



District of Columbia Government  
Advisory Neighborhood Commission 6A  
**Agenda for February 11, 2010**



- 7:00 pm **Call to order, adopt agenda, and approve previous meeting's minutes. pg. 3**
- 7:05 SMD 6A02 Candidate Remarks (Bobby Pittman and Drew Ronneberg)
- 7:10 Elections for SMD 6A02 begin, and will end at 8:10 p.m.
- 7:15 **Community Presentation** - Diane Thomas of the National Marathon
- 7:25 **Community Presentation** - H Street Connection Development - Gary Rappaport, Owner, and Sarah Alexander, Architect
- 7:35 **Community Comments** (2 minutes each)
- 7:40 **Officer Reports:**
- Chair (2 minutes)
  - Vice-Chair (2 minutes)
  - Secretary (2 minutes)
  - Treasurer (2 minutes) *pg. 13*
    1. Approve treasurer's report and previous month's disbursements.
    2. Approve monthly photocopying expenses.
- 7:50 **Single Member District reports** (2 minutes each)
- Standing Committee Reports:**
- 8:00 **Alcohol Beverage Licensing** *pg. 18*
1. **Recommendation:** ANC 6A protest the CT application of Biergarten Haus (1355 H St., NE) unless we have an approved VA before the petition date (March 8).
  2. **Recommendation:** ANC 6A protest the CR application of Souk (1208 H St., NE) unless we have an approved VA before the petition date (March 1).
  3. **Recommendation:** ANC 6A protest the Rock & Roll Hotel Substantial Change (1353 H Street NE) application unless we have a signed VA by the petition date of February 1.
  4. Approve committee report.
  5. Next meeting - 7:00 pm, Feb. 16, 2010 (3<sup>rd</sup> Tuesday)
- 8:05 **Economic Development and Zoning** *pg. 31*
1. **Recommendation:** ANC 6A support Gallaudet University's zoning application to amend its approved campus plan to allow the conversion of Denison House from administrative to residential use.
  2. **Recommendation:** ANC 6A write a letter of support to HPRB for the design of 324 and 326 12th St NE.
  3. **Recommendation:** ANC 6A accept the ED&Z proposed 2010 Goals.
  4. **Nomination** of Phil Toomajian to the ED&Z committee.
  5. Next meeting - 7:00 pm, Feb. 17, 2010 (3<sup>rd</sup> Wednesday)



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8:10 **Community Outreach** *pg. 36*

1. **Recommendation:** ANC 6A increase by \$2,500 the existing ANC 6A grants budget. (No quorum.)
2. Approve committee report.
3. Next meeting - 7:30 pm, Feb. 15, 2010 (3<sup>rd</sup> Monday)

8:15 **Transportation and Public Space Committee** *pg. 37*

1. **Recommendation:** ANC 6A send a letter regarding rerouting of 90/92 bus line down 10th St., NE.
2. **Recommendation:** ANC 6A accept the proposed TPS 2010 Goals
3. Next meeting - 7:00 pm, Feb. 15, 2010 (3<sup>rd</sup> Monday)

8:20 **Public Safety Committee** *pg. 41*

1. No committee report. Meeting cancelled due to lack of quorum.
2. Next meeting - 7:00 pm, Feb. 18, 2010 (3<sup>rd</sup> Thursday)

8:25 **Unfinished Business**

8:30 **New Business** *pg. 42*

1. Announce ANC 6A02 Election Results (Robinson)
  - a. Approval of Resolution to fill seat for SMD 6A02
  - b. Approval of Transmittal Submitting SMD 6A02 Resolution
2. H Street Connection Development Consolidated Committee Recommendations
3. Discussion of the Process and Timing for Commission Approval of VA Agreements
4. Motion to amend the Bylaws (Holmes)
5. Motion that ANC 6A requests that the Mayor, his Special Events Task Force, and the Metropolitan Police Department's Homeland Security Bureau and Special Operations Division pursue and enforce proposed guidelines for races in residential areas (Holmes)

8:50 **Community Comments Round II, time permitting (2 minutes each)**



# Advisory Neighborhood Commission 6A Meeting Minutes of January 14, 2010



## Advisory Neighborhood Commission 6A Miner Elementary School

Minutes  
January 14, 2010

The meeting was called to order at 7:00 p.m.

Present: Commissioners Alberti, Beatty, Holmes, Mack, Marshall, Robinson, and Schultheiss. The meeting was chaired by Vice Chair David Holmes

### 1. Approval of agenda

Mr. Alberti asked that an allocation of funds for the Post Office box be added to the Treasurer's Report; and that a discussion of policies for voluntary agreements be added to New Business. Ms. Beatty asked that Liberty Tree Tavern be added to the ABL Committee report. The agenda, as amended, was approved without objection.

### 2. Minutes

The minutes for the December meeting, approved without objection.

### 3. Special Orders

#### Special Election

Mr. Holmes noted that a vacancy has occurred in SMD 02, and that notice of that vacancy was published in the DC Register, that postal notification announced the vacancy to every registered household in the SMD, that the nominating petitions were made available and there being more than one candidate, announced that an election to fill the vacancy will be held on February 11, 2010, during the meeting of the ANC. Each candidate will be permitted to speak for five minutes and answer any questions from the community. The hours of the election will be 7:10 to 8:10 p.m. Anyone in line to vote at that hour will be permitted to vote.

As is normal in ANC midterm elections (including the then-vacant position now filled by Commissioner Marshall) without objection, the Office of Advisory Neighborhood Commissions (OANC) is hereby delegated to supervise the printing, casting and counting of ballots. The results of the balloting will 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.

Two resident candidates have obtained the necessary 25 signatures. Those wishing to vote must be residents of SMD 02 and registered to vote therein. The Secretary and/or the OANC on his/her behalf 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. Each elector shall then receive a ballot that lists the qualified candidates in alphabetical order by last name. The new Commissioner will be seated when the results are announced, and will be able to vote when sworn in by Councilmember Wells.

Pursuant to the bylaws, *Article XI, Section 1, f (11)*, a letter will be sent by the Chair and one other officer to the ANC to the Board of Elections and Ethics, the Council, the Mayor, and the successful



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candidates, informing them of the results of the election, and asking the Board, by publication in the DC Register, to declare the vacancy filled.

### Election of Officers

Mr. Robinson asked whether it was in order to elect a slate of officers. Mr. Holmes responded that it was permissible under the bylaws but that, while it required only a simple majority to elect the slate, it required a two-thirds vote to permit a slate to be voted on. **Motion:** Mr. Robinson moved/Ms. Beatty seconded a motion to permit the election of a slate of officers. The vote was 4-3, with Commissioners Alberti, Holmes and Schultheiss in opposition. The motion failed.

Each candidate was given a short period to speak.

### Chair

Mr. Alberti moved/Mr. Schultheiss seconded the nomination of David Holmes.

Ms. Beatty moved/Mr. Marshall seconded the nomination of **Kelvin Robinson**.

Mr. Holmes said he has been Vice Chair for three years, had spoken at or attended 43 Council, Board, agency meetings and court hearings on behalf of the ANC, in addition to meetings on behalf of his SMD. He said he has written letters in the absence of the Chair, and pursued initiatives authorized by the ANC with the City and Council staff and with other ANC Commissioners.

Mr. Robinson said that when he was elected he said he wanted to get to know how the ANC functions and he has done that, and has attended most of the ANC's Committee meetings. He said he wants to open the process further where Commissioners, Committees and the community have a greater say in setting priorities for the ANC.

**Mr. Robinson was elected 4-3.**

### Vice Chair

Ms. Mack moved/Mr. Robinson seconded the nomination of **Mary Beatty** for Vice Chair.

There were no other nominations.

Ms. Beatty said she was happy to serve and had found her time on the ANC to be rewarding, and was happy to be continuing to serve the community.

**Ms. Beatty was elected unanimously.**

### Secretary

Ms. Beatty nominated David Holmes for Secretary. He declined to run.

Mr. Alberti said that because of the way the bylaws were written, the body could not move to the Treasurer's position until the position of Secretary was filled. Mr. Robinson said he believed the elections could go out of order if it was the order of the Chair. Mr. Alberti suggested that if the current Secretary is willing, he could remain in the position until February and resign after the next meeting.

Mr. Holmes nominated Ms. Mack, who declined to run.

After more discussion, Ms. Beatty nominated **Raphael Marshall**, who, after hesitating, agreed to put his name in nomination.

**Mr. Marshall was elected 6-0-1, with Mr. Marshall declining to vote.**



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### Treasurer

Ms. Beatty moved/Ms. Mack seconded the nomination of **Nick Alberti** for Treasurer. Mr. Alberti said he was flattered to be asked to serve again.

**Mr. Alberti was elected unanimously.**

Mr. Holmes announced that the Treasurer would notify the bank of changes in the ANC's officers and will obtain depository signatures from the Chair and the Vice Chair, if necessary.

### Chairs of Standing Committees

Mr. Holmes nominated/Ms. Beatty seconded the nomination of **Elizabeth Nelson** to be Chair of the **Community Outreach** Committee.

Mr. Holmes nominated/Mr. Schultheiss seconded the nomination of **Drew Ronneberg** to be chair of the **Economic Development and Zoning** Committee. He was elected unanimously.

Mr. Holmes nominated/Mr. Robinson seconded the nomination of **Mary Beatty** to be Chair of the **Alcoholic Beverage and Licensing** Committee. She was elected unanimously,

Mr. Holmes nominated/Mr. Robinson seconded the nomination of **Rebecca Sibilias** to be Chair of the **Public Safety** Committee. She was elected unanimously.

### Transportation Committee

Mr. Holmes moved/Ms. Beatty seconded a motion to authorize the continuance of the **Transportation and Public Space** Committee, which is not a standing ANC Committee. Mr. Holmes said that he would like to change that in any rewrite of the bylaws. The committee was re-authorized unanimously.

Mr. Holmes moved/Ms. Beatty seconded the nomination of **Omar Mahmud** as **Chair of the Transportation and Public Space** Committee. He was elected unanimously.

Each of the candidates for Committee Chair expressed their appreciation to the ANC and looked forward to continuing their service to the community.

### Committee Members

The members of the ANC's Committees were approved en bloc and unanimously:

Alcohol Beverage and Licensing: Tish Olshefski, Ann Marie Koshuta, Jaki Downs, Michael Hermann

Economic Development and Zoning: Dan Golden, Cody Rice, Barbara Halleck, Jeff Fletcher, Linda Whitted, and new member Arkan Haile.

Public Safety: Todd Hames, Dan Wolff, and new member John Cotten

Community Outreach: Louis Barbash, Rose Williams, Mark Roy, Necothia Bowens, Jean Kohanek.

Transportation and Public Space: Lance Brown, Shane Artin, DeLania Hardy, Sean Lovitt, Marion Smoker, Diane Hoover.

Mr. Holmes announced that, by unanimous consent, the new Chair is authorized to write a letter to the City Council, the Mayor and the OANC informing them of the officers elected for ANC 6A for 2010.

## 4. Community Comment

Alex Rotan, the Mayor's Ward 6 Service Coordinator, said he had received the ANC's letter about H Street activity and reported that: the lighting gaps have been filled; in regard to the construction



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barriers, there is a strong BID on H Street to monitor activity around the construction barriers, but that they will be moved as construction moves and will not be a permanent hazard; and that ways to utilize the vacant spaces are being explored with the DC Commission on the Arts and Humanities.

