



District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 13, 2011



**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
Public Meeting – All Are Welcome to Attend**

7:00 pm **Call to order, Adopt agenda and Approve previous meeting's minutes pg. 3**

7:05 **Special Orders - Election of Officers, Chairs and Appointment of Members**

1. Commission Officers
 - a. Chair
 - b. Vice Chair
 - c. Treasurer
 - d. Secretary
2. Amend Commission Bylaws *pg. 6*
3. Committee Chairs - Standing Committees
 - a. Alcohol Beverage Licensing - Adam Healy
 - b. Community Outreach - Elizabeth Nelson
 - c. Economic Development & Zoning - Drew Ronneberg
 - d. Transportation & Public Space - Omar Mahmud
4. Appointment of Committee Membership
 - a. Alcohol Beverage Licensing (Standing Members: Chair Adam Healy, Ann Marie Koshuta, Jaki Downs, Michael Herman, Katy Ziegler Thomas)
 - b. Economic Development and Zoning (Standing Members: Chair Drew Ronneberg, Dan Golden, Cody Rice, Jeff Fletcher, Phil Toomajian, Barbara Halleck, Arkan Haile, Bill Schultheiss, Charmaine Josiah, Julie Santoboni, Sharee Lawler)
 - c. Community Outreach (Standing Members: Chair Elizabeth Nelson, Louis Barbash, Rose Williams, Mark Roy, Jean Kohanek, Necothia Bowens, Patricia Joseph)
 - d. Transportation and Public Space (Standing Members: Chair Omar Mahmud, Lance Brown, Shane Artim, DeLania Hardy, Sean Lovitt, Marlon Smoker)

7:05 **Community Comments (2 minutes each)**

7:30 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 18*

1. Approve treasurer's report and previous month's disbursements
2. Approve monthly photocopying expenses
3. Participation in ANC security fund
4. Allocation of funds for Commissioner business cards



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**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
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7:40 **Single Member District reports (2 minutes each)**

Standing Committee Reports:

7:55 **Community Outreach pg. 21**

1. Next meeting - 7:30pm, Jan. 17, 2011 (3rd Monday)

8:00 **Alcohol Beverage Licensing pg. 24**

1. Approve committee report.
2. **Recommendation:** ANC 6A not protest the new CR license application of Angelico H Pizza & Tapas (1421 H Street, NE) if there is a signed VA prior to the petition date of Jan. 24
3. **Recommendation:** ANC protest the new CT license application of HR-57 (816 H Street, NE) unless we have a signed VA prior to the petition date of Jan. 10
4. **Recommendation:** ANC not protest the application for the Argonaut's substantial change
5. **Recommendation:** ANC adopt the changes to the standard Voluntary Agreement (pg.25)
6. Next meeting - 7pm, Jan. 18, 2011 (3rd Tuesday)

8:05 **Transportation and Public Space Committee pg. 30**

1. Next meeting - 7pm, Jan. 24, 2011 (NOTE: not 3rd Monday)

8:10 **Economic Development and Zoning Committee pg. 31**

1. Approve committee report.
2. **Recommendation:** ANC provide a letter of support for the new Gallaudet building at 800 Florida Avenue
3. **Recommendation:** ANC 6A provide a letter opposing the grant of a variance for BZA #18161 (1245 G St NE), in the event that the BZA hearing cannot be postponed
4. Next meeting - 7pm, Jan. 19, 2011 (3rd Wednesday)

8:20 **New Business** pg. 35

1. Notice of intent to update ANC 6A bylaws (Holmes)

8:30 **Community Comments Round II, time permitting (2 minutes each)**

8:35 **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of December 9, 2010



ANC 6A ABL Committee
December 14, 2010, 7-9 PM
Minutes

Committee members present: Mary Beatty (ANC6A05), Jaki Downs, Chair, Adam Healy (Commissioner 6A01), Michael Herman, Anne Marie Koshuta, Tish Olshefski
Committee members absent: None
Community: Coralie Farlee, Tony Pusan (HR-57), Mark Busy, Deniz Eroglu (Angelica Pizza), Mustafa Misirci (Angelica Pizza), Musa Uluim (Home Slice), Margaret Holliwell, Bernard Gibson (Twelve), Phil Toomajian, E. Slaughter (Twelve)

I. AGENDA/MINUTES

- a. Meeting called to order at 7:02 pm. Quorum present.
- b. Introductions made. Each member of the committee introduced themselves. Mary announced that she will no longer be chair as she did not run for ANC commissioner position. (At end of meeting Tish Olshefski also announced she is leaving the committee).
- c. Agenda - Motion to accept agenda. No objections.
- d. Minutes - Motion to accept November minutes presented at last ANC meeting (December 2010). No objections.

