



**District of Columbia Government  
Advisory Neighborhood Commission 6A  
Agenda for February 14, 2013**



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

- 7:00pm **Call to order, Approve January Meeting Minutes, Adopt Agenda**
- 7:03 **Community Comments** (2 minutes each)
- Community Presentations:**
- 7:05 Juliet Glass of FRESHFARM markets re: H St.
- 7:10 Dr. Kinard of the NPS to discuss construction about to begin in Lincoln Park
- 7:25 **Officer Reports:**
- Chair (2 minutes)  
Vice-Chair (2 minutes)  
Secretary (2 minutes)  
Treasurer (2 minutes) *pg. 19*
- 7:35 **Single Member District reports** (2 minutes each)
- Standing Committee Reports:**
- 7:50 **Community Outreach** *pg. 21*
1. Approve committee report
  2. Next meeting - 7:30pm, Feb. 25, 2012 (NOTE: not the usual 3<sup>rd</sup> Monday)
- 7:55 **Alcohol Beverage Licensing** *pg. 25*
1. Approve committee report
  2. **Committee Membership:** ANC approve Cay Bradley as ABL member
  3. **Recommendation:** ANC not support an exemption to the Ward 6 singles ban for Grand Liquors located at 409 15th St. NE
  4. **Recommendation:** ANC accept the ABC Board changes requested for the previously adopted settlement agreements for Avery's Bar and Lounge and Maketto and to amend the ANC's standard settlement agreement to reflect the changes required by the ABC Board
  5. Next meeting - 7pm, Feb. 19, 2012 (3<sup>rd</sup> Tuesday)
- 8:00 **Transportation and Public Space Committee** *pg. 30*
1. Approve committee report
  2. **Committee Membership:** ANC approve Lara Levison as TPS member
  3. **Recommendation:** ANC approve public space modification proposed by Cusbah (1128 H Street NE) to allow for a canopy above patio
  4. **Recommendation:** ANC send letter of support for Capitol Hill Classic Race
  5. Next meeting - 7pm, Feb. 18, 2012 (3<sup>rd</sup> Monday)



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**8:05     Economic Development and Zoning pg. 32**

1. Approve committee report
2. **Committee Membership:** Approve Laura Gentile as Chair of EDZ
3. **Recommendation:** ANC conditionally support the PUD application for #12-18 (the Murray's/H Street Self Storage site )
4. **Recommendation:** ANC support the special exception for 721 10th St. NE
5. **Recommendation:** ANC support the conceptual plans for 1331 Constitution Ave. NE before HPRB
6. **Recommendation:** ANC support the plans for 225 9th St. NE before HPRB
7. **Recommendation:** ANC conditionally oppose the application for 1120 Park St. NE
8. Next meeting - 7pm, Feb. 20, 2012 (3<sup>rd</sup> Wednesday)

**8:10     Unfinished Business**

**8:15     New Business pg.41**

1. Addendum to the bylaws re: scheduling of meetings under article 12, Section 3 with vote to be taken at March meeting (Philips-Gilbert)
2. Letter to ABC Board re: its authority to grant major changes in license class without informing the ANC or obtaining any comment from the ANC (Holmes)
3. Letter to Dept. of the Environment re: the use of coal at the Capitol Power Plant (Holmes)

**8:20     Community Comments Round II, time permitting (2 minutes each)**

**8:25     Adjourn**



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



### Advisory Neighborhood Commission 6A Minutes Miner Elementary School January 10, 2013

**Present:** Commissioners Alberti, Holmes, Hysell, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams

The meeting was convened at 7 PM

#### 1. Call to Order, Approval of Minutes, Adoption of Agenda, Elections Call to Order

The presence of a quorum was announced.

#### Minutes and Agenda

The minutes for December 2012 were approved by unanimous consent. The agenda was approved as presented by unanimous consent.