Joe Fengler, who resigned as Commissioner (SMD 6A02) and Chair of ANC 6A last month, said:

Over the past seven years, it has been my privilege to work with Commissioners and residents to tackle problems and implement solutions in our community. I am biased—but I think ANC 6A is the most effective community organization in the city. That success was a result of the many residents who volunteered time and energy to serve on the ANC committees creating the solutions and shaping the decisions the Commission implemented. No-one is perfect—I have had my share of mistakes, misstatements and just plain bad decisions - but despite my shortcomings, the Commissioners, resident volunteers and constituents supported me during my tenure as Commission Chair over the past seven years. Seventy-five meetings and a few hundred letters later, we changed zoning codes, addressed longstanding public space violations, banned single sales of beer, worked with many organizations to secure the renovation of H Street and became an effective voice of change. I own many a great debt of gratitude for their support—so thank you all.

He particularly thanked Mr. Alberti as the “keeper of truth” for the ANC and said that he had looked out for him as his conscience. He also thanked his wife for her patience and toleration of his volunteer activity.

Mr. Alberti thanked Mr. Fengler for the countless hours he put in. He grew emotional in thanking him for his patience and activities on behalf of the community. He said that in his travels in the community over the past weeks countless people have told him how wonderful Mr. Fengler is and how he will be missed.

Vanessa Ruffin said she’s been in the community through three ANC chairs and that small steps have been taken to improve things, but major things remain, such as trash pick-up problems and vermin. She wanted to thank Mr. Fengler for his efforts, and asked Commissioners to put these issues back on the table.

Mr. Holmes contributed the following tribute to Mr. Fengler:

Joe Fengler helped make this the most effective ANC by hard work. He has been a forceful advocate for the ANC and the District. He may have lost on sound control but he succeeded spectacularly with the renovation of H Street, the Starburst intersection, single sales—with Mary Beatty, and the streetcar. He, with other senior members, cleaned up a clangorous and corrupt Commission. My first time attending 6A had gentlemen placing their hands under their shirts behind their backs when losing an argument, and police were stationed at every meeting to prevent violence. With Commissioner Cody Rice and others, he sought and obtained new codes governing restaurants and the extremely useful H Street Overlay. Thank you Joe Fengler for all you done for our ANC and the City.

Mr. Marshall thanked Mr. Fengler for the professional way he ran the ANC, and said he had made him a better representative for his constituents and he was grateful.



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### 5. Officer Reports

The Chair, Vice Chair and Secretary had no reports

#### Treasurer

Commissioner Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$29,903.88 and that the savings account balance was \$4,198.79. There was an interest payment to the savings account of \$.52, leaving a balance of \$4,199.31 in the savings account. There were disbursements of \$3,689 to Capitol Community News for 2010 ads (Check #1441); \$2,168 to Voice of Hill Newspapers for 2010 ads (Check #1442); \$127.50 to Roberta Weiner for transcription of minutes (Check #1443), \$200 to Heather Schoell for preparation of the agenda packet (Check #1444), and \$132.80 to FedEx Office for October copies (Check #1445), leaving a balance of \$23,588.50 in the checking account. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the expenditures. The motion passed without objection. **Motion:** Mr. Alberti moved/Mr. Schultheiss seconded a motion to approve the Treasurer's Report. It was approved without objection.

**Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the expenditure of \$275 for post office box rental for one year. The motion passed without objection.

**Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion that \$600 be approved for copying for ANC materials for each of July and August, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

### 6. SMD Reports

**Ms. Beatty** reported that there has been a lot of armed carjacking in her SMD, including a mother holding two children who had her car taken with a gun pointed at her. She said there was a community meeting attended by 75-80 people, at which Chief Cathy Lanier was present, and has promised more foot patrols. She said she was turning the issue over to the Public Safety Committee.

**Ms. Mack** reported on the meetings taking place on C Street and the discussions about turning 17<sup>th</sup> Street NE two-way.

**Mr. Robinson** reported that the C Street project is moving on. He said there have been two meetings to look at the options, and he complimented Mr. Schultheiss' sensitivity to the community in his role as consultant to the project. He also said there were two new lieutenants working with the PSAs: Lt. Parker, with PSA 102, 729-3792; and Lt. Sanders, with PSA 103, 698-0090. Finally, he reported that the Eastern High School renovation is continuing, and the budget has been increased to \$71 million.

**Mr. Holmes** reported that the ANC lost in its long-term attempt to prevent the location of a charter school in the middle of rowhouse homes, and made the following statement: The school location has only two parking spots on the property; a number of nearby squares have no alley/garage parking; the traffic flow is unsafe; the nearest playground is the equivalent of three blocks away; it shares party walls with residents next door; and it substantially fails to meet current zoning requirements. Despite the united opposition of every local civic group—the ANC, CHRS, Stanton Park Neighborhood Association, North Lincoln Park Neighborhood Association and NNRG—the Charter School Board found the required local support. Two members of this Commission were mentioned over and over in the justifications



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presented by Appletree, the PCSB Chair, and Will Marshall, the maker of the motion of approval. The Commissioners, they said, provided the needed local support. The Commissioners had written a letter, evidently, supporting the proposed location. So two Commissioners were able to override the adopted position of the ANC, the wishes of the resident Commissioners, and the needs of our residents. It's a stunning precedent for 6A, undercutting the ANC's great weight.

It was stated at our last meeting that matters that affect only one or two Commissioners should not be considered by the ANC, that these matters affecting a limited area are NIMBY—that individual commissioners should deal with these questions on their own. The Commissioner's act is a powerful precedent and, if followed, could mean the end of most ANC actions, certainly the end of ABL action on single CT or CR licenses. I'm confident that she and the Commissioner will also be consistent about avoiding any ANC action for matters primarily affecting their own districts. In this case, clearly anything requested by a charter school was more important than the ANC's clear position and more consequential than the Commissioners who have fought so hard against the location.

### 7. Committee Reports

#### ABL

##### 1101 Convenience

Ms. Beatty reported that the owner of 1101 Convenience at 1101 H Street NE had taken over the business two years ago and was not aware until recently that he had a VA, which was a ABRA-issued blend of an agreement with the ANC from 2001 and one signed with Robert Pittman on behalf of a group of five protestors. Mr. Lee wants to use the standard ANC VA and withdraw the outdated VA. Ms. Beatty contacted Fred Moosally, Director of ABRA, who said it was permitted to change the VA. **Motion:** Ms Beatty moved/Mr. Robinson seconded a motion that that the ANC accept the Committee's request to replace 1101 Convenience's outdated VA with the current standard VA and negotiate a change in hours before submitting it to ABRA. The motion passed 7-0-1, with Mr. Alberti not voting.

##### Chow - 1110 H Street NE

Ms. Beatty reported that this is an application for a CT license for an Asian restaurant, with an enclosed summer garden in the rear, in a currently vacant building. She said that while typically the ANC asks the licensee to sign a voluntary agreement, and if it doesn't, the ANC will protest the license, allowing 45 days for the ANC and the licensee to negotiate; in this instance the Committee received notice too late to follow that process. The petition date was January 4<sup>th</sup>, a date prior to the ANC Jan. meeting, and so this is being brought to the ANC without a recommendation is being withdrawn, as the petition date has passed. She suggested that in the future, perhaps the ANC should protest just as a placeholder until a VA is signed.

##### Liberty Tree - 1016 H Street NE

Ms. Beatty reported that the ANC protested the Liberty Tree application, but joined with Mr. Marshall's constituents in agreeing to work with Scott Hamilton, the owner, in working on changes to the establishment and the have gotten a signed VA that satisfies all the parties. **Motion:** Ms. Beatty moved/Mr. Robinson seconded a motion to drop the ANC's protest of the Liberty Tree license. The motion passed 7-0-1, with Mr. Alberti abstaining.





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Mr. Alberti asked whether the ANC votes on any Voluntary Agreements, and Ms. Beatty responded that it has not been done in the past. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to adopt a more formal VA process, in which the full ANC approves a VA or a person is specifically authorized to approve it. Ms. Beatty said that the ANC Chair always signs the VA.

Mr. Alberti said that he is suggesting this to protect the Commission. He said that if a licensee has a good lawyer to go through ANC minutes and finds a flaw in the process, it could mean trouble for the ANC. Mr. Holmes said he would like this to come back for discussion next month. Mr. Robinson asked if Mr. Alberti is looking for a process whereby the ANC would ratify a VA. (Mr. Alberti said that yes, if the ABL Committee puts forth the approval of a committee action, and then the full ANC votes for it.). Mr. Robinson followed-up by asking if this means that if the recommendation comes as part of the Committee's report and the ANC accepts the report, would that be deemed approval, to which Mr. Alberti indicated that he thinks so. Ms. Beatty said there could be problems with that process being we only have 45 days for Committee review, negotiation of the VA and approval of the recommendation by the Commission. She said the committee minutes lay out the differences and changes from the Voluntary Agreement, and that's important. Mr. Alberti withdrew his original motion, and said that there should be a new motion next month with new language.

Mr. Alberti said that, for an example, in the language on the motion withdrawing the Liberty Tree protest, he would have preferred language that said accepted the VA and withdraw the protest. It's just, he said, an attempt to get the ANC to be more exact.

### Economic Development and Zoning

There was no report from the Committee

### Community Outreach

#### Eastern Senior High School PTA, band uniforms

**Motion:** Mr. Robinson moved/Ms. Mack seconded a motion to support the committee's recommendation to provide a \$4,500 grant for band uniforms to the Eastern SHS PTA.

Elizabeth Nelson presented information on a request for \$4500 (full funding) for a grant to the Eastern High School PTA for band uniforms if this will not preclude the possibility of funding other grants later in the fiscal year.

Mr. Robinson asked why "if it will not preclude the possibility, etc." was written into the motion. Ms. Nelson responded that there is a fixed grants budget and the committee has been mindful of the budget. At the last meeting, the ANC gave more money than the committee requested and with the full funding of the grant; it would exhaust the Grants budget. Mr. Robinson asked why the Committee would not simply come back to the ANC to request more money; that the ANC would probably be supportive of the Committee coming back to the Commission to ask for additional funds. Ms. Nelson asked if full funding is granted, will money be available for additional grants later on. Mr. Holmes said there would be no problem, and urged the committee to come back with a request for additional funds. Mr. Alberti reminded Ms. Nelson that there is a budget review in April. The full funding for the band uniforms was approved without objection.

The Committee's report was accepted without objection.



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### Transportation

Chairman Omar Mahmud expressed his thanks to Mr. Fengler for his leadership. There was no committee action to report.

The Committee's report was accepted without objection.

### Public Safety

Committee chair Rebecca Sibia proposed the following motion:

**Motion:** Mr. Holmes moved/Mr. Robinson seconded a motion to accept the Committee's recommendation to collect donations and plan a neighborhood awareness campaign and related activities on behalf of the Commission.

Mr. Robinson said that what they were talking about was a series of "getting to know you" sessions, meeting people across neighborhoods. Mr. Alberti said he was cautious on the topic of donations. Any donations the ANC collects would have to be spent through the ANC, and he is not clear the ANC can spend donated funds, and he is not clear the ANC can run block parties or make these kinds of grants. He said he would want to talk about specific programs and would want to have the information before the money is raised.

