



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 10, 2013**



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

7:00pm Elections, Call to order, Approve Previous Meeting's Minutes (pg. 26), Adopt Agenda

1. A call of the roll will be made by the previous year's Secretary and, if present, he will announce the presence of a quorum
2. The previous year's Chair will move to adopt the Commission Rules in the form they were adopted in 2012
3. The Commission will consider the nomination and election of its officers in the following order:
 - a. Chair
 - b. Vice Chair
 - c. Secretary
 - d. Treasurer
4. The Commission will consider the election of the Chairs for the permanent Committees in the following order:
 - a. Alcohol Beverage Licensing
 - b. Community Outreach
 - c. Economic Development & Zoning
 - d. Public Safety
 - e. Transportation & Public Space
5. The Commission will consider the nomination of members of the permanent Committees
 - a. Alcohol Beverage Licensing: Existing Members/Reappointment of Adam Healy, Michael Herman, Ann Marie Koshuta, Katy Thomas; New Appointment of Roger Caruth, Christopher Seagle, Dave Oberting
 - b. Community Outreach: Elizabeth Nelson, Louis Barbash, Patricia Joseph, Jean Kohanek, Rosetta (Rose) Williams
 - c. Economic Development & Zoning: Missy Boyer, Laura Gentile, Dan Golden, Michael Hoenig, Charmaine Josiah, Drew Ronneberg, Justin Thornton, Bao Vuong
 - d. Transportation & Public Space: Omar Mahmud (Committee Chair), DeLania Hardy, Jeff Fletcher, Benjamin Rosset, Todd Sloves
6. Motion to notify the various appropriate offices of the City government of the Commission's officers and membership
7. Motion to participate in the Advisory Neighborhood Commission Security Fund
8. Approval of December's minutes and the adoption of the agenda

7:20 Community Comments (2 minutes each)

Community Presentations:

7:25 Lt. Jerry Marshall of US Park Police, and Superintendent Alex Romero and Dr. Joy G. Kinard of National Park Service to discuss safety in the Capitol Hill parks, and the Lincoln Park Walks project



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- 7:35 Council Chair Phil Mendelson regarding public safety in the District
- 8:05 **Officer Reports:**
Chair (2 minutes)
Vice-Chair (2 minutes)
Secretary (2 minutes)
Treasurer (2 minutes) *pg. 34*
 1. Treasurer's Report
 2. Financial Report for 1st Quarter of FY13
- Standing Committee Reports:**
- 8:10 **Community Outreach** *pg. 39*
 1. Approve committee report
 2. Next meeting - 7:30pm, Jan. 21, 2013 (3rd Monday)
- 8:15 **Alcohol Beverage Licensing** *pg. 40*
 1. Approve committee report
 2. Next meeting - 7pm, Jan. 15, 2013 (3rd Tuesday)
- 8:20 **Transportation and Public Space Committee** *pg. 41*
 1. **Recommendation:** (without quorum) ANC send letter of support for the Washington Area Bicyclist Association 2013 Tour de Fat bicycle parade
 2. Next meeting - 7pm, Jan. 28, 2013 (NOTE: not the usual 3rd Monday)
- 8:25 **Economic Development and Zoning** *pg. 44*
 1. **Recommendation:** ANC support the PUD extension request for the H Street Connection Redevelopment (ZC #10-19)
 2. **Recommendation:** ANC oppose the variance request for BZA Case #18491 (1425 N. Carolina Ave NE)
 3. Next meeting - 7pm, Jan. 16, 2013 (3rd Wednesday)
- 8:30 **Unfinished Business**
- 8:35 **New Business** *pg. 49*
 1. Fever Bar & Lounge VA modified by ABC Board
 2. Rock N Roll Hotel's request for extended operating hours during the inauguration (Hysell)
- 8:40 **Community Comments Round II, time permitting (2 minutes each)**
- 8:45 **Single Member District reports (2 minutes each)**
- 9:00 **Adjourn**



Advisory Neighborhood Commission 6A Bylaws



ANC 6A Bylaws
adopted January 13, 2011

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Article I. Commission Name

The name of this unincorporated elected body shall be the Advisory Neighborhood Commission 6A. Hereinafter the word “COMMISSION” shall be used to refer to Advisory Neighborhood Commission 6A.

Article II. Commission Geographic Boundaries

The boundaries of the Commission are all in North East, unless otherwise designated, and generally from the corner of 7th Street and Florida Avenue, south to the corner of 7th Street and H Street, east to the corner of 8th Street and H Street, south to the corner of 8th Street and East Capitol Street, east to the corner of East Capitol Street and 22nd Street, north to the corner of C Street and 22nd Street, west to the corner of C Street and 19th Street, north to the corner of 19th Street and Benning Road, west to the corner of Benning Road and Florida Avenue and west to the corner of 7th Street and Florida Avenue. Specifically, the boundaries of the Commission are defined by the Board of Elections as the following Single Member Districts: 6A01, 6A02, 6A03, 6A04, 6A05, 6A06, 6A07 and 6A08.

Article III. Commission Membership

Section 1. The Commission shall consist of those nonpartisan, elected members from the Single Member Districts of the Commission as determined by the District of Columbia Board of Elections and Ethics.

Section 2. Each member of the Commission shall serve for a term of two years, which shall begin at noon on the second day of January following the date that the Board of Elections and Ethics certifies the election of each member. Vacancies shall be filled in accordance with Section XI, Section 1 of these bylaws.

Section 3. The members shall serve without compensation.

Article IV. Commission Responsibilities

Section 1. General Scope of Responsibilities

- a) The Commission may advise all units of District of Columbia government, including the Council, the Mayor, executive and independent agencies, boards and commissions, and the judiciary regarding matters affecting the Commission area. The Commission will represent the concerns of its residents with respect to the delivery of services by the District government. In taking advisory actions, the Commission shall account for the views of its residents, while making decisions for the good of the District of Columbia as a whole.
- b) The Commission may advise units of the DC government regarding planning, streets, alcoholic beverage licenses, recreation, social services, education, health, public safety, budget, sanitation, and any other matters that affect the Commission area and the quality of life in the District as a whole.
- c) The Commission may also advise other governmental bodies, such as the federal government or independent agencies, insofar as their actions affect the Commission area.



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- d) The Commission may initiate its own proposals for District Government action and undertake other projects beneficial to the community.

Section 2. Public Hearings

- a) The Commission may hold public hearings on requested or proposed government actions. The Commission may invite public witnesses from any executive or independent entity to testify before the Commission.
- b) Within 45 days of the close of the public hearing, the Commission may submit to the Council a report detailing the Commission's findings and recommendations to be included in any public record of the proposed government action.

Section 3. The Commission shall monitor complaints of area residents with respect to the delivery of District government services and file comments on the same with the appropriate District government entity and the Council.

Section 4. Annual Reports

- a) On or before November 30 of each year, the Commission may file an annual report with the Council of the District of Columbia and the Mayor for the preceding fiscal year.
- b) The Chair, with the assistance of the Secretary, shall be responsible for the preparation of the report. Such report shall include but not be limited to:
 - 1) Summaries of important problems perceived by the Commission, in order of their priority;
 - 2) Recommendations for actions to be taken by the District Government;
 - 3) Recommendations for improvements on the operation of the Commission;
 - 4) Financial reports;
 - 5) Summary of Commission activities.
- c) Minority reports may be filed.

Section 5. Fiscal Reports

- a) Annual Fiscal Year Budget
 - 1) The Commission shall develop and approve an annual budget for the upcoming fiscal year within 60 days of notification of the amount of the Commission's annual allotment.
 - 2) At the Commission meeting prior to the adoption of the budget, the Commission shall present the budget to the public to elicit comments from the residents of the Commission area. The Secretary, utilizing one of the methods outlined in Article V, Section 4, will make the draft copy of the fiscal year budget available to the public seven days prior to presentation.
 - 3) The proposed budget will be adopted at a public meeting. The Secretary, utilizing one of the methods outlined in Article V, Section 4, will make the proposed copy of the fiscal year budget available to the public seven days prior to adoption.
- b) Quarterly Financial Reports
 - 1) The Treasurer of the Commission shall prepare a quarterly financial report on a form provided by the District of Columbia Auditor.
 - 2) The Commission shall maintain its accounts on a fiscal year basis beginning October 1 and ending the following September 30.



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- 3) The Treasurer shall present the quarterly financial report to the Commission for its consideration at a Commission meeting within 30 days after the end of the quarter. The Treasurer will forward a copy of the report to all the Commissioners ten days before the Commission meeting. The Secretary, utilizing one of the methods outlined in Article V, Section 4, will make the draft financial report available to the public seven days prior to consideration.
- 4) A copy of the approved financial report, signed by the Chair, the Secretary, and the Treasurer, shall be filed, along with a record of the vote adopting the report, with the Auditor within 15 days of approval.
- 5) Each quarterly report must include copies of canceled checks, bank statements, grant request letters and grant disbursements, invoices and receipts, executed contracts, details about all contributions received during the time period covered by the quarterly report, and the minutes of the meeting indicating the Commission's approval of the disbursements reported in the quarterly report.
- 6) The Commission shall make available for on-site review to the Auditor, upon the Auditor's request, originals of the documents required to be submitted with quarterly financial reports pursuant to this section.
- 7) A copy of the quarterly financial report shall be available for public inspection during normal office hours of the Commission. Absent a Commission office, copies will be made available to the public online or upon request.

Section 6. Solicitation of Funds

- a) The Commission may not solicit or receive funds unless specifically authorized to do so by the Council, except that receipt of individual contributions of \$1,000 or less, per calendar year, need not be approved by the Council.
- b) The Commission will not accept any contribution from any person, when aggregated with all other contributions received from that person, exceeds \$1,000 per calendar year.
- c) The Commission shall file, with its quarterly reports to the Auditor, details of all contributions received during the relevant period of time.

Section 7. Expenditure of Funds

- a) The Commission shall expend funds received through its annual allocation, or other donated funds, for public purposes within the Commission area or for the functioning of the Commission office, to include staffing salaries and nominal refreshments (no meals) at regularly scheduled Commission meetings. For the purposes of nominal refreshments, Single Member District meetings will not be considered as regularly scheduled Commission meetings.
- b) Expenditures may be in the form of grants by the Commission for public purposes within the Commission area pursuant to Article IV, Section 9.
- c) The Commission may expend funds for Commissioner training on subjects pertaining to their official duties when such training is not available from government sources.
- d) The Commission may expend funds to purchase property liability insurance or obtain indemnification against loss in connection with assets of the Commission or any liability in connection with the activities of the Commission. Such insurance or indemnification may be purchased or obtained in such amounts and from such sources as the Commission deems to be appropriate.