II. COMMUNITY COMMENT

III. REVIEW OF ANC6A NOVEMBR MEETING RE: ABL RECOMMENDATIONS

- 1) Report of Discussion with CM Graham's Office re: Voluntary Agreement/September hearing. Last September the ANC6A sent a letter to CM Graham's office regarding our concerns about the rejection of our VAs by Chairman Brodsky based on his position that they not include a) anything already in DC law and b) items that aren't enforceable by ABRA. ANC expressed disagreement with these two positions. Ms. Beatty spoke to CM Graham's office directly as she was not able to attend a roundtable on the topic. Our comments were well-received and taken seriously. One of the key points made by Ms. Beatty was that the VAs help to establish relationships with the owners of establishments.
- 2) License Renewals. Recommendation to not protest SOVA, Chapter II (Fruit Bat) or Rose's Dream was accepted by the ANC.
- 3) Substantial change application of Rose's Dream Addendum to VA accepted by ANC, and addendum was sent to ABRA.
- 4) Twelve-Protest Hearing Update & ABRA Investigation. Drew Ronneberg attended the roll call hearing and a mediation. He did not notify the official representative of the ANC on this matter, Mary Beatty of this mediation hearing. Dates were set for further meetings. Status hearing to be on January 5, 2011 and a protest hearing on February 2, 2011 (if no agreement is reached between the parties before that time.) Committee needs to take some steps quickly because the January 5 hearing is going to take place before our next meeting and before swearing in of a new chair. Fact-finding hearing also held re: the August incident. Conclusion of fact-finding hearing was no further action at this point.

The mediation held in November was about the issues between the proprietor of Twelve and community members (noise, complaints not heeded, use of public space



Advisory Neighborhood Commission 6A Meeting Minutes of December 9, 2010



re: trash). Meeting needs to occur with Mr. Gibson prior to the status hearing in January. Q: Did Twelve have a reimbursable detail working that night? No. Noise complaints are from the inside out with doors and windows shut. Soundproofing has been done but apparently isn't adequate. Twelve has been fined by ABRA for sound violations. Consider what would be acceptable to the community as far as noise level, perhaps language in VA about maximum level. Maybe language regarding a reimbursable detail. Will prepare some possibilities and also will arrange for a meeting ahead of the January status hearing. Mr. Gibson wants to try to work this out and work with the community.

IV. NEW BUSINESS

- 1) New application - Angelico H Pizza & Tapas (1421 H Street, NE; Deniz Eroglu and Mustafa Misirci) - Applying for a CR without an entertainment endorsement. Liquor service, primarily beer and wine, tied to the tapas. Proposing a summer garden in the back on Maryland Avenue side of the restaurant. Location is in same block as Argonaut and other restaurants in the 1300 block. The building is currently vacant and has been vacant since about 2007. Does have dwelling units in the back on the upper floors. Buildings on either side currently either vacant or infrequently used. Other vacancies on the block. Mr. Misirci started Angelico Pizza which now has 8 locations. Mr. Eroglu owned a pizza restaurant in New Orleans. Hours of service: 11 am to 2:00 am, 7 days a week (although may be closed one day a week); the oven shuts down at 10; tapas and bar only after 10. Expect alcohol sales to be around 20% of sales. Seating capacity is 48 (28 up; 20 down) plus the summer garden in season (additional 12). Summer garden is fenced now but will likely be altered. No carryout. Dumpsters on the Maryland Avenue side. Expect to open in the summer of 2011. Carryout of whole pizzas, but not by the slice. No music on the outside. Petition date is January 24, 2011. Owners are willing to sign a voluntary agreement.

Motion: Mary Beatty moves that the ANC that we not protest if we have a signed voluntary agreement prior to the petition date. Tish Olshefski second. Michael recommends that the stipulations for summer garden should be the same as for the Argonaut. Unanimous.

- 2) New application - HR-57 (816 H Street, NE; Tony Puesan) - Applying for a CT license. This establishment has been around for 19 years in a different location. It is a community-based jazz club. Have addressed trash at the rear of the building with an enclosed space at rear of building; soundproofing also as there is a soundproofed back wall between the trash area and the kitchen/bathrooms and the stage. Will only be using the first floor. The 1,800 square foot space will only hold about 100 to 105 people. Charge admission from 7:45 pm to closing with a happy-hour prior. Kitchen is simple food items with carryout available during the day. Has only had one police complaint in 19 years. Hours of operation: 11:30 am to 2:30 am, 7 days a week. Entertainment endorsement is 2:00 pm to 2:30 am. Q: What provisions in place to comply with laws about bringing in open containers. A: They do this now and have to show container when arrive. Q: Raised concern about the noise issues in the neighborhood. Wants to open mid-January, 2011.

Motion: Tish Olshefski moves that we recommend that ANC protest this license unless we have a signed VA prior to the petition date (January 10, 2011). Seconded by Mary Beatty. Unanimous.



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3) Argonaut Substantial Change (1433 H Street, NE) - We have heard from them twice and know what they plan to do. Already have a VA that deals with outside space.

Motion: Mary Beatty moves that we not protest the substantial change. Seconded by Jaki Downs. Unanimous.

4) ANC 6A Standard VA Modifications - Have a new version. Public space language in 1/h & i is acceptable. Removed the language in 2/j about surveillance cameras. The language that would push to a reimbursable detail should indicate that the impetus can come from either the MPD or the ANC. All agree to this. Other small changes were made to the document.

Motion: Mary Beatty moves that we accept the document with the changes discussed and recommend that this become the new standard voluntary agreement. Seconded by Michael Herman. Unanimous.

V. ADJOURN

Meeting adjourned at 9:04 pm.

Next meeting will be moved to January 18, 2011.



Special Orders: Bylaws



Proposed Bylaws Updates

Complete ANC6A Bylaws may be found at <http://www.anc6a.org/documents.html>.

Most of the changes proposed are grammatical, numbering, and stylistic. Each non-grammatical or non-numerical change is marked with a % and is shown in italic. Please search for the symbol % to locate each change.