#### Election

Mr. Holmes moved to adopt the Commission rules in the form they were adopted in 2012. That is the single two minute rule adopted at the December meeting. It avoids having the Chair being declared arbitrary when he/she declares the end of a Commissioner's time or that of a member of the public, and fixes a consequence for ignoring the rule. He also noted that the bylaws carry over from year to year and that if anyone wished to amend the bylaws, the specific language of the proposal must be announced one meeting in advance of a vote. The Standing Rules were adopted by unanimous consent.

Mr. Holmes announced that the Commission would consider the nomination and election of its officers for 2013 in the following order: Chair, Vice Chair, Secretary, and then Treasurer.

He then announced that he was about to move the adoption of a slate of officers and committee chairs, stating that a slate must be approved by two-thirds of those present and voting. He said that if the motion did not get two-thirds, each officer and chair would be individually elected.

**Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to elect a slate composed of Chair: David Holmes; Vice Chair: Omar Mahmud; Secretary: Gloria Nauden; Treasurer: Nick Alberti. And also committee chairs Adam Healy, Alcoholic Beverage Licensing; Elizabeth Nelson, Community Outreach; and Omar Mahmud, Transportation and Public Space.

Mr. Holmes noted that a Chair for the Economic Development and Zoning Committee will be elected at the next meeting. Additionally, he said, there has not been a desire to activate the Public Safety Committee because all Commissioners are experts in their own districts and have been intolerant of the direction of previous committees that seemed to focus on one or two districts over others.

Ms. Phillips-Gilbert said she objected to voting a slate. She said she had no objection to the individual candidates, which she would support, only to the process, which she feels violates democratic process



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



and has the danger of being stuck with candidates who are not qualified or may collude on a vote in the future. The Commission approved the Officers and committee chairs by a vote of 7-1-0.

**Motion:** Mr. Holmes moved/Ms. Phillips-Gilbert seconded the nomination of the following members of the ANC's permanent committees:

Alcoholic Beverage Licensing Committee: *Existing Members/Reappointments:* Adam Healy, Michael Herman, Ann Marie Koshuta, Katy Thomas; *New Appointments:* Roger Caruth, Christopher Seagle, Dave Oberting.

Community Outreach Committee: Elizabeth Nelson, Louis Barbash, Patricia Joseph, Jean Kohanek, Rosetta (Rose) Williams. Mr. Holmes requested that the agenda be amended to add Gladys Mack, former 6A Commissioner, and Maurice Cook, a former Committee member.

Economic Development and Zoning: Missy Boyer, Laura Gentile, Dan Golden, Michael Hoenig, Charmaine Josiah, Drew Ronneberg, Justin Thornton, Bao Vuong.

Transportation and Public Space: Omar Mahmud, DeLania Hardy, Jeff Fletcher, Benjamin Rosset, Todd Sloves.

The motion passed unanimously.

Mr. Holmes offered a motion authorizing him to write the required notifications to the various appropriate offices of City government of the newly elected officers, committee chairs and membership. The authorization passed without objection.

Mr. Holmes offered a motion authorizing the writing of a check for \$25 to the ANC Security Fund. It passed without objection.

## 2. Community Presentation

### Capitol Hill Parks- National Capitol Parks - East

Mr. Holmes introduced Superintendent Alex Romero and Dr. Joy Kinard, Central District Manager of National Capitol Parks East, and Lt. Mark Adamchick, US Park Police District One.

Lt. Adamchick began by talking about the dog off leash prohibition, which is enforced in every federal park. He said that it is \$45 for a first ticket, though he would rather speak with people than write tickets, but he was insistent that the parks have to be kept safe. A question was asked about a recent cell phone grab at Lincoln Park, and he said he didn't know, but they had a different reporting system for outside the park. He recommended calling 911 if there is an issue and no officers around, and they will forward problems to the correct agency. He also said they were implementing more patrol cars around the parks. Mr. Alberti suggested that it would be useful to have extra patrols during peak jogging and dog walking hours early in the morning and in the evenings. He thanked the representatives for coming to the meeting.