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- e) The Commission may expend funds to pay for local transportation and parking expenses of a Commissioner if the Commissioner is officially representing the Commission or a committee of the Commission at public hearings or meetings or is engaged in official Commission business.
- f) Funds allocated to the Commission may not be used for a purpose that involves partisan political activity; personal subsistence expenses; Commission compensation; meals; legal expenses other than for Commission representation before an agency, board, or commission of the District government; or travel outside of the Washington metropolitan area.
- g) Any expenditure of funds by a Commission shall be recorded by the Treasurer in the Commission's books of accounts. No expenditure of any amount shall be made without the specific authorization of the Commission.
- h) Any expenditure made by check shall be signed by at least two officers of the Commission, one of whom shall be the Treasurer or Chair. The check shall, prior to signature, contain the date of payment, the name of the payee, and the amount of the payment. No check shall be made payable to cash or bearer. Any check must be pre-numbered, shall bear the name of the Commission and "District of Columbia Government" on its face, and shall be issued in consecutive order.
- i) No expenditure shall be made by a Commission during a vacancy of office of Treasurer or at any time when a current and accurate statement and bond or its equivalent are not on file with the Auditor.
- j) Disbursements of Commission funds exceeding \$50 for personal service expenditures shall be specifically approved by the Commission at a public meeting prior to the disbursement. The approval shall be recorded in the minutes of the Commission meeting. Any personal services payment shall name the person who is to receive the payments, the rate of compensation, and the maximum hours of service, if less than full-time compensation. If an expenditure is made without the required authorization of the Commission, the expenditure shall be deemed to be a personal expense of the Commissioner who authorized the payment, unless the Commission subsequently approves the expenditure within 90 days.
- k) The Commission may establish a petty cash fund, not to exceed \$200 at any one time, in accordance with procedures established for imprest funds by the D.C. Controller. The fund shall be reimbursed by the Treasurer upon presentation of appropriate supporting documents. The Treasurer may disburse to another Commissioner or employee of the Commission an amount not in excess of \$200 for authorized Commission expenditures through a Commission-established petty cash fund. A record of disbursements from the petty cash fund shall be kept by the Treasurer in a manner consistent with other accounts of the Commission.
- l) To insure against loss of unauthorized expenditures or loss of funds, the Commission shall participate in the Advisory Neighborhood Commission Security Fund by paying an annual contribution determined by the Fund at the beginning of fiscal year. Participation makes the Trustees of the Fund liable for any misappropriation or loss of Commission funds by the Treasurer. Trustees may waive or delay monetary contributions for any Commission when levels are sufficient. In the case of unauthorized expenditures or loss of funds, the majority of the Commission may request reimbursement upon a written application form provided by the Fund Trustee.

Section 8. Depository of Funds

- a) The Commission shall, by resolution and within 30 days of the selection of officers, designate a commercial bank, savings and loan association, credit union, or any combination thereof, which is insured by an instrumentality of the government of the United States and which is located within the District of Columbia, as a depository of all funds received by the Commission.



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- b) The Commission shall request a District of Columbia Tax Identification Number and include the phrase “District of Columbia Government” in each account name.
- c) The Commission shall establish no more than one checking or negotiable order of withdrawal account. The Commission may deposit into any savings account, created pursuant to this section, funds not immediately needed for the operation of the Commission.

Section 9. Grants

- a) A grant may be awarded pursuant to a vote of the Commission at a public meeting following a public presentation of the grant request. The Community Outreach Committee will facilitate and coordinate grant requests on behalf of the Commission.
- b) The Commission may approve grants to organizations that are public in nature and benefit persons who reside within the Commission area.
- c) The services provided by the grantee organization must not be duplicative of any that are already performed by the District government.
- d) Grant applications must be submitted in writing to the Community Outreach chair of the Commission and contain the following:
 - e) A description of the proposed project of which the grant is requested;
 - f) A statement of expected public benefits; and
 - g) The total cost of the proposed project, including other sources of funding, if any.
- h) Within 60 days following the issuance of a grant, the grant recipient shall forward to the Commission a statement as to the use of the funds consistent with the grant application, complete with receipts which support the expenditures.
- i) Grant disbursements shall be included in quarterly financial reports submitted to the Auditor.
- j) Grants are dependent upon the availability of funds.

Section 10. The Commission may take any other action, not specifically forbidden by law, for the well-being of the Commission area and its residents. Such activities shall not duplicate existing D.C. government programs.

ARTICLE V. Meetings

Section 1. Pursuant to the provisions of Section 742(a) of the District of Columbia Home Rule Act, all meetings of the Commission shall be open to the public, except those parts of meetings where personnel or legal matters are discussed. Without limiting the scope, the following categories of information shall be specifically made available to the public:

- a) The names, salaries, and dates of employment of all employees of the Commission;
- b) Final decisions of the Commission, including concurring and dissenting opinions;
- c) Information of every kind dealing with the receipt or expenditure of public or other funds of the Commission;
- d) All documents not related to personnel and legal matters;
- e) The minutes of all Commission meetings; and
- f) Reports of the District of Columbia Auditor.

Section 2. Voting



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- a) Voting in Commission meetings shall be restricted to Commissioners. All members shall have equal voting rights following the principle of one person, one vote. There shall be no voting by proxy. However, to the greatest degree possible, the principle of common courtesy and consensus should be allowed to prevail.
- b) No official action may be taken by the Commission unless a majority of the elected representatives of the Commission are present and voting, not including Commissioners who have resigned, moved, or vacant seats on the Commission.
- c) A simple majority of those present and voting shall decide all questions unless the bylaws or Robert's Rules of Order require a larger number.
- d) In the case of a tie vote, the motion shall fail.
- e) Generally, the voting shall be conducted as outlined in Robert's Rules of Order. Accordingly, there shall be three basic ways to record a vote:
 - 1) Voice vote. Those voting in favor shall say "aye" or "yes," and those voting against shall say "nay" or "no".
 - 2) Raising of hands. The vote will be recorded with the number of hands voting in favor and the number of hands voting against.
 - 3) Roll call vote. Upon a request from a Commissioner, a roll call vote shall be conducted by the Secretary. In that case, the Secretary shall ask each Commissioner to either vote of "aye" or "yes" or "nay" or "no".
- f) As outlined in Robert's Rules of Order, members who do not vote either "aye" or "yes" or "nay" or "no" on the motion (abstain) will not have their vote recorded or counted as voting.

Section 3. Commission meetings shall be held at regular intervals, not less than nine times a year. In January of each year, a schedule of tentative meeting dates and times shall be circulated to residents of the Commission area.

Section 4. No less than seven days notice shall be given by the Commission of its meetings or convocations (except where shorter notice for good cause is necessary or in the case of an emergency). Notice must include at least two of the following methods:

- a) Posting written notices in at least 4 conspicuous places in each single-member district within the Commission area;
- b) Publication in a city or community newspaper;
- c) Transmitting or distributing notice to a list of residents and other stakeholders in the community;
- d) Posting of notice of meetings on the Commission's website; and
- e) In any other manner approved by the Commission.

Section 5. Special meetings of the Commission can be called by the Chair or by written request of three Commissioners. The purpose of the special meeting shall be stated in the notice and no other topic may be discussed at that meeting, except by unanimous consent at the beginning of the meeting. At least seven days notice will be given to each Commissioner. Accordingly, notice shall also be given to the public by the Secretary as outlined in Article V, Section 4.

Section 6. Emergency meetings of the Commission can be called by the Chair. An "emergency" means that an action must be taken immediately to preserve the public peace, health, safety, welfare or morals pursuant to District of Columbia law, regulation or code. The purpose of the emergency meeting shall be stated in the notice and no other topic may be discussed at that meeting, except by



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unanimous consent at the beginning of the meeting. Accordingly, immediate notice shall also be given to the public by the Secretary as outlined in Article V, Section 4.

Section 7. Within 30 days of receiving a notification from the District Government of proposed actions or proposed final policy decisions or guidelines, the Commission may forward its written recommendations with respect to the proposed actions to the Council of the District of Columbia, the Mayor and the appropriate agency, board or commission. When a motion has been adopted by the ANC and the designated representative is unable to attend, the Chair and the Vice Chair of the Commission are designated to be the representatives of the ANC for the purposes delineated in the motion.

Section 8. The Commission shall set aside a portion of each public meeting to hear the views of residents within the Commission area and other affected persons of problems or issues of concern within the Commission area and on proposed District government actions that affect the Commission area. Community views shall be adequately considered in positions taken by the Commission.

Section 9. The Commission shall establish such mechanisms as will ensure the broadest dissemination of information with respect to meetings, positions and actions. The Commission shall make a good faith effort to involve all segments of the Commission population in its deliberations regardless of race, sex, age, voting status, religion, economic status, or sexual orientation.

Section 10. Any Commissioner may have an item placed on the agenda of a regular meeting provided that the Commissioner submits the item to the Chair at least eight days in advance of the meeting.

Section 11. At least eight days in advance of a meeting, the Chair will provide the Secretary a tentative agenda. At least seven days in advance of the scheduled meeting, the Secretary will issue the tentative agenda, draft copy of the previous minutes, committee reports and the monthly Treasurer's report to each Commissioner and the public at large by using one of the methods provided in Article V, Section 4.

Section 12. When a Commissioner knows that a potential conflict of interest exists, the Commissioner is required to notify the Chair of the matter and nature of conflict prior to discussion of that interest. The Commissioner will then be excused from the deliberations and votes on that matter. If the Commissioner is the Chair, the Vice Chair will assume responsibility during the issue in question, as the Chair will be excused from deliberations and votes on that matter.

ARTICLE VI. Commission Office Operations

Section 1. The Commission may decide to establish an office. If the Commission decides to utilize an office, the following shall be done:

- a) The Commission shall adopt a resolution, to be signed or transmitted by the Chair and Secretary, to request from the Mayor suitable office space in a District of Columbia-owned facility. The requested space shall be a minimum of 250 square feet and shall be the sole office of the Commission. The space shall be located within the Commission boundaries. If no such space is available, then the space shall be located within the Ward of the Commission. The resolution will



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specifically ask for \$600 per month to cover rental office space if District-owned or -leased office space cannot be provided:

- 1) The Chair will confirm that the Mayor acknowledged receipt of the resolution within 15 days;
 - 2) The Chair will accept the list of available office space from the Mayor's office within 45 days after receipt of the resolution;
 - 3) Provided that the space provided is District-owned or -leased, there shall be a written lease between the Mayor or District agency and Commission which shall specify what operating costs, such as utilities, janitorial services and security shall be paid by the Commission.
- b) If the Mayor is unable to provide office space that is District-owned or -leased, the Commission shall vote to accept the \$600 per month from the District of Columbia to offset the costs of a lease for office space. Furthermore, the Commission shall vote to enter into a lease for a suitable office for Commission business. Prior to approving the lease, the monthly lease costs and operating costs, such as utilities, janitorial services and security shall be identified.
 - c) Equipment, phone services and supplies shall be provided from Commission funds. A detailed list of all office equipment will be maintained and updated on a monthly basis. A copy of that list will be held with the Chair and the Secretary.
 - d) The Commission shall establish and maintain standard operating procedures for the office.
 - e) All purchases of supplies and equipment that exceed the petty cash limit shall be approved in advance by the Commission at a regularly scheduled Commission meeting.
 - f) All Commissioners shall have equal access to the Commission office and its records in order to carry out Commission duties and responsibilities. All Commission records shall be made available to Commission members during normal working hours.

Section 2. The Commission may hire personnel to assist in the duties of running both the office and attending to Commission business. Prior to hiring, the duties, responsibilities, hours to be worked, and salary of any hired personnel must be approved by the Commission at a public meeting.

- a) A payroll register must be maintained to record all paychecks issued to employees.
- b) Federal, State, Social Security taxes, and other deductions must be withheld in accordance with all applicable State and Federal laws.
- c) The employee serves at the pleasure of the Commission and shall be considered an employee of the D.C. government for purposes of health benefits and life insurance.

Section 3. All official correspondence shall be logged in and disposition recorded. A copy of all outgoing correspondence and incoming material for the Commission or Commission committees shall be placed in a reading file and made available to all Commissioners for a period of 30 days.

ARTICLE VII. Joint Meetings

Section 1. The Commission may hold joint meetings with other Commissions to deal more effectively with or respond to concerns and issues that transcend and affect the areas of the Commissions.

- a) Joint Commission meetings may be held only after the Commission authorizes involvement.



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- b) A commissioner may represent and participate in a formal joint meeting only after the Commission has authorized the participation in the joint meeting and has specified in a resolution the scope of that participation.
- c) Action taken by individual commissioners in an informal joint meeting shall follow the general direction of the Commission.
- d) All associated meetings of Joint Commissions, either formal or informal, shall be open and at least 14 days notice will be given by the Secretary for posting notices as required by Article V, Section 4.