Proposed changes of consequence include:

- Change the titles Chairperson and Vice Chairperson to Chair and Vice Chair respectively. I believe that “person” is an awkward construction, now dated. It is commonly understood that the titles Chair and Vice Chair encompass both sexes.
- Article 4, section 5 (b) 7, adds “online or”
- Article 4, section 8 (a), adds “an instrumentality of” and deletes “pursuant to the Federal Deposit Insurance Act”. Credit unions are separately insured, as have been savings and loans. Other federal agencies may be created to insure funds in future types of depository institutions.
- Article 5, section 4, makes explicit an acceptable type of public notice for ANC meetings - add (d). “Posting of notice of meetings on the Commission’s website; and”, and re-number.
- In Article 6, section 2, delete section 2b and renumber, because the topic is included in 2d with greater clarity.
- In Article 8, renumber third section to correct having two Section 2s.
- Article 9, section 4 (g), replace “mailed” with “transmitted”. Few depository institutions still mail originals and many only make copies of cancelled checks available online.
- In Article 10, section 2, insert and renumber to reflect the previously adopted status of Transportation and Public Space as a permanent committee.
- Article 11, section 2, delete “and file the proper signature” as duplicative and awkward.

Other possibilities:

- Article 9, Section 1, does the Commission wish to designate the Chair as deputy Secretary to fulfill the duties of the Secretary when a vacancy occurs in that office? If so, add new “(g) The Chair shall perform the duties of the Secretary during any vacancy in the office of Secretary, in which case the Chair shall also serve as Deputy Secretary. In case of resignation or vacancy of the Secretary, the Deputy Secretary shall perform the duties of the Secretary until an election can be held at the next Commission meeting.” Renumber existing (g) to (h).
- Amend Article 10, section 7, by adding “Committee recommendations shall constitute motions when presented to the Commission and shall require a Commissioner to second the motion.” This recognizes the importance of the work our committees do for us, and expedites proceedings.

David Holmes, 202-251-7079



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 10, 2010

Mr. Roland Dreist, Jr.
Office of the Surveyor
Department of Consumer and Regulatory Affairs
1100 4th Street SW, Suite 3174, Washington, DC 20024

RE: SO 06-5762 (alley closing behind 1359 H St NE)

Dear Mr. Dreist:

At a regularly scheduled and properly noticed meeting on December 9, 2010, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to support the above referenced application. ANC 6A previous concerns outlined in its March 16, 2007 letter have been resolved.

If you have any questions about this matter please feel free to contact Commissioner Drew Ronneberg. Dr. Ronneberg Toomajian can be reached at ronneberg6a02@gmail.com or 202-431-4305.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 13, 2010

Ms. Linda Argo
Director
Department of Consumer and Regulatory Affairs
1100 4th Street, SW
Washington, DC 20024

Re: Request for Partnership regarding Vacant Blighted Properties

Dear Ms. Argo:

ANC6A has worked hard to address vacant and blighted property issues over the past several years. Our Economic Development and Zoning Committee and citizen volunteers regularly assist DCRA with identifying and abating vacant properties in our neighborhoods. ANC6A is currently in the process of finishing a complete update to our vacant and blighted property map and will be transmitting that information to DCRA in the coming weeks.

ANC6A is pleased that DCRA is now partnering with community groups and ANCs on a pilot program regarding vacant property maps. We particularly applaud the effort to publicly identify any exemptions which have been granted to vacant properties. ANC6A hereby requests that that the neighborhood that it represents be included in this pilot program. Because we have already created our own map of vacant and blighted properties, it should easily allow DCRA to partner with us. In addition, we very much look forward to tracking the exemptions that have been granted to some of the long-vacant properties in our bounds.

If you have any questions about this matter please feel free to contact Phil Toomajian. Mr. Toomajian can be reached at ptoomajian@hotmail.com.

On Behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, Councilmember, Ward 6
Muriel Bowser, Chair, DC Council Committee on Public Services and Consumer Affairs
Reuben Pemberton, III, Director, DCRA Office of Vacant Property
Michael Ruppert, DCRA Communications Director



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 13, 2010

Mr. Gabe Klein
Director
District Department of Transportation
DC Circulator Planning Study
2000 14th Street NW
Washington, DC 20009

Re: Support for H Street NE Service Recommendation in DC Circulator Planning Study

Dear Mr. Klein:

At our regularly-scheduled meeting on December 9, 2010, the Commission voted unanimously to support the addition of a new "Adams Morgan to H Street NE" Circulator corridor, as recommended in the DC Circulator Planning Study. The Commission believes the proposed route will help better serve the public transit needs of ANC 6A residents and businesses, as well as help further promote economic development along the H Street NE corridor.

Thank you for taking the time to consider this letter of support. Should you have any questions, please feel free to contact me at kelvin.robinson@anc6a08.com or Omar Mahmud of our ANC's Transportation and Public Space Committee at familymahmud@yahoo.com.

On Behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 13, 2010

Mr. Gabe Klein, Director
District Department of Transportation
2000 14th St NW, 6th Floor
Washington, DC 20009

Re: Construction fence blocking public space and parking in the 900 block of 12th St NE

Dear Director Klein:

We are writing to ask DDOT to quickly move or require the developer of the Capitol Hill Oasis construction site to move the chain link fence that has been blocking public space and parking on the east side of the 900 block of 12th St NE for several years.

While we certainly understand the need for fences to provide a safe perimeter around a construction site, this construction project has languished for far too long without completion. There appears to be no reason this particular fence needs to continue blocking public space and parking. Further, we urge DDOT to move expeditiously to restore the public sidewalk and street lighting on this side of the block to enhance pedestrian and public safety.