Ms. Sibia said she is not talking about cash, but goods and services, e.g. a disk jockey, and the request would be specific. Ms. Mack mentioned the Teen Summit, which received money and goods donations such as sodas. **Motion:** Ms. Beatty said she also had concerns about cash, and moved to amend the motion to say "in kind support" rather than donations. Mr. Robinson said he had checked with the Auditor and the OANC, any donated funds the money would have to go directly into the ANC Treasury and be subject to ANC rules and District laws. He noted further that the rules also allow the Commission to put forth its own programs and fund them itself. Mr. Holmes asked whether they had been in touch with Nancy Rosen; head of the MPD CAC, which could have funds, or with other City departments or even Council members, who have discretionary funds. He said he was extremely nervous about the use of funds and would be very cautious, and wants specific authorization for any expenditure. Mr. Schultheiss said he was still trying to get his head around the process for approving funds. He said he wants to make sure there's a very well-thought-out process, and that any contribution be kept with the Treasurer.

Mr. Alberti said he's comfortable with the motion as rewritten. Margaret Holowill said it raises a lot of red flags because with the old ANC 6A there was a lot of "fundraising" going on that wasn't. Fundraising has to be done carefully and be tracked. There's always the question of "donor fulfillment"—lots of goodwill, but the specter remains of going a little lighter on someone because they're a donor. Mr. Robinson said that when he worked for the City he was responsible for creating the rules and laws for gifts and donations, and will monitor this very carefully. Ms. Nelson said that she hears gossip about commissioners at other ANCs "shaking down" developers—for the community, not themselves—and she wouldn't want that to happen at 6A.

**Motion:** Mr. Robinson moved/Mr. Holmes seconded a motion to withdraw the motion on the floor and refer it back to committee which will develop a procedure for accepting and tracking contributions. Then motion passed without objection.

The Committee's report was accepted without objection.



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### 8. New Business

#### Meeting Schedule for 2010

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion that the ANC meet on the following dates for 2010: February 11, March 11, April 8, May 13, June 10, July 8, August - no meeting, September 9, October 14, November 18 (the third Thursday, as the 11<sup>th</sup> is Veteran's Day), December 9 and January 13, 2011. And whenever, on a day for which an ANC meeting is scheduled, the District government declares weather or safety emergency and closes normal government operations, the ANC meeting shall be postponed until a date set by the chair.

Mr. Alberti said he would like an August date scheduled, which then could be cancelled, but in case there is business that can't wait, it would be good to have the date there. Mr. Holmes said he's always gone in August, and Mr. Marshall said that people plan their vacations in advance. Mr. Alberti withdrew his request.

### 8. Community Comment

Mr. Holmes said the ANC 6A, more than any other one in the city, depends on its community for vibrancy, and the ANC needs volunteers.

Heather Schoell said that although the ANC had been thanked in a letter for its grant to purchase a sound system for Maury School, she just wanted to do it in person!

The meeting was adjourned at 8:43 pm.



## Commission Letters from January 14, 2009 Meeting



No Commission Letters



## Officer Reports - Treasurer



### ANC 6A Treasurer's Report January 2010

<b>Period Covered:</b>	01/01/10	-	01/31/10		
<b>Checking Account:</b>					
Balance Forwarded				\$	23,588.58
<b>Receipts:</b>					
District Allotments				\$	-
Transfers from Saving Account				\$	-
Total Receipts				\$	-
Total Funds Available				\$	23,588.58
<b>Disbursements:</b>					
Heather Schoell (Agenda Package Jan. '10)	Ck #1446	\$	200.00		
Robera Weiner (Dec '09 Minutes)	Ck #1447	\$	135.00		
FedEx Office (Dec. '09 Statement)	Ck #1448	\$	144.80	\$	144.80
Total Disbursements		\$	479.80		
<b>Ending Balance</b>	-----			\$	<b>23,108.78</b>
<b>Savings Account:</b>					
Balance Forwarded				\$	4,199.31
<b>Receipts:</b>					
Interest (11/30/09)				\$	0.36
Transfers from Checking Account				\$	-
Total Receipts				\$	0.36
Total Funds Available				\$	4,199.67
Disbursements				\$	-
<b>Ending Balance</b>	-----			\$	<b>4,199.67</b>



## Officer Reports - Treasurer



### ANC 6A Treasurer's Report January 2010

#### PETTY CASH SUMMARY

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



# Officer Reports - Treasurer



## ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 1st Quarter FY10

Quarterly Report Period Covered 09/01/09 -12/31/09

ANC 6A

### Summary of Receipts and Disbursements: Checking Account

<b>Balance Forwarded</b>		\$ 34,126.68
<b>Receipts:</b>		
District Allotments (3rd & 4th Quarters Fy09)	\$	-
Interest Income	\$	-
Other Deposits	\$	-
Transfers from Saving Accounts	\$	-
<b>Total Receipts</b>		<b>\$ -</b>
<b>Total Funds Available</b>		<b>\$ 34,126.68</b>
<b>Disbursements:</b>		
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. Telephone Services	\$	-
11. Postage and Delivery	\$	-
12. Utilities	\$	-
13. Printing and Copying	\$	248.60
14. Flyer Distribution	\$	-
15. Purchase of Service	\$	6,798.50
16. Office Supplies	\$	-
17. Office Equipment	\$	-
A. Rental	\$	-
B. Purchase	\$	-
18. Grants	\$	3,491.00
19. Training	\$	-
20. Petty Cash Reimbursement	\$	-
21. Transfers to Saving Account	\$	-
22. Bank Charges	\$	-
23. Other	\$	-
<b>Total Disbursements</b>		<b>\$ 10,538.10</b>
<b>Ending Balance:</b>		<b>\$ 23,588.58</b>

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 FY10

#### Summary of Receipts and Disbursements: Savings Account

<b>Balance Forwarded</b>			\$ 4,198.08
<b>Receipts:</b>			
Transfers From Checking Account	\$	-	
Other (Interest Earnings, etc.)	\$	1.59	
<b>Total Receipts</b>			\$ -
<b>Total Funds Available</b>			\$ 4,199.67
<b>Disbursements:</b>			
Transfers to Checking Account	\$	-	
Other	\$	-	
<b>Total Disbursements</b>			\$ -
<b>Ending Balance:</b>			\$ 4,199.67

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
Total	\$ -	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
10/30/09	\$ 0.71	Interest
10/11/09	\$ 0.52	Interest
12/30/09	\$ 0.36	Interest
Total	\$ 1.59	





# Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL  
ACTIVITY  
Listing of Checks Issued 1st Quarter FY10

	A	B	C	D	E	F	G
1	Check #	Date	Payee	Amount	Expense Category	Purpose of Expenditure	Date Approved (1)
2							
3	1434	10/08/09	Roberta Weiner	\$ 88.50	15	Minutes - Sept. '09	11/13/08
4	1435	10/08/09	Heather Schoell	\$ 200.00	15	Agenda Package - Oct. '09	03/12/09
5	1436	n/a	VOID	\$ -			
6	1437	11/11/09	FedEx Office	\$ 115.80	13	FedEx Office Oct. '09 Statement	09/10/09
7	1438	11/11/09	Heather Schoell	\$ 200.00	15	Agenda Package - Nov. '09	10/08/09
8	1439	11/12/09	Roberta Weiner	\$ 127.50	15	Minutes - Oct. '09	10/08/09
9	1440	11/22/09	Cardinal Sound & Communication	\$ 3,491.00	18	Maury ES PTSA Grant	11/12/09
10	1441	12/10/09	Capitol Community News	\$ 3,689.00	15	2010 Monthly Ads - Cap. Hill Rag & Fagon Guide	12/10/09
11	1442	12/10/09	Voice Of the Hill Newspapers	\$ 2,166.00	15	2010 Monthly Ads - Voice of the Hill	12/10/09
12	1443	12/10/09	Roberta Weiner	\$ 127.50	15	Minutes - Nov. '09	10/08/09
13	1444	12/17/09	Heather Schoell	\$ 200.00	15	Agenda Package - Dec. '09	10/08/09
14	1445	12/17/09	FedEx Office	\$ 132.80	13	Nov. '09 Statement	10/08/09
15							
16	Total			\$ 10,538.10			
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
32							
33							
34							
35							
36							

(1) If ongoing operating expense, indicate "Budget" and date budget was approved. If not included in approved budget, indicate date Commission approved the expenditure.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### ANC 6A ABL Committee January 19, 2010 Minutes

Meeting called to order at 7:05 pm

Committee members present: Mary Beatty (6A05); Anne Marie Koshuta; Michael Herman, Jaki Downs; Tish Olshefski

Commissioners: Kelvin Robinson (6A08); Gladys Mack (6A07)

Community: Coralie Farlee, Malcolm Ross, Alami Rahim, Gary Cha, Joseph Woo, Mark Busby, Adam Healy, Margaret Holwill, Julie Westfall, Joe Englert

#### I. HOUSEKEEPING

- 1) **Agenda** - Motion to accept agenda in front of us as amended earlier in the day. No objections.
- 2) **Minutes** - Motion to accept minutes presented at last ANC meeting. No objections.

#### Committee members introduced themselves:

**Ann Marie Koshuta** - Works in fashion, 30 years on the Hill

**Jaki Downs** - 1100 block of F Street (ANC6A02); in the hospitality industry

**Mary Beatty** - 1200 block of Duncan Place, single member ANC district 6A05. Vice Chair of the ANC. Background in politics. Currently President of Women in Government-a national nonprofit that supports female state legislators with educational programs

**Tish Olshefski** - 900 Block of F Street (ANC6A02); lived on the hill for 28 year; Asst to the Exec VP of the American Federation of Teachers

**Michael Herman** - 1300 Block of D Street (ANC6A05) - lived on the hill for 28 years; currently a senior applications analyst at Sibley Memorial Hospital

#### II. COMMUNITY COMMENT

- a. Q: Do we have rules for conflict of interest for members of the Committee? A: The Committee hasn't established any, and has never had to deal with the situation, but the ANC has provisions on this. We would probably consider it a conflict of interest if a committee member owned an establishment that holds a liquor license.

#### III. DISCUSSION/UPDATES

##### a. Review ANC Action in January:

- b. Accepted the recommendation to replace the standard VA for 1101 with our new standard VA. Have not heard back from attorney. The hours of operation in the VA are 9AM to 9PM (previously 10AM/8PM).
- c. Did not take action on Chow because the committee's recommendation was to protest if we didn't have a VA by Jan 4. We did not have one, but could not act alone without ANC action. Chair Beatty is working with the attorney and the attorney is agreeable to a VA, but indicates that he wants a lot of changes from our standard VA. Owner also states he will make sure we will have one.
- d. Protest of Liberty Tree Tavern. ANC had already protested the license but since have negotiated the VA. Heard from the protestors at this meeting earlier. Hearing date was today. ANC voted last week to drop the protest.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### IV. NEW BUSINESS

##### a. Biergarten Haus (1355 H Street, NE) - Aaron McGovern

- a. Mr. McGovern has been in the ANC meetings for last few months while his establishment is under construction. Last month he held back his application in order to introduce himself to the ABL Committee. He wants the neighborhood to know his background in the restaurant industry.
- b. The reason for an application for a CT license has to do with how the buildings are set up. It's two buildings side by side and the kitchen is in one. CR requires the kitchen to be in the same building, but that's not possible.
- c. Providing a full restaurant menu. He understands the concerns in the neighborhood with trash, sound, pests, etc. (and he has taken this seriously at his other place of business, Russia House). The establishment has a substantial summer garden. The plus (and benefit for the neighbors) is that the garden is completely surrounded by tall buildings with a large garage in the back. The entire interior of the garden has 8' high-1" thick lattice to baffle the sound bouncing off concrete. Cobblestones are installed and has installed 2 large trees which will provide baffling above. At far end of property he is closing off the gates except for an emergency exit. He is also going to fence in the back with evergreen trees in big planters. Give it a Munich style feeling. Plan is for music inside and accordion (non-electrified) outside. (Ms. Beatty states that may be a concern).
- d. Owner is willing to put in writing that they will sell that much food, just can't get a CR because of the kitchen set up—they have full seating capability.
- e. **Who are neighbors?** - SOVA, Rock & Roll Hotel
- f. **Trees - are they large already?** Yes.