ARTICLE VIII. Commission Elections

Section 1. The Commission shall elect officers from its members and standing committee chairs at a public meeting of the Commission held in January each year.

- a) The officer positions shall be: Chair, Vice Chair, Secretary and Treasurer. The officers of the Commission must be elected Commissioners.
- b) The standing committees shall be: Economic Development and Zoning, Alcohol Beverage Licensing, Public Safety, Community Outreach and Transportation and Public Space. The committee chairs may be either elected Commissioners or residents that live in the geographic boundaries of the Commission as defined in Article II.
- c) The Commission may also elect any other officer or chair the Commission deems necessary.

Section 2. Methods of Election.

- a) Upon a two-thirds majority of the Commissioners present and voting, any Commissioner may submit a slate of officers and committee chairs for consideration. The approval of the slate shall require a simple majority of the Commissioners present and voting. If a simple majority vote is not achieved to approve the slate, the individual offices and committee chairs will be voted on separately as outlined in Article VIII, Section 2, subsection (b).
- b) The Commission shall use the following procedure to elect individual officers and committee chairs:
 - 1) Each candidate shall be nominated by a Commissioner and must be seconded by another Commissioner. A Commissioner may nominate him or herself, but may not second the nomination. Upon receiving a second, the candidate shall be afforded a brief period of time to address the nomination.
 - 2) Officers of the Commission shall be elected by a simple majority vote of the Commission. In the event that no candidate has a simple majority vote of all Commissioners, there shall be a run-off between the two candidates having received the most votes.
 - 3) In Article VIII, create new section 2 (b) 3: "If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor.
 - 4) Voting on each office shall occur before the floor is open for nomination for another office.
- c) Voting during the Commission elections for officers and committee chairs shall be conducted in accordance with Article V, Section 2. Under any circumstance, there shall not be a secret ballot vote during these elections.



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Section 3. The Commission shall approve the membership of all Commission committees at the request of each of the committee chairs either at the January meeting or the next regularly scheduled meeting after the election of officers and committee chairs.

- a) Each committee chair will forward a list of names, consisting of residents of the Commission area, to the Commission for approval.
- b) The approval of committee membership shall be by a simple majority of the Commission. The approval can either be by a slate of candidates or voted upon individually.
- c) Voting on each Committee membership shall occur before the floor is open for nominations for another Committee memberships.

ARTICLE IX. Officer Duties

Section 1. Chair

- a) The Chair shall serve as the facilitator of the Commission and chairs all Commission and Assembly meetings.
- b) The Chair shall prepare or make arrangements of a prepared Agenda for each Commission and Assembly meetings as described in Article V, Section 10.
- c) The Chair may rule on procedural questions and such rulings may only be overturned by a majority vote of the Commission.
- d) The Chair shall serve as the principal addressee for all official correspondence that shall be sent to a central mailbox. The Chair may delegate to the Secretary or staff person, the responsibility for the dissemination of official correspondence to Commissioners.
- e) The Chair shall become the vehicle for resolving any problems between Commissioners, constituents, government agencies, and community organizations that jeopardize the effectiveness of the Commission.
- f) The Chair shall insure that no funds are expended or purchases negotiated during the vacancy of the Treasurer's office.
- 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.
- h) The Chair shall file with the Auditor, and maintain in force during the term of office, a cash or surety bond in an amount and on a form satisfactory to the Auditor. Participation by the Commission in the Advisory Neighborhood Commission Security Fund shall satisfy the requirement of a cash or surety bond.

Section 2. Vice Chair

- a) The Vice Chair shall fulfill the obligations of the Chair in his/her absence.



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- b) The Vice Chair shall serve as Deputy Treasurer. In case of resignation or vacancy of the Treasurer, the Deputy Treasurer will collect all relevant financial documents, checkbooks, and reports and fulfill that vacancy until a Commission election can be held at the next Commission meeting.
- c) The Vice Chair shall file with the Auditor, and maintain in force during the term of the office, a cash or surety bond in an amount and on a form satisfactory to the Auditor. Participation by the Commission in the Advisory Neighborhood Commission Security Fund shall satisfy the requirement of a cash or surety bond.
- d) The Vice Chair oversees and coordinates the establishment of special committees.

Section 3. Secretary

- a) The Secretary shall call the roll at each Commission meeting and notify the Chair when a quorum is formed.
- b) The Secretary shall be responsible for the recording of minutes of Commission meetings. A draft copy of the minutes shall be forwarded to each Commissioner at least 10 days before the next scheduled Commission meeting.
- c) The Secretary shall disseminate the agenda: draft minutes from the preceding meeting; committee reports, if any, forwarded from committee chairs; draft monthly Treasurer's report forwarded from the Treasurer; and notices for each Commission meeting as described in Article V, Section 11.
- d) The Secretary shall maintain the official records of the Commission activities.
- e) The Secretary shall schedule and coordinate press conferences as required.
- f) The Secretary shall be responsible for assisting the Chair in the preparation of the annual report.
- g) The Secretary shall maintain a list of the names, a current telephone number and home addresses of the members of the Commission and the Commission committees. A copy of that list shall be forwarded to the Office of Advisory Neighborhood Commissions on a monthly basis.

Section 4. Treasurer

- a) The Treasurer shall receive and manage the annual allotment of funds pursuant to Section 738(e) of the Home Rule Act.
- b) The Treasurer will file with the Office of the District of Columbia Auditor, within 30 days of assuming the office, a statement that includes the Treasurer's name, home and business address and telephone numbers, the location of the books and records of the Commission, and the name and location of any depository of the Commission's funds including account numbers.
- c) The Treasurer shall file with the Auditor, and maintain in force during the term of the office, a cash or surety bond in an amount and on a form satisfactory to the Auditor. Participation by the Commission in the Advisory Neighborhood Commission Security Fund shall satisfy the requirement of a cash or surety bond.
- d) The Treasurer shall be responsible to ensure that the Commission is in full compliance with the requirements specified in Article IV, Sections 5 through 8 of these bylaws.



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- e) The Treasurer shall be responsible to respond in writing to all Auditor's reports, stated violations, or alleged infractions. Upon receipt of any Auditor's reports, violations, or infractions, the Treasurer will:
- f) Notify the Chair within seven calendar days from receipt of information from the Auditor.
- g) Provide a written summary of Auditor's reports, violations or infractions, and proposed Commission responses to all Commissioners within 14 days of receipt of information from the Auditor.
- h) Present to the community a summary of the Auditor's reports, violations or infractions, and proposed Commission responses at the next scheduled Commission meeting.
- i) Respond to the Auditor, in writing within 60 days of receipt of information, the Commission's formal answer and position on each report, violation or infraction.
- j) The Treasurer is responsible for preparation of a monthly financial report to account for all Commission funds. This report shall use a format acceptable to the Chair and the DC Auditor. The monthly report will be issued to the Chair and the Secretary eight days before each Commission meeting. The Treasurer shall insure that the books and records are ready for inspection at all times.
- k) The Treasurer shall perform a monthly reconciliation of the bank statement to the checkbook and include those results in the monthly Treasurer's report. The Treasurer will ensure the Commission's bank statement and a copy of canceled checks are transmitted from the bank directly to the Treasurer's address on a monthly basis. Upon completion of the monthly reconciliation, the Treasurer will file the originals with the Secretary at the next regularly scheduled Commission meeting.
- l) The Treasurer will ensure that the depository in which the Commission maintains a checking account shall be immediately notified of any change in the Commission officers.

Article X. Committee Duties

Section 1. Pursuant to the provisions of Section 742(a) of the District of Columbia Home Rule Act, committee meetings shall be open to the public.

Section 2. The Standing Committees of the Commission are:

- a) Alcohol Beverage Licensing,
- b) Community Outreach,
- c) Economic Development and Zoning,
- d) Public Safety, and
- e) Transportation and Public Space.

The Commission may establish any other committees upon the action of a majority of the Commissioners present and voting at a regularly scheduled meeting.



Advisory Neighborhood Commission 6A Bylaws



Section 3. Each committee shall establish procedures that will facilitate achieving its mission. At a minimum, each committee will designate a member to record, and forward to the Commission Secretary, the actions and recommendations of each meeting in a committee report. This record shall also include a list of all the committee members in attendance at the meeting.

Section 4. Each committee shall make a good faith effort to involve all segments of the population in its deliberations regardless of race, sex, age, voting status, religion, economic status or sexual orientation.

Section 5. All committee members shall have equal voting rights following the principle of one person, one vote. There shall be no voting by proxy. Formal committee recommendations require a majority of the committee membership to be present and voting. In the case of a tie vote, the motion before the committee shall fail.

Section 6. All approved motions or recommendations will be forwarded to the Commission Secretary no later than eight days prior to the next scheduled meeting of the Commission.

Section 7. All approved motions or recommendations will be presented to the Commission by the committee chair or by a member of the committee in the chair's absence. Committee recommendations shall constitute motions when presented to the Commission and shall require a Commissioner to second the motion, provided that such recommendations must have been adopted by a majority of the committee with a quorum present.

Section 8. Until the Commission adopts the committee's approved motions or recommendations, those motions or recommendations will not be presented to any government agency, public entity or private organization as the Commission's view or position. Committees may not speak for the Commission.

Section 9. No less than seven days notice shall be given to the public by the committee of its meetings in accordance with the provisions of Article V, Section 4 of these bylaws.

Section 10. Commissioners may participate in committee deliberations with their votes recorded in the committee report.

Article XI. Vacancy and Removal

Section 1. Commissioner Vacancy

- a) The Commission will announce a vacancy if written resignation is received from a Commissioner. If the vacancy occurs more than six months prior to the next election, the Chair will announce the vacancy and, in writing, immediately inform the District of Columbia Register and the District of Columbia Board of Elections and Ethics (hereinafter referred to as the "BOARD").
- b) When a vacancy exists in the office of a Commissioner, and the vacancy does not occur within the six-month period prior to a general election, the vacancy shall be filled by the Commission. No vacancy shall be filled if it occurs within the six-month period prior to the election.
- c) The Commission will consider a vacancy to occur if:
 - 1) there is a change of address that causes the Commissioner to live outside the Single Member District (SMD) in which he or she was elected;
 - 2) there is a death; or



Advisory Neighborhood Commission 6A Bylaws



- 3) a Commissioner holds another elected public office prohibited under the ANC legislation.
- d) When a vacancy occurs in the Commission as outlined in Article XI, Section 1, subpart (c), and no letter of resignation is submitted, the Commission will petition the District of Columbia Board of Elections and Ethics by a resolution signed by the Chair and the Secretary to declare the vacancy. The resolution shall be considered by the Commission at a special meeting called for the sole purpose of considering the vacancy. The notice of the special meeting will be posted in accordance with Article V, Section 4. Prior to the special meeting, the Commission shall make a good faith effort to notify, in writing, the Commissioner who is the subject of the resolution. Notice of the meeting shall be sent by certified mail, return receipt required, to the Commissioner not later than 15 days prior to the meeting, and shall provide that the Commissioner have an opportunity to rebut the alleged vacancy. The resolution, provided a quorum is established and passed by a simple majority of the Commission, accompanied by the minutes of the meeting at which the resolution was adopted and a list of those Commissioners attending the meeting, shall be sent to:
 - 1) The Board of Elections and Ethics;
 - 2) The District of Columbia Register;
 - 3) The Council;
 - 4) The Mayor; and
 - 5) The Commissioner in question.
- e) For the purposes of these bylaws, a vacancy is certified to exist upon the publication of a notice of the vacancy in the District of Columbia Register.
- f) Within 90 days of the date that the District of Columbia Register posts the notice of the vacancy and the Board declares a vacancy, the members of the Commission shall fill the vacancy as follows:
 - 1) Within two days (excluding Saturday, Sundays and legal holidays) after the date that the Board declares a vacancy, the Secretary will announce the vacancy using two of the methods listed in Article V, Section 4, one of which will be specifically, Article V, Section 4, subsection (a). The announcement will state the SMD vacancy and the date the petitions will be made available by the Board.
 - 2) Within five days (excluding Saturday, Sundays and legal holidays) after the date that the Board declares a vacancy, the Commission will ensure that the Board makes available petitions for the purpose of obtaining the signature of registered qualified electors within the affected SMD.
 - 3) If no registered qualified electors within the affected SMD obtain petitions within fourteen days after the date that the Board declares a vacancy, the Secretary will republish the announcement of the vacancy using two of the methods listed in Article V, Section 4.
 - 4) After twenty-one days from the date that the Board declares a vacancy, the Secretary will inquire with the Board to determine if any registered qualified electors returned a petition. Assuming confirmation that petitions have been filed, the Secretary will accept transmittal of the registered electors who qualified for the appointment of the SMD once the Board completes its five working-day challenge period.
 - 5) If after twenty-one days no registered qualified elector submits a petition to the Board for the vacant single member district, the Commission will work with the Board to take the necessary steps of fill the vacancy in accordance with District of Columbia Comprehensive Advisory Neighborhood Commission Reform Amendment Act of 1999.
 - 6) If there is only one elector qualified to fill the vacancy within the affected SMD, the Commission shall appoint the qualified elector to the vacant position at its next regularly scheduled meeting.