Commissioner-Elect Adam Healy was informed by the Mayor's Ward 6 outreach staff that DDOT agreed to have the fence moved back off public space by November 5, 2010. Unfortunately, this deadline was not met, and the fence has not been moved.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Commissioner-Elect Adam Healy at healyanc6a01@gmail.com or 202.556.0215.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Adam Healy, ANC 6A01 Commissioner-Elect



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 13, 2010

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustments
Office of the Board of Zoning Adjustments
441 4th St NW, Suite 210S
Washington, DC 20001

RE: **WITHDRAW ANC Request for Appeal** of Building Permit No. B1010205

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on December 9, 2010, Advisory Neighborhood Commission 6A voted 4-3-0 (with 5 Commissioner required for a quorum) to **withdraw its request for appeal** of the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Regulation Administration to issue Building Permit No. 1010205 for the property at 138 12th St NE.

The Commission took this action following substantial testimony received from the community in support of Appletree's case to move forward its application to locate and operate its school at this site. While there has been much discussion regarding the location of this school, please know that with this vote, the commission signals its support for providing expanded early childhood options for our community.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Russ Williams, Appletree Institute
Jack McCarthy, Appletree Institute
Linda Argo, DCRA
Matthew LeGrant, DCRA



Commissioner Letters from December 9, 2010 Meeting



Government of the District of Columbia
Advisory Neighborhood Commission
Box 75115
Washington, DC 20013



December 17, 2010

Honorable Tommy Wells
Councilmember, Ward 6
Council of the District of Columbia
Government of the District of Columbia
John A. Wilson Building, Suite 408
1350 Pennsylvania Avenue, NW
Washington, DC 20004

RE: Commission Opposition to Proposed Rosedale Recreation Center Name Change

Dear Councilmember Wells:

At its regularly scheduled and properly noticed meeting on December 9, 2010, the Commission was advised that there are efforts underway to gather support for the renaming of the, currently under reconstruction, Rosedale Recreation Center, and voted unanimously to oppose such efforts.

While the Commission appreciates community interest and support for the Rosedale Recreation Center, we are not supportive of current efforts to rename this facility. We are especially concerned that there has been little community dialogue regarding this initiative and that neither the ANC, nor the Commissioner (Gladys Mack), in whose Single Member District this facility is located, have been engaged to ensure a process to facilitate broader community conversations to determine whether such idea should move forward.

We share our concern and provide notice of our opposition so that you are aware that such renaming efforts are not widely supported, as well as to ask that should such request be provided to you directly, that you invite our ANC and that of the wider Rosedale community to be part of the discussion.

Thank you for your consideration and your support of ANC 6A's community engagement process. Should you have any questions or require additional information, please feel free to contact me or Commissioner Gladys Mack, who can be reached by email at gmack01@juno.com, or by phone at 202 398-3329.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Addendum to Voluntary Agreement
Made this 9th day of December, 2010
By and between

Rose's Dream
(Danny Roberts, Applicant)
and

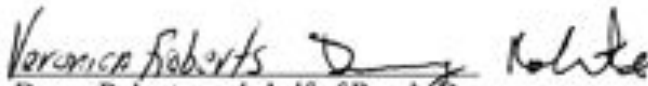
ANC6A

Whereas Danny Roberts, owner of Roses Dream, (Applicant) has applied for a substantial change to include a rooftop venue at Roses Dream located at 1370 H Street, NE, and

Whereas applicant and ANC6A agree that measures should be taken to mitigate noise emanating from the rooftop venue, the parties add the following agreement to the Voluntary Agreement dated June 21, 2004 between the ANC and Rose's Dream that:

- 1) Seating capacity will not exceed 50 persons
- 2) The patio will be used for seated guests only, that is, the applicant will not use the rooftop for persons standing, at a reception, etc.
- 3) Applicant agrees that sounds on the rooftop shall not be amplified, therefore speakers will not be used on the rooftop. This includes sounds from entertainment, a radio, jukebox, TV or microphone.
- 4) The Applicant will use plantings, walls, fencing, etc. to mitigate sounds from the patio.
- 5) The Rooftop will close seating at 11:00 PM weekday evenings and 12:00 PM on weekend evenings;
- 6) Placards or signs will be posted to notify patrons of the hours;
- 7) Placards will be posted requesting patrons to respect the neighboring residents;
- 8) Applicant will respond quickly to noise complaints which are brought through the ANC and take appropriate action to mitigate the problem;
- 9) In the event that noise on the rooftop repeatedly disturbs nearby homeowners, the ANC and applicant will work in good faith to negotiate an addendum to this agreement to mitigate noise through additional soundproofing measures.

Agreed to this 9th day of December 2010.



Danny Roberts, on behalf of Rose's Dream
Veronica Roberts



Kelvin Robinson, Chair ANC6A, on behalf of ANC6A



Made this 16th day of December, 2010
by and between
Angelico H Pizz
1421 H Street, NE
Washington DC 20002
and
Advisory Neighborhood Commission 6A

Preamble

Through this agreement, both parties aim to create an environment whereby the applicant may operate as a viable contributing business in the ANC 6A community, while concurrently curtailing any adverse effects a business such as the applicant's could have on the surrounding neighborhood.

The applicant agrees to work regularly with the ANC 6A, neighborhood associations, and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this agreement are reasonable and must become wholly integrated into the day to-day operation of the business establishment.