**MOTION:** Ms. Beatty moves that: **The ANC protest the CT application of Biergarten Haus unless we have an approved VA before the petition date (March 8). Seconded by Ms. Olshefski. Unanimous.**

##### b. Souk (1208 H Street NE) -- Alami Rahim

- a. Recently opened and hasn't seen anything other than support from the locals. They do not serve liquor right now. Patrons come here to eat and go drink somewhere else.
- b. Mr. Rahim's background - Worked at Lebanese Taverna - managed Pentagon City establishment for 9 years.
- c. Souk is an open kitchen, no microwaves, they have a grill, oven and everything is fresh. Seating capacity is 50 with the patio.
- d. He believes they are missing a big part of the menu because they don't have alcohol in the establishment. Different culture in our food concept - the liquor menu is designed to match the menu. He will serve Lebanese wines also.
- e. They are seeking a CR. They do not want an entertainment endorsement. There will be piped-in music. They have a patio that is (or will be) wood covered overhead. It is enclosed by four 11' walls. Patio is behind the building.

**MOTION:** Ms. Beatty moves that: **The ANC protest the CR application of Souk unless we have an approved VA before the petition date (March 1). Mr. Herman seconded. Unanimous.**

##### c. Rock & Roll Hotel Substantial Change (1353 H Street NE) - Joe Englert

- a. Looking to add a 99 seat roof top patio. The patio will be set back from the front and back of the building, away from the street.
- b. Totally amenable to VA agreement for rooftop - closing early, music, etc.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- c. Issue raised by the community suggesting a three month trial period (should be in the summer, not the winter). Decided to recommend a trial period through Aug. 31 to see what the noise levels are like when people are actually outside. This would be the first rooftop deck that is actually used.

**MOTION:** Mr. Herman moves that: **The ANC protest the application unless we have a signed VA by the petition date of February 1. Seconded by Ms. Downs. Unanimous.**

#### d. Capitol Liquors (1835 Benning Road, NE) Exception to Singles Ban - Young Woo

- a. On behalf of Mr. Woo - Gary Chaw addressed the committee. Mr. Chaw wears two different hats. He is a retailer in DC and operates 6 organic market stores. Four have Class B licenses. He also runs an organization that represents 200 store owners.
- b. Mr. Woo has been affected by the economy and the H Street construction has been a problem for him. Having the single beer/half pints being banned, and across the street in another Ward without the ban is also a problem. Now he is operating with 3 employees and suffers because of it.
- c. Background from Ms. Beatty: We have visited this issue before. Capitol Liquors had already voluntarily stopped selling single beers, but wanted an exception on half pints.
  - i. Q: Are they still only asking for an exception for the half pints? Yes.
  - ii. Q: Is Mr. Woo still willing to sell only the higher priced? Wants to set the price down to \$2.99 - the original agreed upon number was \$5.99.
- d. Commissioner Gladys Mack spoke in support of Mr. Woo in his request for an exception to the sale of half pints. He has been a good neighbor as far as contributing to the community, keeping the area clean. The construction has been a real problem for him.
- e. Q: Understand the need to set the price point high enough to eliminate the "street drinkers." Is there any kind of study about a price point? Something based on a finding?
- f. Suggestion: Maybe write in that should there be an exemption in those places, then it would expire.
- g. Additional suggestion: How about a trial period?
- h. With regard to the price point - whether there are facts & figures with regard to a certain number - if we select a price point and impose it we would need a good justification for establishing that. However in this case, Mr. Woo has set one that he wants, he doesn't have to prove anything. He wants to keep "street drinking" away from his establishment so he voluntarily will not offer the lowest priced liquors.
- i. Need to deal with the language of how a half pint translates to the actual volume size of the spirits bottles. Half pints or smaller maybe. Could be an area to be contested.

Ms. Beatty recommends that we work out a VA and bring it back to the committee to bring to the ANC. The Committee agrees. Ms. Beatty will negotiate the language with Mr. Woo and will bring it back to the Committee. Ms. Beatty plans to bring it to the February meeting to go to the ANC in March.

Adjourn 8:30 p.m. Next meeting is February 16, 2010.



# Committee Reports Alcohol Beverage and Licensing (ABL)



Made this \_\_\_\_\_ day of January, 2010  
by and between  
Biergarten Haus  
1355 H Street, NE  
Washington DC 20002

and

Advisory Neighborhood Commission 6A

### Preamble

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

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

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

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

### Witnesseth

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

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

### The Parties Agree As Follows:

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.).



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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

#### 2. Business Operations and Practices:

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



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- l. Applicant shall provide valet parking services only with valet parking services as defined licensed and in compliance with Title 24 DCMR Chapter 16.

#### 3. Music / Dancing / Entertainment:

- 1. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
- 2. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
- c. In order to mitigate noise on the patio or summer garden the following steps will be taken:
  - 1) The hours for the patio will be until 11PM on weekdays and 12PM on weekends.
  - 2) Applicant shall not offer any type of live or pre-recorded music on the patio with the exception of a single accordion player.
  - 3) A fence or other barrier will enclose the entire perimeter.
  - 4) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
  - 5) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
  - 6) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
- d. If residents have no noise complaints from date of opening to June 15, 2010 and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours. If during this same period, the ANC receives numerous complaints regarding the accordion player, applicant will discontinue all live music in outdoor space.
- e. Applicant shall obtain an entertainment endorsement to have a cover charge. For purposes of this clause, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.
- f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

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

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

#### 6. Miscellaneous:

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



# Committee Reports

## Alcohol Beverage and Licensing (ABL)



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

7. Enforcement:

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

**In Witness Whereof**

The parties have affixed hereto their hands and seals.

**Applicant:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Advisory Neighborhood Council 6A Representative:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**ABC Board-Licensed Manager:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_





# Committee Reports

## Alcohol Beverage and Licensing (ABL)



Made this \_\_\_\_\_ day of \_\_\_\_\_, 2010  
by and between  
SOUK  
1208 H Street, NE  
Washington DC 20002

and

Advisory Neighborhood Commission 6A

### Preamble

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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

#### 2. Business Operations and Practices:

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



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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

#### 3. Music / Dancing / Entertainment:

- 3. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
- 4. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
- c. In order to mitigate noise on the patio or summer garden the following steps will be taken:
  - 1) The hours for the patio will be until 11PM on weekdays and 12PM on weekends.
  - 2) Applicant shall not offer any type of live or pre-recorded music on the patio.
  - 3) A fence or other barrier will enclose the entire perimeter.
  - 4) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
  - 5) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
  - 6) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
- d. If residents have no noise complaints before August 31 of the year the license is issued and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours.
- e. Applicant shall obtain an entertainment endorsement to have a cover charge. For purposes of this clause, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.
- f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

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

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

#### 6. Miscellaneous:

- a. Applicant certifies that it does not owe more than \$100 to the District of Columbia government as the result of any fine, fee or penalty interest or past due tax.
- b. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.



## Committee Reports Alcohol Beverage and Licensing (ABL)



c. Applicant will operate in compliance with all applicable laws and regulations.

7. Enforcement:

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

### In Witness Whereof

The parties have affixed hereto their hands and seals.

**Applicant:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Advisory Neighborhood Council 6A Representative:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**ABC Board-Licensed Manager:**

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_



**Committee Reports**  
Alcohol Beverage and Licensing (ABL)



Made this 22 day of January, 2010 by and between  
Joe Englert  
RNR LLC  
Rock and Roll Hotel  
1353 H Street NE,  
Washington, DC, 20002  
and  
Advisory Neighborhood Commission 6A

The following agreement is made with regard to the substantial change filed for Rock and Roll Hotel, ABRA License # 072777, located at 1353 H Street, NE. The Voluntary Agreement between the parties listed above is amended with the following agreement which will become an addendum to the current VA.

- 1) In order to mitigate noise concerns on the roof top, the following steps will be taken:
  - a) The hours for the patio will be until 11PM on weekdays and 12PM on weekends and will be used for dining only.
  - b) Applicant shall not offer any type of live or pre-recorded music on the patio.
  - c) Speakers and/or amplified sound is not allowed.
  - d) A 4 foot fence, wall or other barrier will enclose the entire perimeter.
  - e) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
  - f) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
  - g) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
- 2) The entertainment endorsement must comply with all of the following terms:
  - a) The entertainment will be provided only in indoor space of the establishment, not on the rooftop.

**In Witness Whereof**

The parties have affixed hereto their hands and seals.

**Applicant:**

By: Joseph A Englert 1/22/10 Date:

Signature: JA Englert



**Committee Reports**  
Alcohol Beverage and Licensing (ABL)



Advisory Neighborhood Council 6A Representative:

By: Kevin J. Robinson, chair, ANC 6A 1/29/10 Date

Signature: Kevin J. Robinson

ABC Board-Licensed Manager:

By: Ross Wood 1/22/10 Date

Signature: Ross Wood



## Committee Reports

### Economic Development and Zoning (ED&Z)



ANC 6A Economic Development & Zoning Committee  
Wednesday January 20, 2010, 7-9:00 PM  
Sherwood Recreation Center (640 10th St, NE)  
2nd Floor Community Room

Committee Members: Drew Ronneberg, Chair; Jeff Fletcher; Dan Golden; Arkan Haile; Cody Rice;  
Commissioners present: David Holmes (6A03), Kelvin Robinson (6A08)

7:00 pm Call to order

#### Community Comments

Drew Ronneberg announced that he was running for 6A02 Commissioner. The special election will be held at the Feb 11<sup>th</sup> ANC meeting.

#### Ongoing Status Reports:

- 1) H Street Connection Redevelopment: Drew Ronneberg informed the committee that the Transportation and Public Space Committee had made recommendations to the full ANC regarding the project.
- 2) Dan Golden reported the Ruben Pemberton, the director of the Vacant Property Taskforce, would be presenting to the ED&Z committee about recent changes in the taxing of vacant properties in DC.

#### New Business

##### ZA 03-02A: Gallaudet University (Denison House)

Mr. Chris Collins of Holland and Knight and representatives from Gallaudet University presented plans to convert the Denison House, which is located on the Gallaudet campus from administrative to residential use. Gallaudet University is located in ANC 5B but because ANC 6A is within 200 feet of the campus, it receives party status at zoning hearings.

Gallaudet is somewhat unusual in that it has its own historic district, of which the Denison House is a contributing building. The 7000 sq. ft. building was built circa 1875 as a residence for faculty and students. It was later converted to administrative use and renovated in the 1990s.

The University is not proposing any modifications to the building that would affect its external appearance. They are interested in developing the building as a "College House" student resident hall, where 10-12 honor students and a faculty advisor implement a cross-disciplinary academic or community service program.

Gallaudet requires special exception zoning relief because it is proposing to modify an approved campus plan. The committee felt that the applicant met the conditions of the special exception and recommends that ANC 6A support the requested zoning relief.

**Recommendation:** ANC 6A support Gallaudet University's zoning application to amend its approved campus plan to allow the conversion of Denison House from administrative to residential use.