Mr. Romero briefly described his District, saying that there are four federal parks in the area and he had been working with Councilmember Wells as chair of the committee with oversight over the parks. They are planning more activity in the parks this summer, particularly after work, and they are



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



checking out the rules to see what is allowed—exercise classes, jazz, movies, wine and beer, dog-training workshops, etc.

Dr. Kinard spoke particularly about Lincoln Park and said that the Lincoln movie and the 150<sup>th</sup> Anniversary of the Emancipation Proclamation had inspired a lot of activities in Lincoln Park, and it's being sought out by groups to do public service. Because of the popularity of Lincoln, the Lincoln statue in the park was made the cover of the January issue of the Sentinel, the Park Service magazine. She mentioned specifically that Delta Sigma Theta, celebrating its 100<sup>th</sup> anniversary was planning a clean-up day of service accompanied by NPS personnel. She pointed out that NPS personnel were good neighbors in the community. She said they could be reached at [nps.gov](http://nps.gov).

She also announced that in the spring construction will begin on the Capitol Hill walkway project, a project to repair the walkways in Lincoln Park. They will return to the ANC with more details.

### 3. Community Comments

**Raphael Marshall** spoke as a representative of DPR, and said there are two rec centers in 6A - Sherwood and Rosedale, and urged people to check them out and take advantage of them.

**Brittney Wright** of the Mayor's Office said that she and Chris Fitzgerald were available to help residents with their problems and could be reached at [dc.gov](http://dc.gov).

**Jessica**, a neighbor, said that her garage had been broken into that evening and it was not the first time.

**Malia Salim** of DC Streetcar announced that there is a new issue of their newsletter with a construction schedule for the next several months.

**Another neighbor** said he had been robbed four times, and mentioned that he lived across the street from the 12<sup>th</sup>/C NE murder site, and asked what more can be done.

**Gene Fisher**, who works for Councilmember Orange, said that he encourages people to attend their PSA meetings. He said at the last meeting of PSA 107 had only 18 people in attendance. He said that people should go to the meetings because it's an opportunity to let the police know of community concerns. He said the police don't conduct the meetings; the attendees set the agenda with their concerns. Mr. Holmes added that that's where the police interact with the community, and said that PSA 104 meets at Sherwood Rec Center the second Tuesday of the month.

### 4. Officers' Reports

#### Chair

#### Treasurer's Report

Mr. Alberti presented the Treasurer's Report for January. He reported that the opening balance in the checking account was \$15,025.78 and the savings account balance was \$13,714.63. There was an interest payment to the savings account of \$.23. There were disbursements of \$3,815 to Capital Community News & Fagon Guide for Hill Rag ads (Check #1581); \$180 to Roberta Weiner for November 2012 transcription of ANC minutes (Check #1582); \$200 to Heather Schoell for the December 2012 agenda package (Check #1583); and \$524 to FedEx Office for December 21, 2012 statement (Check #1584); leaving a balance of \$10,06.76 in the checking account, and \$13,71.85 in the savings account.



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



**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to approve the disbursements. The disbursements were agreed to by unanimous consent.

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

### Quarterly Report

Mr. Alberti presented the Quarterly Report for the 1<sup>st</sup> Quarter of FY 13. He noted that it had been circulated to the Commissioners for comment. **Motion:** Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the Quarterly Report for the 1<sup>st</sup> Quarter of FY 13. It was accepted by unanimous consent.

### **5. Community Presentation**

Mr. Holmes introduced City Council Chairman Phil Mendelson, who had been invited to talk about crime, attracting a very large crowd of neighbors. First District Commander Hickson was also present.

Mr. Mendelson began by talking about his work on the Judiciary Committee writing a gun law for the District that could withstand constitutional scrutiny and a domestic violence law. In response to a question from Mr. Holmes about why he had not approved an increase in force levels for the police department, he said that the police department contract expired two years ago but management and the FOP do not get along, and there's another problem: officers hired in the late '80's are retiring, but attrition is under 16 a month, and the Council found out that hiring had stopped because, due to bad budgeting, there's no budget for longevity pay and there's no money for hiring. The force is now down to 3700 and should be just under 3900. Added to that, there a lot of new "hot spots," such as Chinatown, that increase the need. He said that the Council will move forward, but the Mayor's proposal had appeared without explanation, and it requires discussion and negotiation, which, he said, will take place.