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- 7) If the Board transmits to the Secretary a list of qualified candidates containing more than one name, the Commission shall give notice to the public, under the protocol outlined in Article V, Section 4 of these bylaws, that at the next regularly scheduled meeting there shall be an open vote of the qualified registered electors of the affected SMD to elect a Commissioner.
- 8) Prior to the scheduled meeting for the open vote, the Secretary will obtain from the Board a list of all qualified electors from the affected SMD.
- 9) At the scheduled meeting for the open vote, the Secretary (and other Commissioners as required) will verify all qualified electors by either viewing their voter identification card or verify their status on the voter registration list provided by the Board. The Secretary will provide each verified elector a ballot that lists all the qualified candidates in alphabetical order.
- 10) Once the Secretary and Vice Chair have counted all the ballots, the results shall be read aloud by the Chair. In the event that the Chair is vacant or not in attendance, the results shall be read aloud by the Commissioner presiding over the meeting.
- 11) After the vacancy has been filled, the Commission shall transmit to the Board a resolution signed by two officers of the Commission that states the winner of the SMD and requests that the Board declare the vacancy filled. The resolution shall also be sent to the following:
 - a) The Council,
 - b) The Mayor, and
 - c) The person appointed or elected by the Commission.

Section 2. Commissioner Removal

- a) Any Commissioner may be removed from office by the registered voters of the Single Member District (SMD) from which he or she was elected. This process requires that a petition be signed by at least 10 percent of the registered voters of the SMD. However, if a Commissioner has missed all of the regularly scheduled meetings over a three month period, the required number of signatures is reduced to 5 percent.
- b) The initiator of the removal petition has 30 calendar days, beginning with the day the Board first makes petitions available, to secure the proper signatures and file the petition with the Board. The number of registered voters used for computing this requirement is based on the latest official voter count issued 30 or more days prior to the submission of the signed petition.
- c) After a 10 day challenge period, the Board certifies the petition. If the petition is challenged, the Board holds a hearing on that challenge. If the petition is upheld, the Board will hold a special election in the SMD or conduct a mail ballot.
- d) No commissioner may be removed within the first six months nor the last six months of his or her term of office nor within six months after an attempted removal procedure has been determined in his or her office.

Section 3. Officer Vacancy and Removal

- a) The removal of any officer shall be undertaken at a special Commission meeting.
- b) A special Commission meeting to remove an officer shall be called if at least one-half of the elected Commissioners request in writing that the Chair take such action. After the request is made, the Chair shall schedule the meeting to take place within 30 days of receipt of the request.
- c) Within two days (excluding Saturday, Sundays and legal holidays) after the date the written request is provided to the Chair, the Chair will forward the request to the Secretary. Within seven



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days of receiving the request from the Chair, the Secretary will announce the special meeting, to include date and location of the meeting, using two of the methods listed in Article V, Section 4.

- d) The Chair shall preside over the meeting unless the vote will affect the Chair's own position. In that case, the Vice Chair shall act as the presiding officer.
- e) Provided a quorum is present at the special Commission meeting called, the vote of the majority of the Commissioners shall remove the officer from his or her office.
- f) If an office becomes vacant, an election will be held in accordance with Article VIII, Section 1 at the next regularly scheduled Commission meeting.

Section 4. Committee Chair and Committee Membership Vacancy

- a) The removal of any committee chair or committee member shall be undertaken at a regularly scheduled Commission meeting.
- b) A vote to remove a committee chair or committee member shall be called if at least one-half of the elected Commissioners request in writing that the Chair take such action. After the request is made, the Chair will ensure that the action is included on the next regularly scheduled meeting agenda.
- c) Provided a quorum is present at the next regularly scheduled Commission meeting called, the vote of the majority of the Commissioners shall remove the committee chair or committee member from his or her position.
- d) If a committee chair becomes vacant, the Commission will move to immediately elect a replacement in accordance with Article VIII, Section 2.
- e) If a position on a committee becomes vacant, the Commission shall vote to approve the recommended replacement for the committee chair at the next meeting in accordance with Article VIII.

Article XII. Bylaws

Section 1. The Commission will maintain bylaws governing its operation and internal structure. These bylaws will include:

- a) The geographic boundaries of the Commission area;
- b) A statement of Commission responsibilities;
- c) Voting procedures;
- d) The establishment of standing and special committees;
- e) The manner of selection of officers and chairs;
- f) Duties of the presiding officers;
- g) Procedures for the prompt review and action on committee recommendations;
- h) The use of the Commission office and supplies;
- i) Procedures for the receipt of, and action upon, constituent recommendations at both the Single Member District and Commission levels; and
- j) Procedures for the filling of a vacancy in the office of Treasurer.

Section 2. The Commission shall file an up-to-date copy of the bylaws and all amendments thereto with the Council of the District of Columbia and the Office of Advisory Neighborhood Commissions within thirty days of their adoption.



Advisory Neighborhood Commission 6A Bylaws



Section 3. It shall require two-thirds of the Commission as a whole to approve amendments to the bylaws. When appropriate, revisions or amendments to these bylaws shall be approved after the reading of the proposed change at one regularly scheduled meeting prior to its consideration.

Section 4. These bylaws shall be consistent with all Congressional and District legislation, and other applicable laws. Any bylaw provisions, which are not consistent with these laws, are to be held null and void.

Section 5. A current copy of these bylaws and any amendments shall be available for public inspection.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Advisory Neighborhood Commission 6A Minutes Miner Elementary School December 13, 2012

Present: Commissioners Healy, Holmes, Hysell, Mack, Ronneberg, Veenendaal-Selck
Absent: Commissioners Alberti, Lawler

The meeting was convened at 7:00 PM

1. Minutes

The minutes for November 2012 were approved by unanimous consent.

2. Agenda

The agenda was approved as presented by unanimous consent.

3. Community Presentation

Benning Remedial Investigation/Feasibility Study

Mr. Holmes introduced Jared Piaggione, Assistant Attorney General, District Department of the Environment (DDOE), to report on the status of the Benning Remedial Investigation/Feasibility Study. This is a federally-mandated remediation being studied and prepared for the Benning Road Power Plant and its surrounding area. The boundaries extend to include 19th Street and east. While most of the study, Holmes said, is focused on the Anacostia and underground water movement, airborne pollution certainly affected all of the 6A, 7D, and 5B areas.

Mr. Piaggione reported that in 2011 the DDOE entered a consent decree with Pepco to analyze and plan the study of the release of PCBs from the Benning Road Power Plant, but progress has been slow because there had been disagreements with Pepco along the way. There are now documents from Pepco and DDOE, he said, that have been released and can be found on line at libraries, including Rosedale. What is there now is a completed statement of work, dealing with such questions as at what point is sampling done, and how much is sampled.

The final report will be issued from mid-December to early January discussing the remediation options, that generally will be in the middle range of the proposed ideas. Then, DDOE will issue its plan, which is the “public” option. Then a record of the decision will be published by Pepco, after which a remedial design will be drawn up, and finally, a remedial action plan will be implemented. There is a five-year review included in the plan. The focus, Mr. Piaggione said, has been the PCBs in the river, which have also been a problem in the past. However, they determined to not follow that “legacy of pollution”, but there is no pollution in the immediate area. He said that inhalation has the most damaging potential.

Mr. Holmes asked whether the land will be able to be used again. Mr. Piaggione said that it will be, but Pepco wants to hold on to it. Ms. Phillips-Gilbert asked whether drinking water is affected, and was told that drinking water comes from a different source.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Mr. Holmes said that this is the first time DDOE, as opposed to the federal EPA, has supervised a truly large scale remediation. The Navy Yard is also a heavy industrial site that has pollutants.

4. Officers' Reports Chair

Historic Designation for Spingarn High School

Mr. Holmes reported that Kingman Park was successful in seeking historic designation for Spingarn High School but they also received more—that the historic Langston Golf Course, the complex of schools to the north of Spingarn, and Kingman Park itself may also be eligible to receive historic district status, should they so decide. That would, he said, preserve the structures and recreational areas of this most important historic African American community. The schools, golf course, and the community itself arose from the exclusion of blacks from white areas. He said it is important history to be remembered and preserved.

901 D Street NE

Mr. Holmes reported that he sent a note to commissioners and committee chairs that the ANC position on density at 901 D St. NE was sustained. In addition, Valor Development went to the BZA to fight the continuing construction of 1400 Maryland Ave. even after the permits were allowed to expire by the developer and the zoning law changed (at the instigation of the ANC). That hearing decision was postponed, and there is a related hearing in January.

Gibbs School

Mr. Holmes reported that School Chancellor Kaya Henderson told him that the Gibbs School will not be “excessed” and will be held on to, as he had asserted, because an increasing population of elementary school-aged children will need it within a few years.

Treasurer's Report

In Mr. Alberti's absence, Mr. Holmes presented the Treasurer's Report. He reported that the opening balance in the checking account was \$16,588.79 and the savings account balance was \$9044.67. There was an interest payment to the savings account of \$.19. There were disbursements of \$533 to the Band Shoppe (*Eastern HS PTSA (CHECK #1577); \$650 TO A.D.R. Bulbs (Grant, Capitol Hill Garden Club) (Check #1578); \$200 to Heather Schoell for the November 2012 agenda package (Check #1579); and \$180 to Roberta Weiner for October 2012 transcription of ANC minutes (Check #1580); leaving a balance of \$15,025.78 in the checking account, and \$9044.67 in the savings account.

Motion: Mr. Holmes moved/Ms. Veenendaal-Selck seconded a motion to approve the disbursements.

The Treasurer's Report was agreed to by unanimous consent.

5. Alcohol Beverage Licensing Committee

Cusbah - 1128 H Street NE

This is a request to extend the patio hours in its voluntary agreement of Cusbah, an Indian restaurant at 1128 H St. NE. The owner asserts that those hours put him at a competitive disadvantage with Khan's, directly across the street, which has no restriction on its patio hours, which are the ABRA-licensed hours. The ABL Committee has recommended that the ANC send a letter to the ABC Board requesting that the restriction on the hours of operation for Cusbah's public space patio be removed.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Mr. Healy reported that the owner of Cusbah had approached the owners of Khan's about modifying its hours, and they declined. The original limitations on Cusbah were placed because of potential noise. After three months, Mr. Healy said, there have been no noise complaints from the neighbors. Mr. Mahmud asked whether the change was only to bring Cusbah in line with other establishments. Mr. Healy said the Cusbah has limited hours, Khan's does not, reiterated that there have no noise complaints, and that Cusbah is at a competitive disadvantage.