##### HPA 10-109: 324 & 326 12<sup>th</sup> St NE

Mr. Kenric Walwyn and Mr. John Casey presented plans to develop 324 & 326 12<sup>th</sup> St NE. Prior HPA cases regarding this property had heard by the ED&Z committee in 2003 and 2005. The current



## Committee Reports

### Economic Development and Zoning (ED&Z)



plans are very similar to the 2005 plans where there are two flats (4 units total). The plans show a façade with a bay window and articulated cornice on each flat.

The committee asked about the parking in the rear of the buildings. Zoning regulations requires 1 off-street parking spot for each flat, while the plans showed two parking spots on the southern lot and an inaccessible parking spot on the northern lot. The developer said that the parking requirements could be accommodated with an easement.

The abutting neighbors were in the audience and expressed support for the project.

**Recommendation:** ANC 6A write a letter of support to HPRB for the design of 324 and 326 12th St NE.

#### 2010 ED&Z Goals

Draft 2010 ED&Z Goals were presented to the committee and accepted without changes.

**Recommendation:** ANC 6A accept the ED&Z proposed 2010 Goals.

#### Vacant Properties

Mr. Reuben Pemberton, director of the Vacant Property Taskforce at DCRA spoke to the committee about recent changes to the Vacant Property tax rates and upcoming legislation being considered by the city council. Under the recent changes to the law, vacant commercial properties are assessed at the same rate as occupied commercial properties, but vacant residential properties are assessed at the rate of commercial properties. It appears that Jack Evans will introduce a bill to remove the higher assessment for vacant residential properties so that only “blighted” properties will be assessed at a higher rate.

Mr. Pemberton said that while the 10% tax rate on vacant properties was effective in getting properties sold or reoccupied it was a difficult law to administer. He said that the exemption process, by which a property owner could receive an exemption for having the property for sale, obtaining a building permit or for other reasons, was very time consuming for his staff and an inefficient process. In addition, Mr. Pemberton said that he is a “softie” for granting hardship exemptions (basically a catch-all exemption for items not covered in the law).

Mr. Pemberton advocated a vacant property system where there were no exemptions and vacant properties were required to pay a standard modest fee that would increase over time. He claimed that the city could recoup some of the lost revenue through fines for not complying with the requirements for securing and maintaining vacant properties.

Many committee members were skeptical of the idea of not assessing vacant properties at a higher rate, which was an effective strategy for countering land speculation. For example, it would almost completely remove the financial incentive for owners of vacant properties on H Street to reoccupy or sell their places. The committee agreed to discuss the issue in greater detail at the next ED&Z meeting.

#### NEXT MEETING

ANC 6A Economic Development & Zoning Committee  
Wednesday February 17, 2010, 7-9:00 PM  
Sherwood Recreation Center (640 10th St, NE)  
2nd Floor Community Room





## Committee Reports

### Economic Development and Zoning (ED&Z)



## ANC 6A Economic Development & Zoning Committee 2010 Goals

1. Provide a regular public forum for Commissioners and residents to obtain information and discuss land use issues in the ANC 6A area or that affect the ANC 6A area.
2. Review and report to the ANC on all significant activities by the Board of Zoning Adjustment, Zoning Commission, Historic Preservation Review Board, Office of Planning, National Capital Planning Commission, and other agencies that affect land use in the ANC 6A area.
3. Make timely recommendations to the ANC that permit informed participation in city decisions on zoning, historic preservation, economic development, and other topics related to land use in the ANC 6A area.
4. Monitor public and private development activities on H Street NE for consistency with the Strategic Development Plan and Neighborhood Commercial Overlay.
5. As needed, schedule speakers from city or federal agencies who can address the interests or concerns of residents related to land use in the ANC 6A area.
6. Work with the Transportation and Public Space Committee to systematically collect and report all
  - a) vacant and nuisance properties,
  - b) building permit violations and
  - c) public space violations.
7. Major topical focus areas will be:
  - a) Insuring that of the redevelopment of the H Street Connection site (800-1000 H St NE) consistent with Commission guidance
  - b) Making sure DCRA applies the provisions of the H Street NE NC Overlay district to all properties on H Street,
  - c) Working with OTR to eliminate discrepancies in H Street NE property assessments.
  - d) Investigating Historic District creation/expansion
  - e) Insuring that ANC 6A vacant properties are on the DCRA vacant property list and that occupied properties are removed from the list.
  - f) Participating in the process of rewriting the DC Zoning Code



**Committee Reports**  
Economic Development and Zoning (ED&Z)



February XX, 2010

Mr. Tersh Boasberg, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3<sup>rd</sup> Floor  
Washington, DC 20002

RE: HPA #10-109 (324 & 326 12th St. NE)

Dear Chairman Boasberg:

At our regularly scheduled and properly noticed meeting on February 11, 2009, our Commission voted X-X-X (with four commissioners required for a quorum) to support the above referenced application.

The applicant, Mr. John Casey and Mr. Kenric Walwyn presented plans to the ANC6A's Economic Development and Zoning committee regarding the construction of 2 flat at the above-mentioned location. The plans show a façade with a bay window and articulated cornice on each flat. The ANC believe that the proposed buildings are consistent with the massing and design of neighboring buildings and will be a positive addition to our neighborhood.

Furthermore the abutting owners were in attendance at the January 20th ED&Z committee meeting and expressed support for the project.

If you have any questions, please contact Dr. Drew Ronneberg at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin Robinson  
Chair, Advisory Neighborhood Commission 6A

Cc: Mrs. Nancy Metzger, CHRS  
Mr. Amanda Molson, HPO  
Mr. Kendric Walwyn



**Committee Reports**  
Economic Development and Zoning (ED&Z)



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

RE: ZA Case 03-02A (800 Florida Ave. NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on February 11, 2010, our Commission voted X-X-X (with 4 Commissioners required for a quorum) to support the request for special exception from Section 210.1 (modification to an approved Campus Plan) in the above referenced application.

The Commission supports Gallaudet's request for a special exception because changing Denison House from administrative to residential use meets all the requirements for a special exception and will not have an adverse impact on use and enjoyment of the abutting properties. In addition, ANC 6A appreciate Gallaudet's outreach efforts to our ANC and looks forward to working with them in the future to address common issues of concern.

Please be advised that Terres (Drew) Ronneberg is authorized to act on behalf of ANC 6A for the purposed of this case. Dr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin Robinson  
Chair, Advisory Neighborhood Commission 6A



## Committee Reports

### Community Outreach Committee (COC)



ANC6A Community Outreach Committee

January 18, 2010 Minutes

Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE

Meeting called to order at 7:30 p.m.

Committee members present: Elizabeth Nelson (Chair), Jean Kohanek, Rose Williams (no quorum)

Committee members absent: Mark Roy, Necothia Bowens, Louis Barbash

- I. Agenda
  1. Motion to adopt agenda. No objections.
- II. Discussion of ANC relationship with Department of Parks and Recreation (DPR):
  1. Ms. Bowens was unexpectedly unable to attend the meeting as planned. She has done the most research on this topic so the COC members present agreed that the discussion should be postponed until she can attend.
  2. In the meantime, Ms. Kohanek will confirm with Charles Young at DPR, that our notes from our December meeting are accurate.
- III. Discussion of ANC grants budget:
  1. Ms. Nelson reported that, at the January ANC meeting, the COC recommendation for funding of the Eastern SHS PTA grant was approved. This does deplete the existing grants budget. The new Chair, Kelvin Robinson, suggested that the COC make a recommendation as to an amount by which this budget might be increased.
  2. The COC members reviewed a list of likely grant-requestors prepared by Ms. Kohanek - Joy of Motion, Capitol Hill Garden Club and KidPower. These groups typically apply for small grants in late spring for summer or fall activities. Based on prior year requests, we anticipate that a sum of \$2,500 would cover these and perhaps one or two other small grants. Although we've been told that other groups may apply at some point, we have not had specific inquiries and the groups that apply for larger amounts have already made a request this year.
  3. **Motion: Ms. Williams moved that the COC recommend an increase of \$2,500 to the existing ANC 6A grants budget. Seconded by Jean Kohanek. Vote 3 in favor, none opposed (but no quorum).**
- IV. Discussion of ANC flyer:
  1. Ms. Kohanek and Ms. Williams are nearly finished with the areas they were covering. Ms. Nelson has finished hers. Ms. Bowens was not present to make a progress report. Subsequent to the meeting, another possible volunteer was identified.
- V. Updates to website to reflect new officers and advertising of SMD 6A02 election:
  1. Ms. Nelson updated the website to reflect election of new officers and election for SMD 6A02. Ms. Kohanek is making updates to the flyer. The revised version will be posted to the website although the copies have already been made. Ms. Nelson is arranging to update the ads in the Voice of the Hill and Hill Rag newspapers and is working with the editor of the Hill Rag to advertise the election. Subsequent to the election, additional changes will be made to both the flyer and to the Commissioners page.
- VI. **The next meeting of the COC will take place Monday, February 15 (although this is President's Day) at 7:30 p.m. at 1235 C St. NE**

Meeting adjourned at 8:35 p.m.



## Committee Reports

### Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes

Capitol Hill Towers (900 G Street NE)

January 25, 2010

1. Call meeting to order at 7:05 pm
2. Introductions
  - a. Committee members present: Shane Artim, Lance Brown, DeLania Hardy, Diane Hoover, Marlon Smoker and Omar Mahmud (Chair)
  - b. Committee members absent: Sean Lovitt
  - c. Others in attendance: John Sullivan, Diyar Bozkurt and Margaret Gentry from MACTEC; ANC 6A Commissioners Gladys Mack and David Holmes; Marie Claire Brown; and Anwar Saleem, Director of H Street Main Street.
3. Community Comment.
  - a. Commissioner Mack raised a concern about a proposal to convert 17<sup>th</sup> Street NE and 19<sup>th</sup> Street NE from one-way streets into two-way streets. She indicated residents have expressed concern to her about possibly losing parking on one side of each street in order to facilitate this change. Mr. Brown asked whether DDOT has announced parking would be lost. Commissioner Mack told the committee DDOT hasn't indicated whether parking would be removed yet. Commissioner Mack reiterated that residents in her SMD do not want two-way traffic on these streets and do not want to lose street parking spots.
  - b. Mr. Saleem raised a concern about efforts to identify temporary parking for H Street merchants during streetscape construction. He indicated DDOT promised to identify temporary parking while street parking is unavailable. He is concerned about merchants losing business during the construction project. Mr. Saleem informed the committee the City needs to revisit underutilized parking lots around H Street to identify places where parking should be made available (e.g. the lot near Murray's grocery store, the church near 4<sup>th</sup> Street NE and I Street NE, the lot near RL Christian Library, Hechinger Mall, etc.). Mr. Mahmud recalled a conversation Mr. Saleem, he and others had with Karina Ricks at DDOT about identifying temporary parking before the construction project began. At that time, Ms. Ricks indicated DDOT would work on identifying temporary parking during the construction project. According to Mr. Saleem, this has not happened. Mr. Mahmud promised to follow up with Ms. Ricks on this matter if Mr. Saleem could provide a list of possible temporary parking locations he has been able to find. Mr. Saleem agreed to provide a list.
4. New Business
  - a. H Street/Benning Road Streetscape Construction Update from MACTEC Engineering & Consulting