Further, ANC 6A acknowledges that this Cooperative Agreement shall be presented to all Class CR applicants within the boundaries of ANC 6A. The community and merchants have agreed that it is in all the parties best interests to standardize the requirements for the operations of restaurant, tavern, and nightclub establishments within the boundaries of ANC 6A. To the greatest extent possible, the ANC will not insist upon or allow any significant changes to this Cooperative Agreement that will unfairly benefit or, conversely, cause competitive disadvantage to, any individual applicant or establishment within the ANC, unless such change is required by the District of Columbia government, other authorized governmental bodies, or rule of law.

The community and merchants understand and agree that the changes imposed upon the operations of all licensees within the ANC as set forth herein are important measures to protect the safety, peace, order and quiet of the neighborhood, its residents, and businesses.

Witnesseth

Whereas, Applicant's premises is within the boundaries of ANC 6A; and,

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer's Class CR Liquor License at the subject premises; and,

The Parties Agree As Follows:

I. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:

- a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.)
- b. Maintaining regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean.



- c. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curb in front of the establishment to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- e. Promptly removing or painting over any graffiti written on the exterior walls of the property.

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated. A person of intemperate habits shall be defined as:
 - i. Any person convicted of alcohol offences or alcohol-related crimes three times or more in any one year; and
 - ii. Who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring alcohol into the establishment from outside sources, and at no time exits the establishment with alcoholic beverages.
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (i.e. log) when the MPD was called for assistance.
- i. Applicant's log shall be provided to the Board and, for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license.



- j. Applicant shall not support of the installation of pay phones outside of the establishment on their property.
- k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- l. Applicant shall provide valet parking services only with valet parking services as defined licensed and in compliance with Title 24 DCMR Chapter 16.

3. Music / Dancing / Entertainment:

- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
- b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
- c. In order to mitigate noise on the patio or summer garden the following steps will be taken:
 - 1) The hours for the patio will be until 11PM on weekdays and 12PM on weekends.
 - 2) Applicant shall not offer any type of live or pre-recorded music on the patio.
 - 3) A fence or other barrier will enclose the entire perimeter.
 - 4) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
 - 5) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
 - 6) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
- d. If residents have no noise complaints for a three month period following opening of the establishment and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours.
- e. Applicant shall obtain an entertainment endorsement to have a cover charge. For purposes of this clause, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.
- f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single-Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ANC Board. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

- a. Applicant certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee or penalty interest or past due tax.



Commissioner Letters from December 9, 2010 Meeting



- b. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
- c. Applicant will operate in compliance with all applicable laws and regulations.

7. Enforcement:

- a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.
- b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.
- c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: MUSTAFA MISIRCI Date: 12/16/2010

Signature: [Signature]

Advisory Neighborhood Council 6A Representative:

By: Kevin S. Robinson Date: 12/19/10

Signature: [Signature]

ABC Board-Licensed Manager:

By: MUSTAFA MISIRCI Date: 12/16/2010

Signature: [Signature]



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2010

Period Covered 12/01/10 - 12/31/10

Checking Account:

Balance Forwarded \$ 20,410.69

Receipts:

District Allotments: \$ -
Transfers from Saving Account \$ -

Total Receipts \$ -

Total Funds Available \$ 20,410.69

Disbursements:

Capital Community News (Ads for full year) Ck #1489 \$ 3,689.00
Heather Schoell (Dec. '10 Agenda Package) Ck #1490 \$ 200.00
Roberta Weiner (Nov. '10 Minutes) Ck #1491 \$ 180.00
FedEx Office (Nov. '10 Statement) Ck #1492 \$ 95.39

Total Disbursements \$ 4,164.39

Ending Balance \$ 16,246.30

Savings Account:

Balance Forwarded \$ 4,203.20

Receipts:

Interest (11/30/10) \$ 0.35
Transfers from Checking Account

Total Receipts \$ 0.35

Total Funds Available \$ 4,203.55

Disbursements \$ -

Ending Balance \$ 4,203.55

Prepared December 31, 2010



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2010

PETTY CASH SUMMARY

Balance Forwarded	\$	25.00
Deposit to Petty Cash	\$	-
Total Funds Available	\$	25.00
Disbursements:		
Total Disbursements	\$	-
Ending Balance	\$	25.00

Prepared December 31, 2010



Committee Reports
Public Safety



No report.



Committee Reports
Community Outreach Committee (COC)



No report.



Committee Reports

Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee
December 14, 2010, 7-9 PM
Minutes

Committee members present: Mary Beatty (ANC6A05), Jaki Downs, Chair, Adam Healy (Commissioner 6A01), Michael Herman, Anne Marie Koshuta, Tish Olshefski
Committee members absent: None
Community: Coralie Farlee, Tony Puesan (HR-57), Mark Busy, Deniz Eroglu (Angelica Pizza), Mustafa Misirci (Angelica Pizza), Musa Uluim (Home Slice), Margaret Holiwell, Bernard Gibson (Twelve), Phil Toomajian, E. Slaughter (Twelve)

I. AGENDA/MINUTES

- a. **Meeting called to order at 7:02 pm.** Quorum present.
- b. **Introductions made.** Each member of the committee introduced themselves. Mary announced that she will no longer be chair as she did not run for ANC commissioner position. (At end of meeting Tish Olshefski also announced she is leaving the committee).
- c. **Agenda - Motion to accept agenda.** No objections.
- d. **Minutes - Motion to accept November minutes presented at last ANC meeting (December 2010).** No objections.