Mr. Holmes asked that, if they agree, how difficult will it be to reinstate the earlier hours if need be. Mr. Healy responded that the Board tends to agree with the community when such issues come before it. Margaret Holwill said there will be more patios on H Street that will make equalization more difficult. Ms. Mack asked about the hours at the Argonaut, and Mr. Healy responded that it has no limits. Sondra Phillips-Gilbert said that Cusbah had recently opened and wanted to know what the difference was. Mr. Healy responded that Khan's had applied for its license and VA prior to the restrictions the ANC added to VAs after he took over the committee, Ms. Phillips-Gilbert said that Cusbah should have the same opportunity as Khan's. Mr. Healy said that they used to have a three month trial period, but the ABC Board says no to that now. Ms. Phillips-Gilbert said she supports the trial period. Mr. Healy said that Cusbah has been open for three months so it's got a new license. Mr. Mahmud asked how often licenses are renewed and was told it's three years, so next fall the license will be up for renewal. Mr. Mahmud pointed out the difficulty of enforcing the hours if there's a difference, and there's the possibility of "creep" in the hours. Mr. Mahmud suggested that the Commission consider a resolution that this is a one-time exception to the rules.

Mr. Holmes pointed out that it will be Mr. Mahmud's responsibility as he will control most of H Street. He said that the hours vary from area to area. He said he is worried about it becoming a slippery slope with other establishments seeking extension of hours. **Motion:** The committee moved/Mr. Healy seconded a motion to accept the Committee's recommendation to send a letter to ABC Board requesting that the restriction on hours of operation for Cusbah's public space patio be eliminated. The motion passed 3-2-1, with Commissioners Healy, Hysell and Mack in favor, Commissioners Veenendaal-Selck and Holmes opposed, and Commissioner Ronneberg abstaining.

The report of the committee was accepted without objection.

6. Transportation Committee

Committee Chair Omar Mahmud announced that DDOT's Damon Harvey would be at the next Committee meeting to discuss performance parking.

The report of the committee was accepted without objection.

7. Unfinished Business

Bylaws Amendments

1. In Article 5, §7, add to the end of the paragraph

When a motion has been adopted by the ANC and the designated representative is unable to attend, the Chair and the Vice Chair of the Commission are designated to be the representatives of the ANC for the purposes delineated in the motion.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Motion: Mr. Holmes moved/Mr. Healy seconded a motion to adopt the bylaw change into the ANC 6A bylaws. Ms. Mack suggested that the change should be done by the new Commission. Mr. Holmes said that this was only a housekeeping modification. The motion passed 5-1, with Ms. Mack in opposition. Mr. Holmes said that bylaws changes required a 2/3 vote, and this vote passed that threshold.

2. In Article VIII, create new §2 (b)3:

If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question the candidate with recent continuous seniority as an ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor; and

Renumber the old VIII, §2 (b) 3 as §2 (b) (4).

Mr. Holmes introduced the amendments with the requisite one month notification. He said that the candidates' succession amendment was suggested by Office of ANC's Director Gottlieb Simon. Ms. Phillips-Gilbert said that "it sounds like something is going on" because Mr. Simon never mentioned it at an orientation meeting she attended and it should be considered by the new Commissioners. Ms. Mack said there is no benefit to having a person for six months without any continuity. She said that the new Commissions are sworn in on January 2, and the meeting is on the 9th [note: the meeting date is actually Jan. 10] and it could wait until then. Mr. Holmes pointed out that the first order of business at the next meeting is the election. He further pointed out that this is not a problem in ANC 6A, but has affected other Commissions. **Motion:** Mr. Holmes moved/Mr. Healy seconded a motion to adopt the bylaw change into the ANC 6A bylaws. The motion passed 5-1, with Ms. Mack in opposition.

8. New Business

Mr. Holmes presented a Standing Rule for the ANC on debate, saying that it's exactly how the ANC has operated since 2003. He said that Mr. Simon suggested that setting up Standing Rules rather than bylaws for many administrative matters is better because they require only a simple majority to pass.

Standing Rule for ANC 6A

Each Commissioner may speak for up to two minutes on each motion eligible for debate, except that the presenter of an original motion (not an amendment) may speak for up to five minutes. No Commissioner may speak more than twice on any motion. Residents of the Commission area may speak for up to two minutes with additional recognition at the discretion of the Chair.

Ms. Phillips-Gilbert said that this is the first time the Commission has passed a Standing Rule and it should wait until the January meeting. Mr. Healy said that the next Commission can make up its own rules. Mr. Holmes agreed that any future actions will be up to the next Commission. **Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to adopt the Standing Rule on debate for ANC 6A. The motion passed 5-1, with Ms. Mack in opposition.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Meeting Dates For 2013

Motion: Mr. Holmes moved/Mr. Ronneberg seconded a motion that the ANC shall hold its organizational meeting on January 10, 2013, and the Commission shall meet at 7:00 PM on the second Thursday of each month thereafter, except that when the District of Columbia closes its offices and schools, the meeting scheduled for that date shall be postponed to a day determined by the Chair in consultation with the Commission. The motion passed 5-1 with Ms. Mack voting in opposition.

ABC Board Changes In VAs With Maketto and Avery's Bar and Grill

Mr. Healy reported that the ABC Board had reviewed identical VAs signed by the ANC and two H Street establishments, Maketto and Avery's Bar and Grill, at the same ABC Board meeting, and, inconsistently, made two changes in the Maketto VA, but demanded four in the Avery's VA. He said he had dealt with a similar case in November and he felt that he was between a rock and a hard place because the modifications affected the establishments, but the VAs were important for the ANC.

Motion: Mr. Healy moved/Dr. Ronneberg seconded a motion to send a letter to ABRA accepting the modifications, but questioning the reason why the changes were made and requesting an explanation. The motion passed 6-0, unanimously.

Modification of Voluntary Agreements

Motion: Mr. Healy moved/Dr. Ronneberg seconded a motion to modify the standard CR/CT voluntary agreement to meet the new requirements of the Alcoholic Beverage Control Board. The motion passed 6-0, unanimously.

9. Single Member District Reports

Mr. Healy thanked his constituents and said he had fun getting to know them. He said that he was surprised at what people complained about. He thanked his successor for taking over his constituency. He said he was frustrated by the behavior of city agencies and city services, although there are good people, too.

Dr. Ronneberg said there had been a recount of his race, and he lost the election his election by 12 votes. He said he's looking forward to turning over such troubling issues as XII, Father's Day at Sherwood, etc. He wished good luck to the new Economic Development Committee, on which he will serve, but not chair, and hopes it can work through all the problems with DCRA, DDOT and Public Space.

Mr. Holmes thanked all the Commissioners who are leaving. Individual Commissioners now bear the responsibility for a lot of problems in their Single Member Districts and they deserve credit for all their hard work.

Ms. Veenendaal-Selck said she was honored to serve. She said she had learned a lot about being involved in the community and will continue to be involved, but in a different way.

Mr. Hysell reported that he met with Jonathan Kass of Councilmember Wells' office about composting, and there will be a pilot program in ANC 6A. He thanked Dr. Ronneberg for all his "lawyering" on development issues, and Mr. Healy for his decorum, and adherence to doing things "by the book". He said they would be missed.



Advisory Neighborhood Commission 6A Meeting Minutes of December 13, 2012



Ms. Mack said she had served on the ANC since 2003 when her son was 6. She said new Commissioners should learn to balance community and family. She said the biggest project she worked on was the Rosedale Library/Field, and would continue to fight for a name for the library. She also said that the ANC should invest in a microphone and tape recorder. She thanked several people and institutions in her SMD beginning with the Rosedale Grassroots Organization and its President, Sondra Phillips-Gilbert, who will be taking her place on the ANC. Others on her list included DC Acorn, Pilgrim AME Church, Rosedale Citizen Alliance, Peace Baptist Church, Kramer Street Association, Michael Berger, Kingman Park Association, and former mayor Adrian Fenty.

The meeting was adjourned at 8:55 PM.



Commission Letters of December 13, 2012 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



December 14, 2012

Ms. Ruthanne Miller, Chairperson
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Dear Ms. Miller:

At its regularly scheduled and publicly announced¹ monthly meeting of December 13, 2012, Advisory Neighborhood Commission 6A (ANC) voted (6-0-0) to reluctantly agree to the Alcohol Beverage Control Board's (Board) changes to the voluntary agreements between the ANC and the following establishments: Avery's Bar and Lounge and Maketto. The emails on the next page outline the Board's changes to these voluntary agreements. Five Commissioners are required for a quorum. Commissioner Alberti was not in attendance.

Once again, we respectfully ask the Board to share with the ANC why it chose to strike these sections and to provide the ANC with suggested language that would address the Board's concerns in this regard.

The Board is inconsistent in its decisions, and should provide guidance as to what is now permitted to be in Voluntary Agreements. The Board's standards have been particularly volatile in the past three years and this unpredictability can hurt our relationship with our licensees.

Should you have any questions regarding this matter, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee, at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes, Chair

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com and the ANC-6A@yahoo.com (not controlled by the ANC) email groups, on its website ANC6A.org, and through print advertisements in the *Hill Rag*.



Commission Letters of December 13, 2012 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013



December 20, 2012

Ms. Ruthanne Miller, Chairperson
Alcohol Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Dear Ms. Miller:

At its regularly scheduled and publicly announced¹ monthly meeting of December 13, 2012, Advisory Neighborhood Commission 6A (ANC) voted (3-2-1) to request that the restriction on the hours of operation for Cusbah's public space be eliminated. Five Commissioners are required for a quorum. Commissioner Alberti was not in attendance.

Should you have any questions regarding this matter, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee, at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes, Chair

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com and the ANC-6A@yahoogroups.com (not controlled by the ANC) email groups, on its website ANC6A.org, and through print advertisements in the *Hill Rag*.



Commission Letters of December 13, 2012 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013



December 17, 2012

Mr. Clifford Moy
Secretary, Board of Zoning Adjustment
Office of Zoning
441 Fourth Street, NW, Suite 210S
Washington, DC 20001

RE: BZA Case 18463 (901 D Street, NE)

Dear Mr. Moy,

Advisory Neighborhood Commission 6A and the developers have again discussed the number of residential units appropriate to the lot at the current 901 D Street. ANC 6A stands firm at 25 units as the maximum appropriate number. CAS Riegler has agreed to that figure.

The ANC only reached that number because of the extensive outreach to the neighborhood conducted by CAS Riegler. Their offer of parking mitigation measures was appreciated by the community. Without these discussions, my community would never have volunteered to exceed the by-right number of 23.

The credit union has been a quiet neighbor, helping with the community parking problem by allowing the use of its parking lot for Sunday and night time use. Unfortunately oral promises given to the Zoning Commission about improving the look of the historic school were minimally met, if at all, e. g. replacing the doors with historically appropriate material never happened. The oral promises given to ANC 6A in their last zoning appearance also did not happen, e. g. cutting holes in the concrete for cherry trees, planting boxes, replacement of iron bars on the lower windows, repainting of fences. So we are very grateful for the proposed return to the look of the original school and for the removal of the concrete surrounding the school building.

In conclusion, I compliment CAS Riegler's perseverance in the face of neighborhood anxiety about the impact of extra density, and ask that the Board accept the 25 units that are the result of the negotiations between the developer and the ANC.