## Committee Reports

### Transportation and Public Space (TPS)



- i. Mr. Mahmud thanked the MACTEC team for agreeing to attend and present a construction update at the committee meeting. Ms. Gentry briefly explained the materials made available to attendees and introduced Mr. Bozkurt.
- ii. Mr. Bozkurt provided a brief explanation for why the H Street/Benning Road streetscape construction project is being undertaken by the City and reviewed the scope of the project. As a part of the Great Streets project, the corridor has been identified as a key corridor for renewal and economic development. He also explained that construction will include underground utility upgrades, new sidewalks and streetlights, streetcar rails, and composite materials. The total project will take a little more than three years, which would mean an early summer 2011 finish date. Originally, the project was broken up into three zones for major construction activity. However, in order to speed up the process, construction is now occurring in all three zones on one side of the street in parallel.
- iii. Pepco is currently performing underground utility work between 5<sup>th</sup> and 8<sup>th</sup> Streets. According to regulations, there can be no disruption of the streetscape for five years after construction is complete. Therefore, all H Street property owners need to ensure all utility work which may disrupt the newly constructed streetscape is performed now. Commissioner Holmes asked whether buildings which require utility upgrades post construction can still get the work done somehow. Ms. Gentry told him she is trying to get the word out to property owners now to ensure this doesn't become a problem, but that the DDOT Director can waive this requirement for "good cause," which isn't really defined. Not all buildings have this problem since some utilities enter the property from points other than from H Street.
- iv. Mr. Bozkurt next discussed construction progress to date and went over the status report dated January 25, 2010 (attached). The summary includes projected completion dates for each aspect of the project.
- v. Mr. Bozkurt then discussed parking issues related to the construction given parking is not available on the street where construction is taking place. He understands the need to identify places where parking can be temporarily located and hopes to work with DDOT on coming up with solutions.
- vi. Regarding the 5<sup>th</sup> Street intersection, Mr. Bozkurt confirmed that this intersection will have streetlights at the end of the project. Mr. Mahmud asked about DDOT's efforts to place a temporary signal light at this intersection, as was indicated at pre-construction meetings with community members and merchants. Mr. Bozkurt informed the committee this option will be explored. Mr. Mahmud reminded Mr. Bozkurt that the community (including ANC 6C) has been told that in the past, but there has been no response regarding this request. Mr. Bozkurt promised to get back to Mr. Mahmud with a response after meeting with DDOT traffic engineers later this week. Mr. Mahmud agreed and indicated he would share this information with ANC 6C.



## Committee Reports

### Transportation and Public Space (TPS)



- vii. Mr. Bozkurt next explained the temporary intersection closings and bus rerouting necessary to due construction. The Jersey barrier at 5<sup>th</sup> street will be moved in March. 8<sup>th</sup> and 9<sup>th</sup> Streets have been closed to two-way traffic at H Street because of track construction until March 2010. This closure has caused a detour of the 90/92 bus to 10<sup>th</sup> Street NE, as has been noticed by many of those in attendance. A WMATA representative was considering rerouting the 90/92 bus line to 7<sup>th</sup> Street but changed his mind because he thought 10<sup>th</sup> Street was a better fit. Mr. Mahmud and others in attendance expressed several concerns with routing the bus down 10<sup>th</sup> Street including the narrow width of the street, several near and actual accidents involving buses and general safety concerns. Mr. Mahmud urged the construction team to propose alternatives to the current route, possibly to a wider street. In addition, he urged the construction team to probe creative solutions to completing the construction work at the 8<sup>th</sup> Street intersection faster, which would eliminate the need to continue rerouting the bus line. Mr. Bozkurt indicated he would discuss the matter with WMATA and DDOT then get back to Mr. Mahmud next week.
- viii. Mr. Bozkurt next went over the Streetcar rail construction. Ms. Gentry briefly explained the streetcar open houses held by DDOT. DDOT has said an ambitious, city-wide project is planned. Before moving forward, the following issues still need to be addressed: environmental assessment, funding, power source (overhead power lines are prohibited along H Street/Benning Road). Commissioner Holmes asked about power supplies along the corridor. Mr. Bozkurt informed him two locations have been selected thus far, near 13<sup>th</sup> Street NE and in front of the office building in the 600 block of H Street). A design firm is currently working on the housing for power supply sources.
- ix. The northbound B2 bus line has shifted over to F Street as a result of construction. Mr. Mahmud indicated he has received complaints about the rerouting from residents who have cited a disturbance of their neighborhood, car alarms going off, houses rattling, etc. Mr. Brown indicated no other routing would work based on his understanding of the area and that this street is wider than 10<sup>th</sup> Street, where the 90/92 bus has been rerouted. Mr. Mahmud indicated he has not had a chance to look at the street yet since he only received the complaints just before the meeting, but that he would do so soon and contact MACTEC/DDOT.
  - x. Mr. Saleem proposed notifying bus drivers to be more careful when driving down residential streets during the rerouting.
  - xi. Mr. Brown proposed MACTEC and DDOT look into leaving the intersection at 8<sup>th</sup> and H Street open to bus traffic only. MACTEC indicated this option was not pursued because it wouldn't be safe.
  - xii. Mr. Brown also suggested more trash cans be installed at the temporary bus stop at 10<sup>th</sup> and H Street and that efforts to pick up trash on the street be



## Committee Reports

### Transportation and Public Space (TPS)



increased. Mr. Saleem indicated H Street Main Street has hired someone to pick up trash now.

- b. Rerouting of 90/92 Bus Along I Street, 10<sup>th</sup> Street and G Street
    - i. This topic was largely covered in the prior MACTEC presentation. Mr. Mahmud proposed sending a letter from the ANC expressing concern about rerouting the bus down 10<sup>th</sup> Street and asking for the development of another solution.
    - ii. Mr. Brown questioned the effectiveness of sending such a letter and indicated he would not be for it.
    - iii. Mr. Artim recommended adding testimonials from residents to increase the effectiveness of the letter.
      1. ***Mr. Mahmud made a motion that the committee recommend the ANC send a letter to MACTEC and DDOT expressing concern about the decision to reroute the 90/92 bus down 10<sup>th</sup> Street and that the parties instead develop an alternative solution. Ms. Hardy seconded the motion, which passed on a vote of four in favor and zero against with two abstentions. Mr. Mahmud agreed to draft the letter.***
  - c. Discussion of 2010 Committee Goals
    - i. The committee reviewed the draft set of 2010 goals provided by Mr. Mahmud. The committee agreed to add reference to streetscape work on C Street NE in section 6.
      1. ***Mr. Mahmud made a motion that the committee approve the proposed 2010 Goals (attached). Ms. Hoover seconded the motion, which passed without objection.***
5. Additional Community Comment
- a. Ms. Gentry mentioned that DDOT is considering extending circulator bus service to Benning Road and that it is seeking public input regarding the proposal. Mr. Mahmud indicated he would be very interested in reviewing the proposal and possibly supporting it. Ms. Gentry promised to forward Mr. Mahmud additional information so the committee and ANC could consider whether to support the proposal.

Adjourn meeting at 8:07 pm





**Committee Reports**  
Public Safety



No Committee Report



## New Business



February 11, 2010

Ms. Karen Brooks  
Registrar of Voters  
District of Columbia Board of Elections and Ethics  
441 4<sup>th</sup> Street, NW, Suite 250 North  
Washington, D.C. 20001-2745

Re: Resolution Requesting BOEE to declare SMD 6A02 vacancy filled

Dear Ms. Brooks:

On February 11, 2010, the Commission held an election to fill the vacancy for Single Member District 6A02.

Please accept the attached resolution, adopted by unanimous vote, requesting that the Board of Elections and Ethics declare Single Member District 6A02 to be filled and that \_\_\_\_\_ be officially recorded as the newly elected Commissioner for SMD 6A02, filling the term for that office, which expires January 2, 2011.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission, 6A  
Commissioner, SMD 6A08

cc: Honorable Mayor, Adrian Fenty  
Honorable Vincent Gray, Chairman of the District Council, At-Large  
Honorable Councilmember Tommy Wells, Ward 6  
Honorable Councilmember Yvette Alexander, Chair, Aging and Community Affairs  
Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commissions  
\_\_\_\_\_, Commissioner, SMD 6A02

Attachment



## Resolution

WHEREAS, the office of Advisory Neighborhood Commissioner for Single member District 6A02 was certified vacant, and the Board of Elections and Ethics submitted a list of qualified candidates to Advisory Neighborhood Commission 6A following the period for petition circulation and challenge pursuant to D.C. Code § 1-309.06(d) (2006 Repl.); and

WHEREAS, the Advisory Neighborhood Commission gave public notice pursuant to D.C. § 1-309.06 (2006 Repl.), and held an open vote of the members of the affected Single-Member District on February 11, 2010 at Minor Elementary School, located at 601 15<sup>th</sup> Street, NE, and conducted by the Office of Advisory Neighborhood Commissions; and

WHEREAS, \_\_\_\_\_ was declared winner, following a count of votes by at least two impartial vote counters;

THEREFORE, BE IT RESOLVED, that Advisory neighborhood Commission 6A, requests that the Board of Elections and Ethics declare the vacancy filled by \_\_\_\_\_ by publication in the *District of Columbia Register*.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the District of Columbia Board of Elections and Ethics, the Mayor, the Secretary of the Council of the District of Columbia, and \_\_\_\_\_.

ADOPTED, FEBRUARY 11, 2010

We hereby certify this Resolution to be true and correct.

---

Kelvin J. Robinson  
Chairman  
Commissioner, SMD 6A08

---

Raphael Marshall  
Secretary  
Commissioner, SMD 6A01



## ANC 6A Committee Recommendations Regarding The H Street Connection Redevelopment (900 H St. NE)

### ANC 6A Economic Development & Zoning Committee

#### Massing and Landscape Recommendations:

ANC 6A support the massing and design of the proposed building, including the façade materials proposed for the modern design for 8th and H.

#### Community Amenity Options and Recommendations:

The EDZ Committee recommends that the amenity *package as listed below be accepted by ANC6A for the H Street Connection Redevelopment (900 H St. NE):*

<i>Proposed Amenity</i>	<i>Developer Agreement</i>
1. <i>Developer support for the H Street Historic District.</i>	<i>yes</i>
2. <i>Support for a BID or Clean and Safe Program</i>	<i>yes</i>
3. <i>Bollards to protect the nearest house on 8<sup>th</sup> Street.</i>	<i>yes</i>
4. <i>Re-engineer the drainage system in the alley to prevent flooding during heavy rains</i>	<i>yes</i>
5. <i>Security camera to monitor alley traffic</i>	<i>yes</i>
6. <i>LEED Certification/meet LEED certification requirements</i>	<i>yes</i>
7. <i>Transportation Demand Management measures recommended by T&amp;PS Committee</i>	<i>yes</i>
8. <i>Landscaping of Phase II area before Phase II building is erected<sup>1</sup></i>	<i>yes</i>

<sup>1</sup> The exact text should read:

*The following applies to the open areas of the site not improved with buildings, hardscape or structures and their access with grass, shrubs, flowers and any other attractive plants or foliage to maintain such area in an attractive condition:*

- 1) *If the bank pad and existing structures are removed from the east end of the site, developer agrees to landscape that area other than the private alley and any structure that may be needed for the project such as the 10th street curb cut and garage access in the event they are constructed as a part of phase one construction; and*
- 2) *If the bank pad and other existing structures are not removed the developer agrees to landscape the areas other than the retained improvements and the private alley.*



## New Business



### ANC 6A Transportation and Public Space Committee Issues

The ANC support the developers' current configuration with entrances along 8<sup>th</sup> Street and 10<sup>th</sup> Street. The ANC further recommends that the following measures be taken to achieve the "acceptable" level of service, reduce parking impacts on the surrounding residential neighborhood and reduce trip generation from private automobiles:

#### 1. Traffic Flow:

- a. Adjust signal timing at 8<sup>th</sup> and H Street to accommodate traffic flow to the maximum extent feasible.
- b. Agree to moving the northbound bus stop on the south side of 8th street to the north side of H Street adjacent to the PNC bank. This may be at the sole cost of the District if it is determined to only be necessary to improve traffic flow if the 100 District owned parking spaces requested by DMPED are provided.