Mr. Hysell asked if the Mayor requests funding for new police officers and the police chief concurs that those officers are needed, why would you oppose that funding? As a legislator, Mendelson should consider seriously the recommendation of the police and it's not clear why he was opposing using surplus funding for something they requested? Mendelson said that it takes many months to hire and train new officers, so his delay in approving the funding wasn't going to have an immediate impact.

Mr. Mahmud said that people are frustrated "out of their heads" and that leads to a feeling of dysfunction in the City, and asked what reassurances Chairman Mendelson could provide. Mr. Mendelson said the needed response comes from the Executive, but he can say there's been a substantial drop in crime.

Gloria Nauden said she's been robbed four times in the last year, and her question is whether there's a correlation between education and crime. Mr. Mendelson said there is a correlation between truancy and crime that should be looked at.

A neighbor suggested (to applause) that security cameras be deployed, a suggestion echoed by others. Other suggestions included signs in buses and increased foot patrols.



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



### 6. Committee Reports

#### Community Outreach Committee

The report of the committee was accepted without objection.

#### Alcoholic Beverage Licensing

The report of the committee was accepted without objection

#### Transportation and Public Space Committee

This is a request for support for the Washington Area Bicyclists Association (WABA) Tour de Fat bicycle parade on June 1, prior to an event at Yards Park. Mr. Holmes said that the event affects two SMDs—03 and 04. Neither commissioner has an objection as the time that the street will be blocked is minimal, there will be police control of traffic, and it has the feel of a short entertaining parade.

Nelle Pierson, WABA Outreach Coordinator, said that last year they used the Anacostia River Trail, but this year they wanted to use the streets. The event at Yards Park will have arts and a bike festival with Fat Tire beer, the sponsoring organization. A question was asked about whether there are rules for bikes on streets, and was told there are very clear laws. WABA educates both bikers and drivers, but has no power to enforce them. **Motion:** Mr. Mahmud moved/Mr. Alberti seconded a motion to send a letter to HESMA supporting the Tour de Fat on June 1. The motion passed 8-0-0.

The committee's report was accepted without objection.

#### Economic Development and Zoning Committee

##### 901 H Street NE

This is a request for support of a two-year Zoning Commission extension for the PUD for the H Street Connection at 901 H Street NE. The ANC has been working closely with the developer for three years and they are asking for the extension—which is required after two years—because of a combination of complexities with the leases of the existing tenants, and a still unsettled financing situation. No changes will be made to the project. **Motion:** The committee moved/Mr. Holmes seconded a motion that the full ANC accept the committee's recommendation to support the request of Parcel Seven Associates (Rappaport developers) for a two year extension of their PUD for 901 H Street NE. The motion passed 8-0.

##### 1425 North Carolina Avenue NE

This is a request for support of a BZA application for an area variance from the lot occupancy requirements to build a deck. According to Mr. Holmes, the committee members felt the deck, which would take up 94% of the lot—more than 20% more than the ANC would usually approve—is too large, with no compelling hardship for the increased size. They felt also that the proposed height of 7' is just too high. The committee voted to oppose the variance, and suggested that the applicant and their architect redesign the deck within the legal parameters. **Motion:** The committee moved/Mr. Holmes seconded a motion that the full ANC accept the committee recommendation and oppose the request for support for a variance for lot occupancy at 1425 North Carolina Ave. NE. The motion passed 8-0.



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### 7. New Business

#### Fever Bar and Lounge

This is another voluntary agreement for Fever Bar and Lounge that was returned by ABRA for modifications. The changes are the same that have been made in other agreements, and the Commission has voted to modify its basic VA to incorporate the changes. **Motion:** The committee moved/Mr. Hysell seconded a motion to accept the changes proposed by ABRA to the VA negotiated between the ANC and Fever Bar and Lounge. The motion passed 7-0-1, with Mr. Alberti not voting.