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A
Commissioner 6A03



David Holmes
Commissioner, Advisory Neighborhood Commission 6A03
On behalf of the ANC and the neighborhood

December 11, 2012

Advisory Neighborhood Commission 6A has adopted a motion at its November 8, 2012 meeting:

That it oppose before the BZA increased density at 901 D Street NE unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in the neighborhood; and that the future 913 D Street NE incorporate a dogleg. The motion passed unanimously, 6-0 with five required for a quorum.

Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls. Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

The standard for a variance requires that the BZA find an exceptional situation where the strict application of the Zoning Regulations result in "exceptional practical difficulties or exceptional and undue hardship" upon a property owner. Such hardship may result from physical characteristics which make the property unique or difficult to use. To approve an application for a variance, the BZA would also have to find that granting the request would not cause substantial detriment to the public good and not be inconsistent with the general intent and purpose of the Zoning Regulations. There are no exterior difficulties that require more than the by-right number. And, many of the design problems within the school itself come from seeking to maximize the number of units placed within the main building around the central support columns - that are required to be retained by the Historic Preservation Review Board.

Twenty three is the maximum number of units that can be built "by-right" on the school lot. The standards for a variance are tight, and they have not been met. The true reason for the variance request is the profitability of the developer - obviously of prime importance to them, but conferring no valid justification under city regulations. It is an argument I hear in many developer presentations before the BZA. (For example, "We bought a two-story, 1800 square foot lot building but now we need a variance to build four units or we'll lose money". Financial hardship is not a valid rationale to set aside the city regulations.)

OVER



There are no practical difficulties and no exceptional and undue hardships in the Edmonds site. It is a flat rectangle with driveway access from both D and Ninth Streets. There is no physical impediment to the site. The internal columns that are to be preserved are not a serious hindrance to allocating space within the building. A good architect will be able to find ready solutions.

Why is density so much of a problem in this neighborhood? Within one block there are three many unit apartment buildings, all with no off-street parking. Across Maryland Avenue, there are two very large apartment buildings with limited parking. There are four medium size apartment buildings with no off-street parking within one block; the student intern and staff housing of the Council for Christian Colleges & Universities with limited off-street parking; the staff and visitors of the Specialty Hospital (the staff does not use its internal parking because of black mold); many eastern Ward 6 residents who park near 8th and D to catch the northbound busses; and the many residents who live in flats on Tenth and D Streets. Parking is saturated in the evening.

The situation is exacerbated by the well-attended church at Ninth and D which has only two parking spots and meets most nights. There is simply no room for additional cars. One of the curses of my time as Commissioner has been dealing with the physical confrontations, the keying, the calls for police enforcement of church- and local-parked cars parked illegally. I asked then-Commander, now Deputy Chief Diane Groomes to speak to the community and the churches about the intemperate reactions to parking stresses. To complicate an already volatile situation, the conversion of 901 will mean that the 9th and D church will lose the use of the credit union lot – a lot that has relieved some of the stress on Sunday morning and Wednesday evening.

In summary, 27 units should not be approved because there are neither practical difficulties nor exceptional and undue hardships that require the variance. Because of the careful and sympathetic presentations of CAS Riegler and Ditto Residential, the ANC and the neighborhood authorized a proposal of two, and only two, additional residential units in exchange for the purchase of a small Capitol Bikeshare station to be installed in the immediate vicinity and the payment of the public space fee for a period of five years of an on-street parking space for a ZipCar to be located adjacent to 901 D.

27 units is a step too far, especially since, I believe, that would have been a neighborhood consensus to approve the original request for 30 units if CAS Riegler had agreed to forgo Residential Permit Parking. No RPP would have been a solution to the principal problem caused by the extra density.

I do ask that the BZA grant a special exception to CAS Riegler for the new fee-simple residence on D Street to allow the construction of a three- or four-foot dogleg to allow light and air to 913 D Street, the existing adjoining eastern home.



Commission Letters of December 13, 2012 Meeting



November 30, 2012

Mr. Clifford Moy
Secretary to the Board of Zoning Adjustment
441 4th Street NW, Room 200
Washington, DC 20001

Dear Mr. Moy,

Advisory Neighborhood Commission 6A (ANC) has voted to oppose any additional density without mitigation measures. Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meetings devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls. Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

The BZA should be aware that parking anywhere near the intersections of 9th and 10th and D Streets is fraught with tension and a long history of unpleasant confrontations.

There is nowhere near enough on-street parking for the existing residents. There are two large apartment buildings on the south side of Maryland Avenue (no off-street parking); a large apartment building on 10th next to D Street; the staff and visitors of the Specialty Hospital of Washington and the DaVita Dialysis Center on 8th Street; the student interns and staff of the Christian College Association on 8th, plus an over-saturation of rooming houses and multi-unit condos in the immediate area. These are all within one block or across the separating street, e.g. a large apartment building across Maryland Avenue on E Street.

There have, in my time as Commissioner, been fist-fights over parking spaces, keying of cars, and much intemperate language. The church directly across the street at 9th and D Streets fills the neighborhood with out-of-state cars (week and weekend, afternoon, evening and night) - a problem that will only get worse after the Credit Union leaves, construction begins, and the Credit Union parking lot closes. People park blocks away from their home in the late evening/night or park illegally close by because they do not feel safe walking any distance at night. The requested additional density will be a substantial problem.

Because of the careful and sympathetic presentations of CAS Riegler and Ditto Residential, the ANC and the neighborhood authorized a proposal of two, and only two, additional residential units in exchange for the purchase of a small Capitol Bikeshare station to be installed in the immediate vicinity and the payment of the public space fee for a period of five years of an on-street parking space for a ZipCar to be located adjacent to 901 D.

The ANC motion authorized the ANC Chair (myself) and the Vice Chair, Dr. Drew Ronneberg, (who also chairs the Economic Development and Zoning Committee of the ANC), to negotiate for a reduction in the on-street parking by the future residents of this condominium complex, and to raise the number from 23 if we felt there would be measures in place to accomplish this goal. The neighborhood, Dr. Ronneberg, and I agreed to reject an offer for parking limitations to be accomplished by condo sale and incorporation documents



which would have limited on-street parking to 19 additional RPP. This proposal seems to us excessively complicated, probably very difficult to enforce, with fines that weren't high enough to deter those who might seek to exceed the limits, and with the money from the fines a potential future problem.

The ANC adopted the following motion at its regularly scheduled and publicly announced[1] meeting of November 8, 2012, with six of the eight Commissioners in attendance. The vote was 6-0-0.

That the "ANC oppose before the BZA increased density at 901 D Street NE, unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in that neighborhood."

Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls.

Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

There are no reasonable grounds to grant a variance without the agreement of the ANC and the neighbors. The extra two units, from 23 to 25 seemed likely to decrease the size of a couple of two-bedroom units to one bedroom, and are a response to the mitigation measures proposed by the developers.

David Holmes and Drew Ronneberg are authorized to act on behalf of the Commission in this matter. I can be reached at 202.251.7079 and at holmes6a3 at gmail.com.

On behalf of the Commission

David Holmes
Chair, ANC 6A

[1] ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com list, the ANC6A email group (not run by the ANC), the NewHillEast email group, through print advertisements in the *Hill Rag*, and on our website, ANC6A.org.

Sent December 1 and receipt acknowledged by Richard Nero on December 3, 2012



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2012

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

Checking Account:

Balance Forwarded		\$	15,025.78
Receipts:			-
District Allotments:	\$	-	
Transfers from Saving Account	\$	-	
Other:	\$	-	
Total Receipts	\$	-	
Total Funds Available		\$	15,025.78

Disbursements:

Capitol Community News Inc.(2013 Hill Rag Ads & Fagon Guide)	Ck #1581	\$	3,815.00
Roberta Weiner (Minutes Nov. 2012)	Ck #1582	\$	180.00
Heather Schoell (Agenda Package Dec. 2012)	Ck #1583	\$	200.00
FedEx Office (Dec. 01, 2012 Statement)	Ck #1584	\$	524.02
Total Disbursements		\$	4,719.02

Ending Balance ----- \$ 10,306.76

Savings Account:

Balance Forwarded		\$	13,714.62
Receipts:			
Interest 12/31/12	\$	0.23	
Deposit - Transfers from Checking Account			
Total Receipts	\$	0.23	
Total Funds Available		\$	13,714.85
Disbursements		\$	-
Ending Balance		\$	13,714.85

Prepared January 2, 2013



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2012

PETTY CASH SUMMARY

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

Prepared January 2, 2013



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 1st Quarter FY13

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

ANC 6A

Summary of Receipts and Disbursements: Checking Account

Balance Forwarded		\$ 17,325.76
Receipts:		
District Allotments		
Interest Income	\$	-
Other Deposits	\$	-
Transfers from Saving Accounts	\$	-
Total Receipts		\$ -
	\$	-
Total Funds Available		\$ 17,325.76
Disbursements:		
1. Net Salary and Wages	\$	-
2. Workers Compensation	\$	-
3. Insurance:		
4. A. Health	\$	-
5. B. Casualty/Property	\$	-
6. Total Federal Wages Taxes	\$	-
7. Tax Penalties	\$	-
8. Local Transportation	\$	-
9. Office Rent	\$	-
10. Telecommunication Services		
a. Landline Telephone	\$	-
b. Cellular Telephone	\$	-
c. Cable/Internet Services	\$	-
11. Postage and Delivery	\$	-
12. Utilities	\$	-
13. Printing and Copying	\$	881.00
14. Flyer Distribution	\$	-
15. Purchase of Service	\$	4,955.00
16. Office Supplies	\$	-
17. Office Equipment		
a. Rental	\$	-
b. Purchase	\$	-
18. Grants	\$	1,183.00
19. Training	\$	-
20. Petty Cash Reimbursement	\$	-
21. Transfers to Saving Account	\$	-
22. Bank Charges	\$	-
23. Website/Webhosting	\$	-
24. Other	\$	-
Total Disbursements		\$ 7,019.00
Ending Balance:		\$ 10,306.76

Approval by Commission: _____

Treasurer

Chairperson

Secretary

Secretary Certification _____

Date _____

I hereby certify that the above noted quarterly financial report has been approved by a majority of Commissioners during a public meeting in which there existed a quorum.



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 1st Quarter FY13

Summary of Receipts and Disbursements: Savings Account

Balance Forwarded		\$ 9,044.52
Receipts:		
Deposit (District Allotment 4th Quarter FY12)	\$ 4,669.76	
Transfers From Checking Account	\$ -	
Other (Interest Earnings, etc.)	\$ 0.57	
Total Receipts		\$ 4,670.33
Total Funds Available		\$ 13,714.85
Disbursements:		
Transfers to Checking Account	\$ -	
Other	\$ -	
Total Disbursements		\$ -
Ending Balance:		\$ 13,714.85

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
11/08/12	\$ 4,669.76	4th Quarter Fy12 District Allotment
Total	\$ 4,669.76	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
10/31/12	\$ 0.15	Interest
11/30/12	\$ 0.19	Interest
12/31/12	\$ 0.23	Interest
Total	\$ 0.57	



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL
ACTIVITY
Listing of Checks Issued
1st Quarter FY13

Check #	Date	Payee	Amount	Expense Category	Purpose of Expenditure	Date Approved (1)
1574	10/11/12	Heather Schoell	\$ 200.00	15	Agenda Package - Oct. '12	10/13/11
1575	10/11/12	Roberta Weiner	\$ 180.00	15	Minutes - Sept. '12	10/13/11
1576	10/28/12	FedEx Office	\$ 356.98	13	Oct. 1, 2012 Statement	Budget Approved 10/13/11
1577	11/04/12	Band Shoppe	\$ 533.00	18	Grant - Eastern HS PTSA	10/11/12
1578	11/04/12	A.D.R. Bulbs, Inc.	\$ 650.00	18	Grant - Capitol Hill Garden Club	04/12/12
1579	11/08/12	Heather Schoell	\$ 200.00	15	Agenda Package - Nov. '12	10/11/12
1580	11/08/12	Roberta Weiner	\$ 180.00	15	Minutes - Oct. '12	10/11/12
1581	12/03/12	Captial Community News, Inc.	\$ 3,815.00	15	Hill Rag & Fagon Guide Ads for 2013	11/08/12
1582	12/13/12	Roberta Weiner	\$ 180.00	15	Minutes - Nov. '12	10/11/12
1583	12/13/12	Heather Schoell	\$ 200.00	15	Agenda Package - Dec. '12	10/11/12
1584	12/13/12	FedEx Office	\$ 524.02	13	Dec. 1, 2012 Statement	Budget Approved 10/11/12
Total			\$ 7,019.00			



Committee Reports

Community Outreach Committee (COC)



ANC 6A Community Outreach Committee did not meet on December 17 as originally planned. Never-the-less, we submit this report on our recent activities.