II. COMMUNITY COMMENT

III. REVIEW OF ANC6A NOVEMBR MEETING RE: ABL RECOMMENDATIONS

- 1) Report of Discussion with CM Graham's Office re: Voluntary Agreement/September hearing. Last September the ANC6A sent a letter to CM Graham's office regarding our concerns about the rejection of our VAs by Chairman Brodsky based on his position that they not include a) anything already in DC law and b) items that aren't enforceable by ABRA. ANC expressed disagreement with these two positions. Ms. Beatty spoke to CM Graham's office directly as she was not able to attend a roundtable on the topic. Our comments were well-received and taken seriously. One of the key points made by Ms. Beatty was that the VAs help to establish relationships with the owners of establishments.
- 2) License Renewals. Recommendation to not protest SOVA, Chapter II (Fruit Bat) or Rose's Dream was accepted by the ANC.
- 3) Substantial change application of Rose's Dream Addendum to VA accepted by ANC, and addendum was sent to ABRA.
- 4) Twelve-Protest Hearing Update & ABRA Investigation. Drew Ronneberg attended the roll call hearing and a mediation. He did not notify the official representative of the ANC on this matter, Mary Beatty of this mediation hearing. Dates were set for further meetings. Status hearing to be on January 5, 2011 and a protest hearing on February 2, 2011 (if no agreement is reached between the parties before that time.) Committee needs to take some steps quickly because the January 5 hearing is going to take place before our next meeting and before swearing in of a new chair. Fact-finding hearing also held re: the August incident. Conclusion of fact-finding hearing was no further action at this point.

The mediation held in November was about the issues between the proprietor of Twelve and community members (noise, complaints not heeded, use of public space



Committee Reports

Alcohol Beverage and Licensing (ABL)



re: trash). Meeting needs to occur with Mr. Gibson prior to the status hearing in January. Q: Did Twelve have a reimbursable detail working that night? No. Noise complaints are from the inside out with doors and windows shut. Soundproofing has been done but apparently isn't adequate. Twelve has been fined by ABRA for sound violations. Consider what would be acceptable to the community as far as noise level, perhaps language in VA about maximum level. Maybe language regarding a reimbursable detail. Will prepare some possibilities and also will arrange for a meeting ahead of the January status hearing. Mr. Gibson wants to try to work this out and work with the community.

IV. NEW BUSINESS

- 1) **New application - Angelico H Pizza & Tapas (1421 H Street, NE; Deniz Eroglu and Mustafa Misirci)** - Applying for a CR without an entertainment endorsement. Liquor service, primarily beer and wine, tied to the tapas. Proposing a summer garden in the back on Maryland Avenue side of the restaurant. Location is in same block as Argonaut and other restaurants in the 1300 block. The building is currently vacant and has been vacant since about 2007. Does have dwelling units in the back on the upper floors. Buildings on either side currently either vacant or infrequently used. Other vacancies on the block. Mr. Misirci started Angelico Pizza which now has 8 locations. Mr. Eroglu owned a pizza restaurant in New Orleans. Hours of service: 11 am to 2:00 am, 7 days a week (although may be closed one day a week); the oven shuts down at 10; tapas and bar only after 10. Expect alcohol sales to be around 20% of sales. Seating capacity is 48 (28 up; 20 down) plus the summer garden in season (additional 12). Summer garden is fenced now but will likely be altered. No carryout. Dumpsters on the Maryland Avenue side. Expect to open in the summer of 2011. Carryout of whole pizzas, but not by the slice. No music on the outside. Petition date is January 24, 2011. Owners are willing to sign a voluntary agreement.

Motion: Mary Beatty moves that the ANC that we not protest if we have a signed voluntary agreement prior to the petition date. Tish Olshefski second. Michael recommends that the stipulations for summer garden should be the same as for the Argonaut. Unanimous.

- 2) **New application - HR-57 (816 H Street, NE; Tony Puesan)** - Applying for a CT license. This establishment has been around for 19 years in a different location. It is a community-based jazz club. Have addressed trash at the rear of the building with an enclosed space at rear of building; soundproofing also as there is a soundproofed back wall between the trash area and the kitchen/bathrooms and the stage. Will only be using the first floor. The 1,800 square foot space will only hold about 100 to 105 people. Charge admission from 7:45 pm to closing with a happy-hour prior. Kitchen is simple food items with carryout available during the day. Has only had one police complaint in 19 years. Hours of operation: 11:30 am to 2:30 am, 7 days a week. Entertainment endorsement is 2:00 pm to 2:30 am. Q: What provisions in place to comply with laws about bringing in open containers. A: They do this now and have to show container when arrive. Q: Raised concern about the noise issues in the neighborhood. Wants to open mid-January, 2011.

Motion: Tish Olshefski moves that we recommend that ANC protest this license unless we have a signed VA prior to the petition date (January 10, 2011). Seconded by Mary Beatty. Unanimous.



Committee Reports

Alcohol Beverage and Licensing (ABL)



3) **Argonaut Substantial Change (1433 H Street, NE)** - We have heard from them twice and know what they plan to do. Already have a VA that deals with outside space.

Motion: Mary Beatty moves that we not protest the substantial change. Seconded by Jaki Downs. Unanimous.

4) **ANC 6A Standard VA Modifications** - Have a new version. Public space language in 1/h & i is acceptable. Removed the language in 2/j about surveillance cameras. The language that would push to a reimbursable detail should indicate that the impetus can come from either the MPD or the ANC. All agree to this. Other small changes were made to the document.