#### 2. Parking:

- a. Residents of the building will not be allowed to participate in the Residential Parking Permit Program.
- b. The developer will unbundle the sale of the parking spots in the garage from the sale of residential units in the building.
- c. The developer will limit the number of non-city owned retail parking spaces to no greater than 65, as required by the Zoning Regulations.
- d. The developer will provide at least 5 designated guest parking spots in the retail portion of garage during evening hours, for which the developer may charge a fee.
- e. Ticketing kiosks for the parking garage will be located at base of garage ramp.

#### 3. Transportation Demand Management Plan:

- a. Develop a written plan for distribution to residents and employees informing them of the various transportation options available to residents, employees and visitors with the goal of reducing automobile ownership of building residents and trip generation to and from the site by residents, employees, and visitors.
- b. With a total cap of \$15,000 cost, the developer will promote the use of transit by residents and on-site retail employees by providing:
  - i. A \$20 metro SmartTrip card to all residents upon initial move-in and a one-time \$30 card for each employee at the retail businesses.



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- ii. A one year car share membership for the initial occupant of each residential unit.
- c. The developer will make at least one car-sharing spot in the retail portion of the garage available free of charge to Zip Car or similar company.
- d. The developer will create a plan that:
  - i. Encourages patrons to utilize the building's garage should they drive;
  - ii. Encourages use of transit; and
  - iii. Encourages use of bicycling.

#### 4. Bicycle Use:

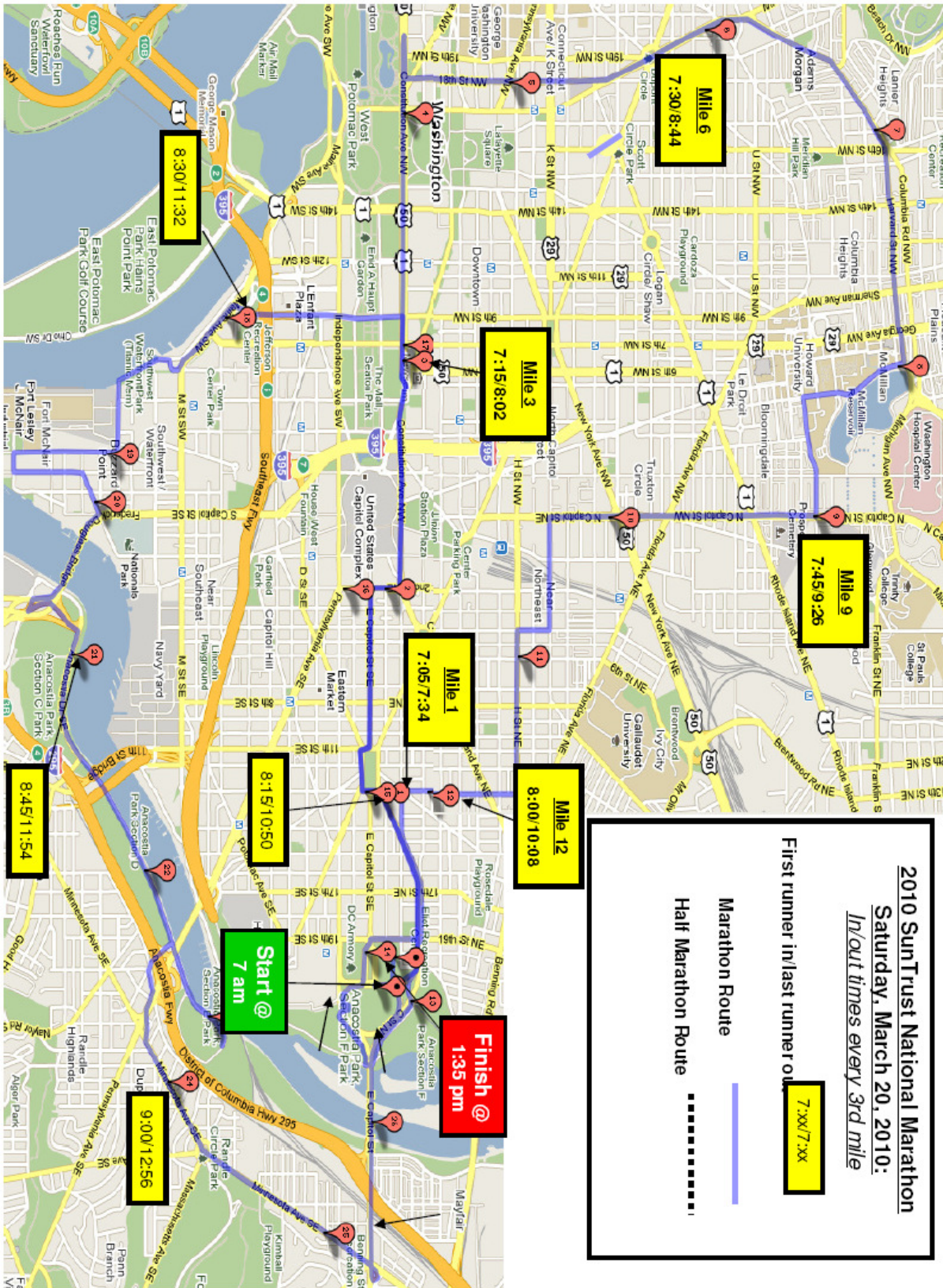
- a. The developer will provide 25 bike spaces for retail and 50 bike spaces for residential use as shown on the plans.
- b. The developer will fund the construction of a bike sharing station adjacent to property on public space at a cost not to exceed \$45,000.
- c. The developer will provide showers and changing areas for employees who bike to work.
- d. Bicycle access will be allowed through garage ramps with shortened gate control arms.

#### **Additional H Street Development Support Considerations:**

Consistent with the H Street overlay, which calls for additional parking capacity to support the planned development of H Street, and specifically identifies this site as the location where such parking spaces could be provided, the Committee recommends that the ANC support the inclusion of 100 additional city funding parking spaces as part of the H Street Connection project. It is recommended that the city allow for up to 10 of these spaces to be dedicated to car sharing use as demand warrants. The ANC also recommends that the city fund costs associated with traffic mitigation or other costs associated with the 100 city owned parking spaces.

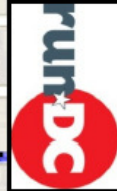


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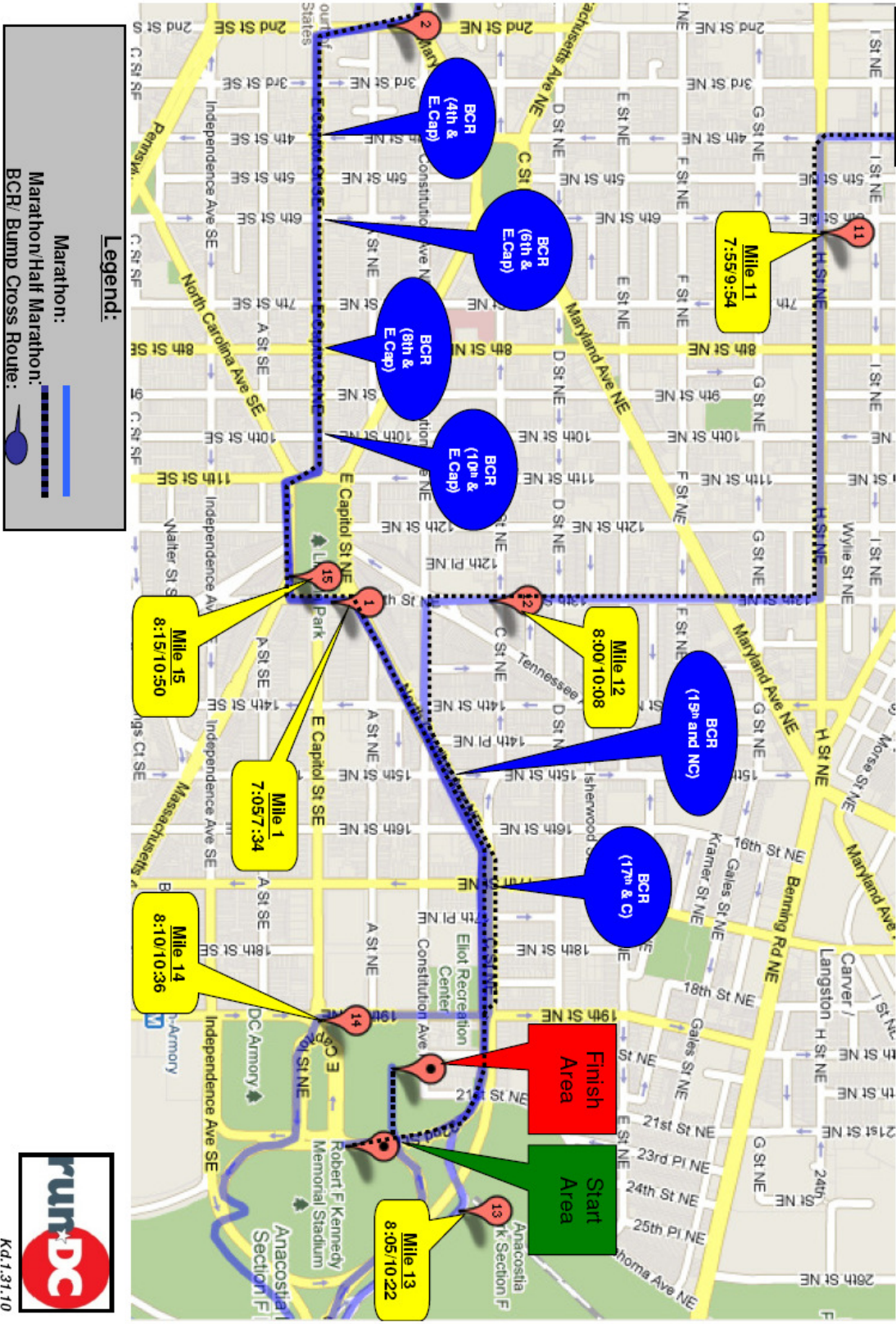