Elizabeth Nelson (Chair), Pat Joseph, Louis Barbash, Rose Williams, Jean Kohanek

- I. **ANC flyer**
As previously reported, there is no recommendation for mass copying and distribution of the ANC flyer. Never-the-less, it is a useful summary, currently posted on our website, and must be updated to reflect current information. Jean Kohanek has begun work on this but it cannot be finalized until after the election of officers at the January ANC meeting. A limited number of copies will be made available for distribution at ANC and ANC Committee meetings out of the approved COC photocopying budget.
- II. **Website**
 1. Ms. Nelson has completed a draft of the updated Commissioner page. This will be released around the first of January to coincide with the beginning of the new terms. Like the flyer, it can't be completed until after the election of officers. As previously discussed, Ms. Nelson will take a group photo at this same meeting to replace what is currently on the page.
 2. Individual Commissioner pages have been updated/created as necessary. These have already been posted, however, additional changes can be made at the request of the commissioners.
 3. Committee Chairs and the ANC Chair are asked to advise Ms. Nelson as to which items on the Other Documents page can be moved to archive pages. In the absence of guidance, she will make the decision herself.
- III. **Fagon Guide**
Ms. Nelson anticipates receiving a request for copy for the ad to run in the Fagon Guide, in early January. This will be based on the information posted on the Commissioner and Committee pages as was done last year. A draft will be circulated for comment before forwarding to the Guide.
- IV. **Hill Rag distribution locations**
Commissioners (including incoming members) were polled for request of additional Hill Rag distribution locations. Hill Rag distribution locations have been added at Sherwood Recreation Center, Rosedale Recreation Center, Rosedale Library, Kingsman Field (1300 block of D St. NE), and the corner of 18th and D Sts. NE. A revised list of locations in or near 6A will soon be available on the Publications page of the website.
- V. **The next meeting will be held January 21, 7:30 p.m. at 1235 C St. NE.**



Committee Reports

Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee

ANC 6A

December 18, 2012

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on December 18, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Michael Herman, and Anne Marie Koshuta

Committee Members Absent: Katy Thomas

Commissioners Present: David Holmes and Drew Ronneberg

Community Members Present: Dave Oberting, Christopher Seagle, Bernard Gibson, and Mark Menard

I. Call to Order

Chairman Healy called the meeting to order at 7:05 pm. The meeting having been duly convened was ready to proceed with business with a quorum.

II. Community Comment

None.

III. New Business

Follow-up discussion of the ANC’s letter to Twelve located at 1123-1125 H St NE regarding noise complaints that violate their voluntary agreement

The Committee held a discussion about the on-going noise complaints about Twelve from nearby residents. The ANC sent a letter to Bernard Gibson, owner of Twelve, invoking the cure provision of the voluntary agreement between ANC6A and Twelve. Mr. Gibson indicated that new windows would be installed within 2-3 weeks and that should take care of the noise problems. The Committee decided to allow this 2-3 week period for the new windows to be installed and to continue this discussion at the January 15 ABL Committee meeting.

IV. Adjourn

The Committee adjourned.



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes Sherwood Recreation Center (10th Street and G Street NE) December 17, 2012

- I. Call meeting to order at 7:07 pm.
- II. In attendance: Nelle Pierson, WABA Outreach Coordinator; residents Bonita Dandridge, Ms. Salter, Ms. Oshin and Todd Sloves; Damon Harvey, DDOT Deputy City-Wide Program Support Manager; ANC 6A Commission Chairman David Holmes; and J. Omar Mahmud, Committee Chair.
- III. Community Comment
 - A. Ms. Dandridge expressed concern about residents like her getting tickets on her block for violating the two hour parking restriction. Mr. Harvey agreed to send an email to the DDOT manager responsible for these matters to find out why there is a new sign on her block creating the ticketing problem. Mr. Mahmud asked Ms. Dandridge to provide him with her contact information so that he could follow up with her about this matter. Mr. Harvey also asked Ms. Dandridge to give him the citation number for the ticket so he can follow up.
 - B. Ms. Oshin asked about obtaining resident only parking for her block on Maryland Avenue. She has a petition signed by neighbors but is unsure of what to do with it. Mr. Harvey agreed to accept the petition from Ms. Oshin and turn it into DDOT in the morning.
- IV. New Business
 - A. Presentation regarding a “bicycle parade” organized by the Washington Area Bicyclist Association (WABA) - Mr. Mahmud introduced Ms. Pierson and thanked her for attending. Ms. Pierson went on to provide the following information and answer questions from those in attendance:
 1. The WABA bicycle parade is called the Tour de Fat. Fat is for the bicycle tires, not anything else. The event is put on by a beer company in Colorado and proceeds go to local bike advocacy groups. Organizers are emphasizing a family friendly event. Last year was the first year of the event in DC, which raised \$20,000 for WABA.
 2. The event will be on Saturday June 1. At 11 am riders gather at Yards Park in Southeast DC. There are some street closures for a temporary time, but they are primarily in ANC 6B. Race organizers were unable to get a closure of M Street SE approved for last year’s race.
 3. There is a video of the event last year, which Ms. Pierson agreed to email to Mr. Mahmud.
 - a. Chairman Holmes indicated he and Commissioner Nick Alberti are OK with the proposed street closures in their single member districts and will support the race.
 - b. Chairman Holmes recommended organizers get MPD support to help with the street closures and to protect cyclists from motorists.
 - c. Ms. Oshin asked how this event educates cyclists in the area since she is concerned about bicyclist riding safely on streets. Ms. Pierson indicated there are booths with educational materials at the event and she personally encourages helmet use.
 - d. Ms. Dandridge asked what ages are allowed to participate in the event and if there is a cost. Ms. Pierson indicated the event is open to all ages and that it is free of charge to sign up.



Committee Reports

Transportation and Public Space (TPS)



4. Chairman Holmes indicated he would like approval from ANC 6A to be contingent on seeing a Homeland Security and MPD approved plan for addressing street closures. Mr. Mahmud suggested we also see approvals from adjacent ANCs.
5. ***Mr. Mahmud made a motion that the ANC send a letter of support for the 2013 Tour de Fat contingent on Ms. Pierson showing Homeland Security and MPD have approved the street closure plan and that the adjacent ANCs have sent letters of support. Chairman Holmes seconded the motion, which passed without objection.***

V. Old Business

- A. Performance Parking program rollout updated by Damon Harvey of DDOT - Mr. Mahmud introduced Mr. Harvey, thanked him for attending and told him the committee is most interested in getting an update on the status of the H Street pilot program, visitor parking permits and the new meter pricing scheme proposed by DDOT. Mr. Harvey went on to provide the following information and answer questions from those in attendance:
 1. One of the program tools is to adjust meter rates based on usage data to create optimal parking price points.
 2. There are also enhanced parking restrictions which allow for resident only parking. Designed to benefit us as residents by ensuring parking on blocks just off H Street.
 3. 36 multi-space meters have been installed on the corridor. There is also a network of smart meters on the side streets of H Street. These meters are all 4 hour max until 6:30 pm. After that time there is no time limit.
 4. Smart meters allow parkers to pre-pay on the network smart meter, meaning they are not charged until meter enforcement hours begin (e.g. 7am).
 5. Regarding the 4-hour meters in front of Horace & Dickies, Mr. Harvey doesn't believe changing them to 15-minute meters will help the problem with illegal parking on this block (e.g. cars double parked, parking on the sidewalk, blocking the alley, etc.). Mr. Harvey indicated there has been an increase in enforcement, which will help.
 - a. Chairman Holmes informed Mr. Harvey the ANC's motivation for requesting the change to 15 minute meters is because we thought shorter parking times would benefit both business and residents. Mr. Harvey expressed concern that you will "walk people into tickets" by putting in 15-minute parking restrictions. Mr. Harvey indicated his team is concerned about the peak hours and people not being able to park long enough to wait in line for food. He's not sure 15 minutes is the right time.
 - b. Mr. Mahmud questioned if there is a more optimal time that would encourage turnover of parking spots while ensuring people could park long enough to pick up food. He expressed further concern about the current 4-hour parking spots not being a good idea for allowing parking turnover, hence people deciding to illegally park when parking spots are not available. He stressed to Mr. Harvey that this is a real concern for the neighborhood and that something must be done soon to resolve the problem. Mr. Harvey indicated his team would take all information under advisement.



Committee Reports

Transportation and Public Space (TPS)



6. Regarding the visitor parking permits, Mr. Harvey indicated all those living within one block of H Street would be receiving one initially (mailed out at the end of the prior week). Each household can give the pass to guests so they can park in restricted areas without getting a ticket. Soon DDOT will migrate to an online system for obtaining visitor parking passes, hopefully next year. These passes do not allow overnight parking by cars with out of state license plates because the ROSA (registration of out of state automobiles) law trumps this parking authorization.
 7. Residents can go to www.ddot.dc.gov to find specific information about the H Street pilot program.
 - a. Chairman Holmes informed Mr. Harvey that the Commission may request that DDOT include all of ANC 6A in the pilot, not just the portion of the ANC near H Street.
 8. ANC 6A has all the new meter technology installed along the H Street corridor. ANC 6A is one of the few areas in the city with the newly installed smart meters.
- B. Consider Next Steps with DDOT regarding petition from residents to convert the 1400 block of G Street NE to one-way traffic.
1. Mr. Mahmud asked to table this item given we are still awaiting information from DDOT and the concerned resident is not in attendance.
- VI. Additional Community Comment
- A. ***Mr. Mahmud made a motion that the January 2013 committee meeting be moved back one week to January 28 because of the Presidential Inauguration. Chairman Holmes seconded the motion, which passed without objection.***
- VII. Adjourn meeting at 8:30 pm



Committee Reports Economic Development and Zoning (EDZ)



Report of the Economic Development and Zoning Committee of ANC 6A December 19, 2012

Present: Members: Missy Boyette, Jeff Fletcher, Charmaine Josiah
Commissioners: David Holmes, Drew Ronneberg

Drew Ronneberg chaired the meeting.

Call to Order

Community Comment

There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPRB Cases: Commissioner Holmes provided an update on 901 D St. NE. The project went through the BZA, and OP suggested a maximum of 27 units. The neighbors had wanted a maximum of 23 units, so an agreement was reached for a maximum of 25 units. The developer will provide zipcar rental space for 5 years and will purchase a bike rental station. BZA's final vote occurred yesterday.

Commissioner Holmes also provided an update on the BZA case related to the gas station at 1400 Maryland Avenue, NE. The case is coming back in January.

Vacant Properties: No report.