#### Rock and Roll Hotel

**Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to support the request by the Rock and Roll Hotel for extended hours during the Inaugural weekend. The motion passed 6-0-2 with Mr. Alberti and Mr. Mahmud not voting.

### 8. Single Member District Reports

**Sondra Phillips -Gilbert** said she wanted to thank her former ANC representative, Gladys Mack, Pilgrim AME Church, our own community baseball legend, Ms. Mamie “Peanut” Johnson, and the entire friends and neighbors of the Rosedale community for electing her to serve them. She also thanked Pilgrim AME Church and the Rosedale Grassroots Organization for providing Christmas gifts and clothing for 21 toddlers at the Tyler House whose parents care incarcerated.

**Andrew Hysell** thanked Adam Healy for his outstanding service to the Commission through the ABL Committee.

**Nick Alberti** said that a tape recorder had been ordered to record ANC meetings.

**Calvin Ward** said thank you to the community for electing him.

### 9. Final Comments

Sondra Phillips Gilbert said she would like to have a microphone as well as a recorder so people can hear wherever they may sit in the room.

The meeting was adjourned at 9:15 PM.





# Commission Letters of January 10, 2012 Meeting



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



January 12, 2013

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

Re: Z.C. Case No. 10-03A Parcel Seven Associates, LLC - Two-Year PUD Time Extension @ Square 912

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on January 10, 2013, our eight member Advisory Neighborhood Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the request (Z.C. #10-03A) for a two-year extension for the Planned Unit Development for H Street Connection site.

Please accept this very late filing.

On behalf of the Commission,

David Holmes  
Chair

<sup>1</sup> Our meetings are announced on ANC6A-announce@yahoogroups.com, ANC-6A@yahoogroups.com, the 6A website at www.ANC6A.org, and through advertisements in the *Hill Rag*.



## Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



January 29, 2013

Ms. Tanya Mitchell  
Mayor's Special Events Task Force  
2720 Martin Luther King, Jr. Avenue, SE  
Washington, DC 20032

Dear Ms. Mitchell,

Advisory Neighborhood Commission 6A has voted to support the WABA-sponsored Tour de Fat scheduled to take place on June 1, 2013. This vote took place at a regularly scheduled and publicly announced meeting with a quorum present. Five commissioners are required for a quorum. The vote was 8-0-0.

Our support for the 2013 Tour de Fat is contingent on presentation to the ANC of Homeland Security- and MPD-approved street closure plans and that the adjacent ANCs have also sent letters of support. Please assure us that police officers will close intersections and protect the cyclists as they move through the streets of our Commission.

For the Commission,

David Holmes  
Chair



# Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



January 14, 2012

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

Re: BZA Case #18491 (1425 North Carolina Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on January 14, 2012, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to reject the applicant's request for a variance. The Commission believes the case fails to meet the requirements for a variance.

Please be advised that Drew Ronneberg and David Holmes are authorized to act on behalf of ANC 6A in this matter. Commissioner Holmes can be reached by phone at 202-251-7079 or by email at [Holmes6a3@gmail.com](mailto:Holmes6a3@gmail.com).

On behalf of the Commission,

David Holmes  
Chair

<sup>1</sup> ANC 6A meetings are advertised electronically on [anc6a-announce@yahoogleroups.com](mailto:anc6a-announce@yahoogleroups.com), [ANC-6A@yahoo.com](mailto:ANC-6A@yahoo.com), and through print advertisements in the *Hill Rag*.



## Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



February 3, 2013

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

RE: BZA Case 18501 – Withdrawal of appeal

Dear Mr. Moy,

ANC 6A has decided to withdraw its appeal of building permit #B1207040, issued for 607 14<sup>th</sup> Place NE.