Motion: Mary Beatty moves that we accept the document with the changes discussed and recommend that this become the new standard voluntary agreement. Seconded by Michael Herman. Unanimous.

V. **ADJOURN**

Meeting adjourned at 9:04 pm.

Next meeting will be moved to January 18, 2011.



Committee Reports Alcohol Beverage and Licensing (ABL)



DRAFT STANDARD VA
ANC 6A

Made this _____ day of _____
by and between
Name
Name of Establishment
Address
Washington DC 20002
and
Advisory Neighborhood Commission 6A

Preamble

Through this agreement, both parties aim to create an environment whereby the applicant may operate as a viable contributing business in the ANC 6A community, while concurrently curtailing any adverse effects a business such as the applicant's could have on the surrounding neighborhood.

The applicant agrees to work regularly with the ANC 6A, neighborhood associations, and residents to ensure the business operations do not adversely affect the surrounding neighborhood. All parties believe the statements and provisions contained in this agreement are reasonable and must become wholly integrated into the day-to-day operation of the business establishment.

Further, ANC 6A acknowledges that this Voluntary Agreement shall be presented to all Class ___ applicants within the boundaries of ANC 6A. The community and merchants have agreed that it is in all the parties best interests to standardize the requirements for the operations of restaurant, tavern, and nightclub establishments within the boundaries of ANC 6A. To the greatest extent possible, the ANC will not insist upon or allow any significant changes to this Voluntary Agreement that will unfairly benefit or, conversely, cause competitive disadvantage to, any individual applicant or establishment within the ANC, unless such change is required by the District of Columbia government, other authorized governmental bodies, or rule of law.

The community and merchants understand and agree that the changes imposed upon the operations of all licensees within the ANC as set forth herein are important measures to protect the safety, peace, order and quiet of the neighborhood, its residents, and businesses.

Witnesseth

Whereas, Applicant's premises is within the boundaries of ANC 6A; and,

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer's Class ___ Liquor License at the subject premises; and,



Committee Reports

Alcohol Beverage and Licensing (ABL)



The Parties Agree As Follows:

1. Public Space Cleanliness and Maintenance. Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:

- a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
- b. Maintaining regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean.
- c. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curb in front of the establishment to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
- h. Requiring the owner and employees not to park on public space between the building and the curb.
- i. Not locating trash bins, chairs, tables, or other equipment on public space without valid public space permit.

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person, or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring alcohol into the establishment from outside sources, and at no time exits the establishment with alcoholic beverages, except as permitted for CR licensees under Title 25-113(b)(5)(A)(B)(C) of the DC Municipal Code .
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.



Committee Reports

Alcohol Beverage and Licensing (ABL)



- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
- i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
- i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (a call log) when the MPD is called for assistance,
 - v. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- j. If data from the D.C. Metropolitan Police Department suggests that this establishment has caused, or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct, the ANC 6A ABL Committee will hold a public meeting where the Applicant and MPD are invited to discuss the data. If the Committee recommends a reimbursable detail or other action by MPD and the ANC Commission, by majority vote, agrees with the recommendation, the ANC will express its recommendation in writing to the MPD First District Commander or his/her designee. If, upon receiving this letter, MPD concurs with the ANC's assessment, it will notify the Applicant that either 1) changes need to be made to its operations that, in the opinion of MPD, are required to diminish the additional crime and/or criminal activities, or 2) Applicant shall provide to MPD funds sufficient to provide a police presence for adequate traffic and safety patrols for the ____ block of H Street, NE for the hours from ____ until closing. The police presence necessary to so maintain peace, order, and quiet, and the costs shall be determined by MPD from time-to-time and thereafter adjusted as reasonably considered necessary, in the judgment of the MPD, to compensate for the presence and the additional police resources, and the Applicant shall



Committee Reports

Alcohol Beverage and Licensing (ABL)



pay such costs monthly in advance on or before the 1st day of each month that it is open for business.

l. Applicant shall not support of the installation of pay phones outside of the establishment on their property.

m. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.

n. Applicant shall provide valet parking services only with valet parking companies as defined licensed and in compliance with Title 24 DCMR Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. Music / Dancing / Entertainment:

a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.

b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.

c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:

1) Applicant shall not offer any type of live or pre-recorded music on the patio.

2) A fence or other barrier will enclose the entire perimeter.

3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.

4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.

5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.

d. The ANC will establish a three month trial of noise levels from the outdoor area with limited hours until 11PM on weekdays and 12AM on weekends. If noise levels do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours. The three month time period for this applicant is _____ to _____.

e. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

f. All CT license holders with an entertainment endorsement must have an ABRA accepted security plan in place

4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single-Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.



Committee Reports Alcohol Beverage and Licensing (ABL)



5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

- b. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
- c. Applicant will operate in compliance with all applicable DC laws and regulations.

7. Enforcement:

- a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.
- b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.
- c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____ Date: _____

Signature: _____

Advisory Neighborhood Council 6A Representative:

By: _____ Date: _____

Signature: _____



Committee Reports
Transportation and Public Space (TPS)



No report.



Committee Reports

Economic Development and Zoning (EDZ)



ANC 6A Economic Development and Zoning Committee
MINUTES
Wednesday, December 15, 2010, 7 - 9pm
Sherwood Recreation Center (640 10th St, NE, 2nd Floor)

Commissioners: David Holmes (6A03)

Committee Members: Dan Golden, Jeff Fletcher, Arkan Haile, Charmaine Josiah, Julie Santoboni

Dan Golden chaired the meeting.