# New Business



2010 National Marathon/Half Marathon Course – Ward 6







# New Business

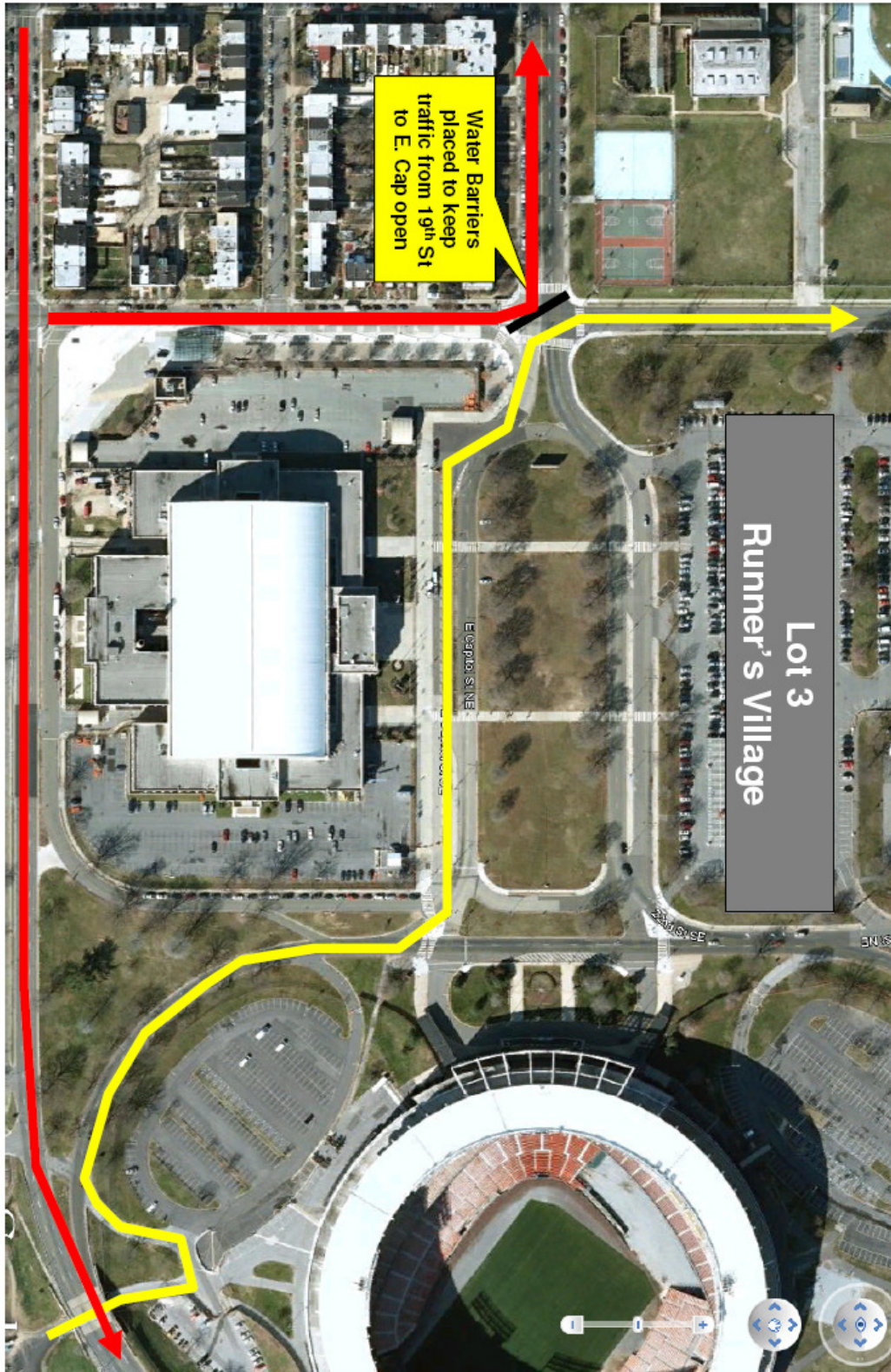


Kd/rev1.1.31.10





# New Business



Runner's path  
Open Traffic

Water Barriers placed to keep traffic from 19th St to E. Cap open

Lot 3  
Runner's Village

19th Street Revision

Kd,rev1.1.31.10

5

# 2010 SunTrust National Marathon

**Saturday, March 20, 2010:**

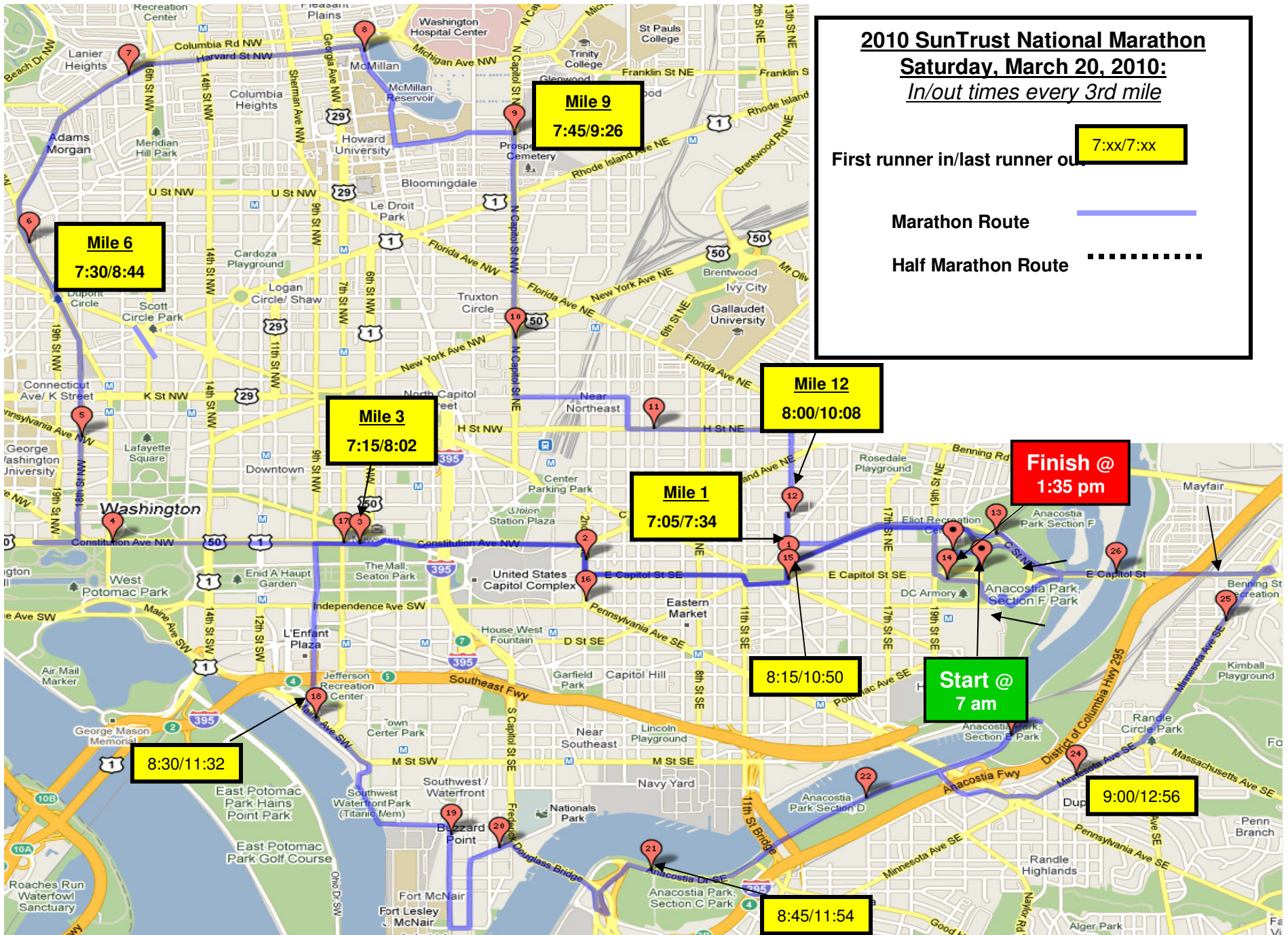
*In/out times every 3rd mile*

First runner in/last runner out

7:xx/7:xx

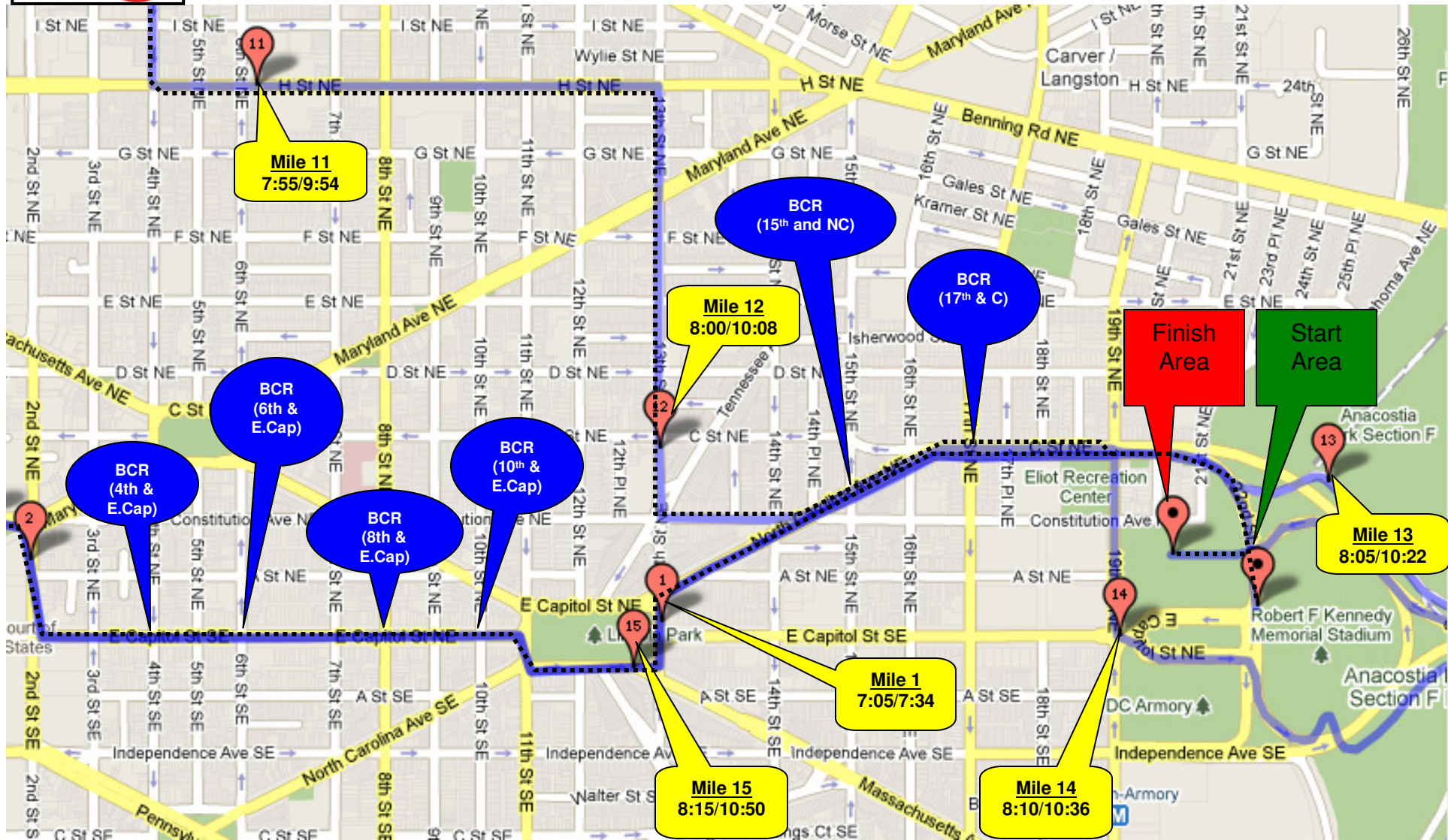
Marathon Route

Half Marathon Route





# 2010 National Marathon/Half Marathon Course – Ward 6



**Legend:**

- Marathon:
- Marathon/Half Marathon:
- BCR/ Bump Cross Route:

