office, the Attorney General shall provide written notice of the disability to the Chief Deputy Attorney General. If the Attorney General is incapable of providing the notice, the Mayor shall provide the notice.

(3) Upon determining that the disability or unavailability under paragraph (1) of this subsection has been resolved, the Attorney General shall provide written notice to the acting Attorney General that the Attorney General is able to carry out the duties of the office. The Attorney General shall reassume the position as of the date of the written notice.

(b) This section shall apply upon the election of an Attorney General for the District of Columbia pursuant to section 201.

Subpart 2.

Sec. 131. The District of Columbia Election Code of 1955, approved August 12, 1955 (69 Stat. 699; D.C. Official Code § 1-1001.01 et seq.), is amended as follows:

(a) Section 1 (D.C. Official Code § 1-1001.01) is amended by striking the phrase “Council of the District of Columbia,” and inserting the phrase “Council of the District of Columbia, the Attorney General for the District of Columbia,” in its place.

(b) Section 2 (D.C. Official Code § 1-1001.02) is amended as follows:

(1) A new paragraph (9A) is added to read as follows:

“(9A) The term “Attorney General” or “Attorney General for the District of Columbia” means the Attorney General for the District of Columbia provided for by the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-65).”

(2) Paragraph (13) is amended by striking the phrase “Council,” and Inserting the phrase “Council, the Attorney General,” in its place.

Sec. 132. Applicability.

Section 131 shall apply upon the enactment by Congress of section 201 or an amendment to Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-204.01 et seq.), that provides for the election of the Attorney General for the District of Columbia.

PART C.

Sec. 141. Conforming amendments.

(a) Sections 18 and 19 of Chapter 108 of the Acts of the Legislative Assembly, adopted August 23, 1871 (D.C. Official Code §§ 1-301.111 and 1-301.112), are repealed.

(b) Chapter 51 of the Acts of the Legislative Assembly, adopted August 19, 1871 (D.C. Official Code § 1-301.113), is repealed.

TITLE II -- ELECTION OF ATTORNEY GENERAL

Sec. 201. The District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 et seq.), is amended as follows:

(a) Section 103 (D.C. Official Code § 1-201.03) is amended by adding a new paragraph (16) to read as follows:

“(16) The term “Attorney General” means the Attorney General for the District of Columbia provided for by part C-i of title IV.”.

(b) Title IV is amended by adding a new Part C-i to read as follows:

“PART C-i – THE ATTORNEY GENERAL
“ELECTION OF THE ATTORNEY GENERAL

“Sec. 435. (a) The Attorney General for the District of Columbia shall be elected on a partisan basis by the registered qualified electors of the District. Nothing in this

section shall prevent a candidate for the position of Attorney General from belonging to a political party.

“(b)(1) If a vacancy in the position of Attorney General occurs as a consequence of resignation, permanent disability, death, or other reason, the Board of Elections and Ethics shall hold a special election in the District on the 1st Tuesday occurring more than 114 days after the date on which the vacancy occurs, unless the Board of Elections and Ethics determines that the vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Attorney General to fill a vacancy in the Office of the Attorney General shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as Attorney General only for the remainder of the term during which the vacancy occurred unless reelected.

“(2) When the position of Attorney General becomes vacant, the Chief Deputy Attorney General shall become the Acting Attorney General and shall serve from the date the vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Attorney General at which time he or she shall again become the Chief Deputy Attorney General. While the Chief Deputy Attorney General is Acting Attorney General, he or she shall receive the compensation regularly paid the Attorney General, and shall receive no compensation as Chief Deputy Attorney General.

“(c) The term of office for the Attorney General shall be 4 years and shall begin on noon on January 2nd of the year following his or her election. The term of office of the Attorney General shall coincide with the term of office of the Mayor.

“(d) Any candidate for the position of Attorney General shall meet the qualifications of section 103 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, passed on 2nd reading on February 2, 2010 (Enrolled version of Bill 18-65), prior to the day on which the election for the Attorney General is to be held.

“(e) The first election for the position of Attorney General shall be after January 1, 2014.”.

Sec. 202. Applicability.

Section 201 shall apply upon enactment by Congress.

TITLE III – FISCAL IMPACT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 302. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home

Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

AN ACT
D.C. ACT 18-443
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JUNE 17, 2010

To amend, on an emergency basis, the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to call for a referendum on the amendments to the Charter of the District of Columbia establishing the Attorney General for the District of Columbia as an elected position.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the “Elected Attorney General Referendum Emergency Amendment Act of 2010”.

Sec. 2. Section 202 of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, enacted March 30, 2010 (D.C. Act 18-351; 57 DCR 3012), is amended to read as follows:

“Sec. 202. Applicability.

“Section 201 shall apply upon its ratification by a majority of the registered qualified electors of the District of Columbia voting in a referendum held for such purpose and a 35-day period of Congressional review as provided in section 303 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 784; D.C. Official Code § 1-203.03), and publication in the District of Columbia Register.”.

Sec. 3. Transmittal.

The Chairman of the Council shall transmit copies of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, enacted March 30, 2010 (D.C. Act 18-351; 57 DCR 3012), and this act, upon its effective date, to the Board of Elections and Ethics.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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

TIME AND PLACE: **Thursday, September 23, 2010, @ 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. 10-11 (AWA Holdings, LLC & the District of Columbia - Consolidated PUD & Related Map Amendment @ Square 5148)

THIS CASE IS OF INTEREST TO ANC 7C

On May 7, 2010, the Office of Zoning received an application from Northern Real Estate Urban Ventures, LLC, on behalf of AWA Holdings LLC and the District of Columbia (the "Applicants"). The Applicants are requesting approval of a consolidated review and approval of a Planned Unit Development ("PUD") and a PUD-related zoning map amendment to rezone property from the R-2 and C-1 Districts to the C-2-A District. The Office of Planning provided its report on May 14, 2010, and the case was set down for hearing on May 24, 2010. The Applicant provided its prehearing statement on June 9, 2010.

The property included in this application includes Lots 8, 9, 10, 11, 12, 13, 14, 804, 818 and 819 in Square 5148. The property has a combined land area of approximately 45,031 square feet and is located on the north side of Nannie Helen Burroughs Avenue, N.E., between 48th Street, N.E. and 49th Street, N.E. The property is split-zoned R-2 and C-1 and has approximately 240 linear feet of frontage on Nannie Helen Burroughs Avenue, N.E. Square 5148 is located in the northeast quadrant of the District and is bounded by Hayes Street to the north, 49th Street to the east, Nannie Helen Burroughs Avenue to the south, and 48th Street to the west.

The Applicant is seeking a PUD-related zoning map amendment and consolidated PUD approval to develop a multiple-family dwelling building on the property in accordance with the C-2-A PUD guidelines. The project will contain approximately 92,700 square feet of gross floor area, with an overall FAR of 1.9 and a maximum building height of approximately 62'-8". The project will include approximately 84,600 square feet of gross floor area devoted to residential uses, and 8,100 square feet of gross floor area devoted to a mix of commercial uses. A total of 70 residential units are included in the development, 47 of which will be affordable to households earning 60% of the area median income ("AMI"), and the remaining 23 residential units are replacement units for Lincoln Heights/ Richardson Dwellings Public Housing. The Applicant is not seeking relief from the requirements of the Inclusionary Zoning regulations (Title 11 DCMR, Chapter 26). The project also includes 40 surface parking spaces that will be accessed from 48th Street, N.E.

Z.C. PUBLIC HEARING NOTICE
Z.C. CASE NO. 10-11
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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. 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.

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;
- (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

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- (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 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.

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