Call to order: 7pm by Dan Golden

Community Comments: None

Ongoing Status Reports

1. Resolution of previously heard BZA/HPRB cases: no update.
2. 7-Eleven Appeal: no update.
3. Vacant Properties: no update.
4. H Street Business Liaison Report
Charmaine Josiah recently met with the architect who will be the next president of the American Institute of Architects (AIA) in Washington, DC. She reported that the AIA has developed a set of guidelines regarding development on H Street and that she is going to look into getting a copy.

Old Business: None.

New Business

1. ZC Case #03-02B (Gallaudet University). Application of Gallaudet University, pursuant to 11 DCMR 55 210.1 and 3104, for special exception approval to amend an approved campus plan, and further processing under the amended campus plan, for construction of a mixed-use academic and student residential building on property zoned R-4, with premises address of 800 Florida Avenue, NE.

Phil Miller of Siegel Construction, Hansel Bauman of Gallaudet University, Jay Brinson, project manager, and Jeff Luker, architect gave a detailed presentation regarding the proposed new construction. The new building will be 60,000 square feet and five stories in height. It is budgeted at \$16 million. Gallaudet plans to break ground in April 2011 and to open the building in July 2012. The building will include a 175 bed dormitory and a first floor living and learning center. Gallaudet is seeking approval of this building separately from approval for its master plan due to the pressing need for the building.



Committee Reports

Economic Development and Zoning (EDZ)



Motion: Motion to request that ANC 6A provide a letter of support for the new building. The motion passed unanimously.

2. BZA #18161 (1245 G St NE). Application for a variance from the nonconforming structure provisions under subsection 2001.3, to allow a second story sunroom addition on top of an existing attached garage serving an existing one-family row dwelling in the R-4 District at premises 1245 G Street, N.E. (Square 1005, Lot 41).

Property owner Valeri Byrd was present and discussed her plans for rebuilding the existing non-conforming garage and adding a sunroom atop the new structure. Ms. Byrd indicated that the current garage is in need of structural repair and emphasized that the sunroom will not have a window on its southern face, which overlooks the adjoining property at 630 13th Street, NE. Ms. Byrd indicated that her neighbor across an alley at 1243 G Street, NE had voiced support for the project. In addition, her neighbor at 630 13th Street, NE attended the meeting and indicated that he supported the project. Ms. Byrd indicated that she had not yet spoken to any of her other neighbors regarding the project. Ms. Byrd also was not prepared at that time to address the justification for granting a variance under D.C. Code § 6-641.07(g)(3).

Due to the absence from the meeting of Ms. Byrd's architect, the lack of written statements of support from her neighbors, and Ms. Byrd's unfamiliarity with the standard for granting a variance set forth at D.C. Code § 6-641.07(g)(3), David Holmes indicated that he would seek to have the BZA postpone Ms. Byrd's hearing. Ms. Byrd indicated that she was amenable to having that postponement sought. It also was discussed that, in the event the BZA hearing could not be postponed, Ms. Byrd would have the opportunity at the full ANC 6A meeting to provide further support for her request for a variance.

Motion: It was moved that, in the event that the BZA hearing cannot be postponed, we request that ANC 6A provide a letter opposing the grant of a variance. The motion passed unanimously.



Committee Reports
Economic Development and Zoning (EDZ)



January __, 2011

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustments
Office of Zoning
441 4th St NW, Suite 210S
Washington, DC 20001

RE: BZA Case 18161 (1245 G St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on January 13, 2011, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to oppose the request for variance from the nonconforming structure provisions of subsection 2001.3 to allow the rebuilding of an existing nonconforming garage and the addition of a new sunroom and deck atop the garage.

The property at issue is a three-story single family dwelling with an attached garage. As currently constructed, the garage exceeds the permissible lot occupancy for the property. The Commission opposes the request for a variance because the applicant has failed to demonstrate that the property is subject to an extraordinary or exceptional situation or condition, that failure to grant the variance would result in peculiar and exceptional practical difficulties or exceptional and undue hardship, and that granting the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose, and integrity of the zone plan.

Please be advised that Commissioner David Holmes and Dan Golden, member of the Economic Development and Zoning Committee are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner Holmes can be reached at holmes6a3@gmail.com or (202) 251-7079.

On behalf of the Commission,

Chair, Advisory Neighborhood Commission 6A



Committee Reports
Economic Development and Zoning (EDZ)



January __, 2011

Ms. Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning
441 4th St NW, Suite 200S
Washington, DC 20001

RE: ZC Case #03-02B (Gallaudet University)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on January 13, 2011, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the request for a special exception from Section 210.1 and 3104 (modification to an approved Campus Plan) in the above referenced application.

The Commission supports Gallaudet's request for a special exception because constructing new residence hall LLRH6 meets all the requirements for a special exception and will not have an adverse impact on the use and enjoyment of the abutting properties. In addition, ANC 6A appreciates Gallaudet's continued outreach efforts to our ANC and looks forward to continuing to work with Gallaudet in the future to address common issues of concern.

Please be advised that Commissioner David Holmes and Dan Golden, member of the Economic Development and Zoning Committee are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner Holmes can be reached at holmes6a3@gmail.com or (202) 251-7079.

On behalf of the Commission,

Chair, Advisory Neighborhood Commission 6A

A.