Sincerely,

David Holmes  
Chair, ANC 6A

cc: Matt LeGrant  
Taiwo Demuren (demuren@comcast.com)



# Commission Letters of January 10, 2012 Meeting



## GOVERNMENT OF THE DISTRICT OF COLUMBIA Board of Zoning Adjustment



February 6, 2013

David Holmes, Chairman  
ANC 6A  
P.O. Box 75115  
Washington, D.C. 200013

Re: BZA Appeal No. 18501 - 607 14th Place, N.E.

Dear Chairman Holmes:

The Office of Zoning received your e-mailed letter (attached), dated February 3, 2013, withdrawing the above-cited appeal. Please be advised that pursuant to subsection 3113.10 of the Zoning Regulations, your appeal is hereby **WITHDRAWN**. No further action will be taken on this application.

If you have any questions, please me at (202) 727-6311.

SINCERELY,

**RICHARD S. NERO, JR.**  
Deputy Director of Operations  
Office of Zoning

Attachment

cc: Ward Six Councilmember Tommy Wells  
Matthew LeGrant, DCRA

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441 4<sup>th</sup> Street, N.W., Suite 200/210-S, Washington, D.C. 20001  
Telephone: (202) 727-6311      Facsimile: (202) 727-6072      E-Mail: [dcoz@dc.gov](mailto:dcoz@dc.gov)      Web Site: [www.dcoz.dc.gov](http://www.dcoz.dc.gov)



# Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



February 7, 2013

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

Dear Chairperson Miller:

I am writing to urge the Alcoholic Beverage Regulatory Administration (ABRA) to investigate, and the ABC Board to take appropriate action to eliminate on-going noise violations coming from Twelve Restaurant and Lounge located 1123-1125 H St NE.

ANC6A has received many noise complaints about this establishment and efforts to work with the ownership to resolve these issues have not been successful. In response, on November 8, 2012, the Commission voted 5-0-1 (with Commissioner Alberti abstaining and not participating) to invoke the cure provision contained in Section 8 of the settlement agreement between Twelve and ANC6A. I have attached a copy of that letter. The meeting was its regular, publicly-announced monthly meeting. A quorum of our Commissioners was present (five are required). The ANC advertises its meetings in the Hill Rag, and announces them through its own email distribution list and through two neighborhood listservs. It announces the meetings on its website as well.

In response to the letter, Mr. Bernard Gibson, owner of the establishment, attended the ANC's Alcoholic Beverage Licensing (ABL) Committee on December 18, 2012 to respond. Mr. Gibson acknowledged long-standing problems with cracked windows at the establishment allowing noise to broadcast into the neighborhood. Mr. Gibson assured the Committee that new windows had been ordered and would be installed before the Committee meeting scheduled for January 15, 2013. He also committed to attending the January ABL Committee meeting.

Mr. Gibson failed to attend that meeting, and sent Mr. Allan Whittaker to represent him. Mr. Whittaker said none of the new windows had been installed and that only half of them had been delivered.

The Commission invokes Section 8 of the settlement agreement and urges the ABC Board to resolve this matter. Thank you for your attention to this important matter. The residents living near this establishment are entitled to peace, order, and quiet and need the Board to enforce the law and settlement agreement.

On behalf of the Commission,

David Holmes  
Chair

Attachment



# Commission Letters of January 10, 2012 Meeting



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



November 30, 2012

Mr. Bernard Gibson  
XII  
1123 H Street NE  
Washington, DC 20002

Dear Sir:

At its meeting of November 8, 2012, Advisory Neighborhood Commission 6A (ANC) adopted a motion to invoke the cure provision of the ANC's VA with XII (Twelve) located at 1123-1125 H Street, NE.

Consequently this letter invites you to appear before the ANC's ABL committee to describe the corrections you will have made to bring your establishment into compliance with your VA. These corrections are expected within 10 days or the matter will be reported to the Alcoholic Beverage Regulatory Administration. The motion passed 5-0-1, with Commissioner Alberti not voting and not present in the room. The meeting was the eight-member Commission's publicly announced<sup>1</sup> and regularly scheduled meeting held with a quorum present.