Zoning Regulations Rewrite: Drew Ronneberg mentioned that the zoning regulations rewrite is in full swing. Meetings are currently being held ward-by-ward to educate the community on the proposed changes. Commissioner Ronneberg stated that the most dramatic zoning changes that would affect ANC 6A relate to parking, matter-of-right corner stores, alley dwellings, and minimum lot size. Charmaine Josiah stated that she attended one of these meetings. Jeff Fletcher also attended a meeting. Mr. Fletcher stated that the presentation was good, and that the issues of parking, corner stores and accessory use would be of most interest to Capitol Hill residents. Everyone is encouraged to attend one of these meetings.

H Street Business Liaison Report: No report.

Other: Charmaine Josiah provided an update on panel discussions that are being formed in order to address zoning issue education. She will meet with AIA DC soon in order to set these meetings up and will update the ANC when they have been set.

Old Business

None.



Committee Reports

Economic Development and Zoning (EDZ)



New Business

ZC #10-19 (901 H St. NE): Commissioner Ronneberg provided background for the committee on this case. The ANC previously spent approximately 3 years on this project. The Zoning Commission issued an order, and the developer recently requested a 2-year extension so that the order does not expire, as the project has not yet commenced.

Sam Rank from Rappaport and Kyrus Freeman from Holland and Knight presented the case. The project is intended to be ground floor retail with residential above. The order was issued in January 2011, which would require filing for a building permit by 1/13 and starting construction by 1/14. The developer is asking to extend this 2 years such that they are required to file for a building permit by 1/15 and starting construction by 1/16.

Drew Ronneberg explained that the standard for an extension requires no changes to plan and demonstration of good cause. Mr. Rank explained that the plans have not changed at all, and that the demonstration of good cause is related to the complex existing leases that are held by the retailers. The project timeline has also been delayed since the financing market has not improved over the past 23 months. Mr. Freeman explained that the lenders want to see absorption, to ensure that units are being rented out. Regarding the implementation of the project, Rappaport has been in communication with residential developers who they would partner with in a joint venture.

Committee members asked questions. Commissioner Ronneberg asked whether there had been any progress with 7-11's lease. Mr. Rank stated that they are looking for an opportunity to reclaim the space, but that the Zoning Commission order allows for the project to be built in phases. Mr. Freeman stated that properties under review for absorption include Ava (K Street), Clark's Arboretum, and the Steuart Building on H St. Mr. Rank explained that Rappaport has owned this shopping center since its original opening.

Community members asked questions. One community member inquired as to how the streetcar project affects this development. Mr. Rank explained that the streetcar project will be key and will drive excitement.

Recommendation: The Committee voted 4-0 to recommend that the ANC write a letter of support for a 2-year extension. This will go before the full ANC in January.

BZA #18491 (1425 N. Carolina Ave. NE): The owner seeks a variance to build a deck. Bernie Gay, the architect, and Janet Gotowitz, the owner, were present to describe the case.

Mr. Gay explained the geometry of the site at the subject property. He stated that the property on the opposite side of the alley has an imposing high fence and takes up 100% of its lot occupancy. Ms. Gotowitz moved into 1423 N. Carolina Ave. and later purchased 1425 N. Carolina Ave. as well. She has lived in the subject property for ten years. Mr. Gay stated that neighbors have been contacted, and that the owner has received letters of support from two of her neighbors.

Committee members asked questions. Jeff Fletcher inquired as to whether the proposed deck would occupy 100% of the site. Mr. Gay responded that the proposed deck is held back slightly from the rear property line and that the proposed deck would take up approximately 94% of the site. Commissioner Ronneberg asked whether the owner will be able to park under the deck. Mr. Gay



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responded that the deck is approximately seven feet off of grade and that zoning requires that a parking space be provided. Commissioner Ronneberg asked for burden of proof for the variance. Mr. Gay responded by stating that the current lot occupancy is 64%. Jeff Fletcher stated that the proposal is for 94% lot occupancy, but that the application for the variance says that there will be an increase in lot occupancy of 34%.

Commissioner Ronneberg asked that the owner and architect describe the hardship. Mr. Gay stated that the owner does not currently have full use of her property, as it is overshadowed by the property across the alley. Ms. Gotowitz added that she has a desire for privacy. Commissioner Ronneberg stated that the lot occupancy being requested is in excess of the standard. In addition, Commissioner Ronneberg stated that illegal construction does not serve as justification. He added that the ED&Z Committee and the ANC almost always support special exception for 70% lot occupancy, but that this does not come close to the variance standard. Jeff Fletcher stated that the owner would be allowed to have a full deck at 4' or less above grade, but that the proposal for a 7' high deck is too high. Commissioner Ronneberg stated that if the scheme was at 70% lot occupancy and if the deck was 4' or lower to grade, the Committee would be supportive.

Community members asked questions. One member inquired as to whether approval of this proposal would affect future similar cases. Commissioner Ronneberg responded that this is the case, as the ANC must be consistent.

Recommendation: The Committee voted 4-0 to recommend that the ANC oppose this application for a proposed rear deck extension.

Additional Community Comment

None.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, January 16, 2013
7-9 PM**



Committee Reports Economic Development and Zoning (EDZ)



January XX, 2013

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

Re: BZA Case #18491 (1425 N. Carolina Ave NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed¹ meeting on January 10, 2012, our Commission voted X to X (with 5 Commissioners required for a quorum) to oppose the applicant's request for an area variance from the lot area requirements under subsection 401.3. The Commission believes that the requested variances is not justified because the project does not meet the standard for zoning relief set forth in § 3103.2.

Specifically,

1. The lot does not exhibit exceptional shallowness, narrowness, unusual shape, topographical condition or other extraordinary or exceptional condition.
2. The denial of the application wouldn't result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. The owner claims that her hardship is due to the shadows on her property that are cast from a structure and high fence across the alley. The owner also claims that this fence was likely constructed illegally. Because this area is a dense R-4 zoned neighborhood of rowhouses, neighboring structures often cast shadows on other properties. Since many residents also face similar conditions, this owner's situation is not exceptional and the denial of the zoning relief will not cause undue hardship. In addition, we believe that if the neighbor's back deck and fence were constructed illegally, then the proper remedy is to pursue this through DCRA's illegal construction unit rather than through a zoning process for a neighboring property.
3. The granting of this application would substantially impair the intent, purpose and integrity of the Zoning Plan as embodied in the zoning regulations because it would create precedence for structures in covering almost 100% of a lot in residential zones, and would thus negatively impact the light, air and privacy of neighboring properties throughout our ANC and the rest of the District of Columbia.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the *Hill Rag*.



Committee Reports Economic Development and Zoning (EDZ)



The circumstances of this case are very similar to BZA Case #18082 (1018 Florida Ave. NE) for which the BZA denied the applicant's request for a variance. Our Commission urges the Board to issue a ruling consistent with the prior case. Granting zoning relief in this case significantly lowers that bar for meeting the variance test and will encourage others to purchase homes with the expectation that they can obtain zoning relief to "fix" perceived imperfections in their property.

The commission believes that the owner should reduce the size of the elevated deck so that it is under 70% lot occupancy required for a special exception – a burden of proof that we believe is attainable by the applicant.

Please be advised that Nick Alberti, David Holmes and Laura Gentile are authorized on behalf of ANC 6A for the purposes of this case. Commissioner Alberti can be reached by phone at 202 543-3512 or by email at alberti6a04@yahoo.com.

On behalf of the Commission,

David Holmes
Chair



Committee Reports Economic Development and Zoning (EDZ)



January XX, 2013

Ms. Sharon S. Schellin
Secretary of the Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: Extension of PUD order in ZC Case 10-03 (901 H Street NE - H Street Connection Redevelopment)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed² meeting on March 11, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support Parcel Seven Associate's request for an extension to the PUD order to redevelop the H Street Connection site at 901 H St NE.

Representatives of Parcel Seven Associates have presented their reasons for requesting the Order extension at the December 19, 2012 meeting of ANC 6A's Economic Development and Zoning Committee. We believe that Parcel Seven Associates have satisfied the requirements of Section 2408.10 and 2408.11 by demonstrating that issues with financing have created the "good cause" required for the extension.

Our ANC is eagerly awaiting the construction of this development because it will accelerate the H Street's development as a vibrant retail corridor. We are extremely pleased to have worked with a developer who was willing to engage the community and incorporate many of their ideas into the design of the project.

Please be advised that Drew Ronneberg and I are authorized to act on behalf of ANC 6A for the purposes of this case. Dr. Ronneberg can be reached at ronneberg6a02@gmail.com or (202) 431-4305..

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A

² ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the *Hill Rag*.



New Business



From: **Fashbaugh, Sarah R. (ABRA)** <sarah.fashbaugh@dc.gov>
Date: Wed, Dec 19, 2012 at 10:21 AM
Subject: Fever Bar & Lounge - Voluntary Agreement
To: "holmes6a3@gmail.com" <holmes6a3@gmail.com>, "Adam C. Healy (healyanc6a01@gmail.com)" <healyanc6a01@gmail.com>
Cc: "Jenkins, Martha (ABRA)" <Martha.Jenkins@dc.gov>, "Fashbaugh, Sarah R. (ABRA)" <sarah.fashbaugh@dc.gov>, "Delgado, Yazmin (ABRA)" <yazmin.delgado@dc.gov>

Good Morning,

Thank you for submitting the Voluntary Agreement, dated July 12, 2012, between Fever Bar & Lounge and ANC 6A("Agreement").

On December 12, 2012, the Board reviewed the Agreement, which was **approved with modifications** to remove or modify the following provisions, which exceed the scope of DC Official Code 25-446 and 23 DCMR 1609:

- **Section 1 (a):** Remove, "... a minimum of twice daily (once immediately before business hours and again between 5:00 pm and 8:00 pm)."
- **Section 2 (i):** Include, "Upon request of the Board."
- **Section 7 (b):** Remove, "...shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 DCMR 1513.5," and insert, "...may submit a complaint to ABRA regarding the alleged breach."

If the parties agree to the modifications, this can be accomplished via the Board Order without the parties submitting a revised Agreement. **Please respond to this e-mail with your approval of the modifications. If you have any questions, please contact Martha Jenkins, General Counsel at Martha.Jenkins@dc.gov .**

Thank you.

Sarah Fashbaugh
Adjudication Assistant
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 400 South
Washington, D.C. 20001
P: (202) 397-3971
F: (202) 442-9563



New Business



Made this 12th day of July, 2012

by and between

Fever Bar & Lounge (ABRA #089716)
816 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 Voluntary Agreement shall be presented to all Class CT 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 CT Liquor License at the subject premises; and,

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.).

Voluntary Agreement between Fever Bar & Lounge and ANC6A
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- 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 a valid 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 an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with 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.
- f. Applicant, and all employees that are designated to serve alcoholic beverages, 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 if illegal activity is observed,
 - iii. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - iv. 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 Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- j. Applicant shall not support 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 companies as defined licensed and in

Voluntary Agreement between Fever Bar & Lounge and ANC6A

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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 hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio 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 licensee may submit a change of hours application to allow for expanded hours of operation on the patio.
- e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.
- 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.
- g. All CT license holders with an entertainment endorsement must have an ABRA accepted security plan in place.
- h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

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 ABC Board or by the ABC Board consistent with DC Code § 25-446. 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 shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
- b. Applicant will operate in compliance with all applicable DC laws and regulations.

Voluntary Agreement between Fever Bar & Lounge and ANC6A

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New Business



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: DARRYL T. COHEN FOR FEVER BAR & LOUNGE Date: 7/12/2012

Signature: *Darryl T. Cohen*

Advisory Neighborhood Commission 6A Representative:

By: DAVID HOLMES Date: 7-12-12

Signature: *David Holmes*



New Business