On the following page is a PDF of the relevant language from the Voluntary Agreement you signed.

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



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.

The ANC finds that XII is causing excessive noise to trouble the residential neighborhood to the south of the building because of a failure to adequately maintain and repair its sound insulation. We also find that excessive noise is coming from the rooftop of your establishment.

The next meeting of the ABL Committee is December 18, 2012 at 7 pm. We will expect your statement then to include information about the changes you have made. If the ABL committee is not satisfied, I will refer the matter on behalf of the ANC to ABRA.

For the Commission,

David Holmes  
Chair, ANC 6A





# Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



February 3, 2013

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

RE: BZA Case 18499 – ANC 6A will not appear but does not withdraw

Dear Mr. Moy,

Under the authority of their designation of me to act on behalf of the ANC, ANC 6A has decided not to appear in its appeal of building permit #B1209455. We do not, however withdraw from the appeal. We still believe that the Zoning Administrator erred in this case, but believe that further prosecution of the matter is futile because the Board of Zoning Adjustment has abrogated its responsibility to enforce the Zoning Regulations and act as an oversight body for the Office of the Zoning Administrator.

For example, in the January 15, 2013 public meeting for BZA Case 18439, Chair Jordan acknowledged the Zoning Administrator did not comply with Section 3202.3 when it issued the building permit and felt that the office could be “slapped on the wrist” for the improper issuance – but then failed to revoke the permit. In addition, it was clear that Chair Jordan and the rest of the BZA believed that Board had the authority to ignore the zoning regulations when it thought that the Office of the Zoning Administrator followed reasonable but uncodified procedures.

In BZA Case 18146, the BZA ruled that the Zoning Administrator erred in issuing a Certificate of Occupancy, but exceeded its authority by preventing the ANC from appealing the revised C of O. Section 3200.1 clearly states

... appeals to the Board of Zoning Adjustment may be taken by any person aggrieved, or organization authorized to represent that person, .. affected by **ANY** decision of an administrative officer granting ... a certificate of occupancy or any other administrative decision based in whole or part upon any Zoning Regulations... (emphasis added)

When this issue was raised at the hearing, the Board cited no authority to prevent the ANC’s appeal of an administrative decision of the Zoning Administrator.



## Commission Letters of January 10, 2012 Meeting



The current Board does not follow the rule of law when it permits the Zoning Administrator to follow extra-legal procedures that contradict the zoning regulations. If Chair Jordan and the rest of the BZA do not agree with a provision in the zoning regulations, they are free to petition the Zoning Commission to change the regulations through a rulemaking. However, they should not be free to ignore the regulations because they disagree with them or issue orders which exceed their authority as granted by these regulations.

Because we believe we cannot get a fair hearing before the BZA and are prevented by law from appealing BZA decisions to court, we will concentrate our efforts on:

Urging the City Council to lift the current prohibition of ANCs from appealing BZA decisions to court. and

Making the City Council aware the Board has made rulings inconsistent with the zoning regulations and has abrogated its responsibility to act as an oversight body to the Office of the Zoning Administrator.

Sincerely,

David Holmes  
Chair

cc: Matt LeGrant  
Christy Shiker, Holland and Knight



## Commission Letters of January 10, 2012 Meeting



Advisory Neighborhood Commission 6A  
P. O. Box 75115  
Washington, DC 20013



January 31, 2013

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

Dear Ms. Miller:

At its regularly scheduled and publicly announced<sup>1</sup> monthly meeting of January 14, 2013, Advisory Neighborhood Commission 6A (ANC) voted (6-0-2) to accept the modifications requested by the Alcohol Beverage Control Board to the settlement agreement between the ANC and Fever Bar and Lounge. Commissioner Alberti abstained, and did not participate in the discussion.

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

On behalf of the Commission,

David Holmes  
Chair

---

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



# Officer Reports - Treasurer



## ANC 6A Treasurer's Report January 2013

Period Covered 01/01/13 - 01/31/13

### Checking Account:

Balance Forwarded \$ 10,306.76

#### Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 10,306.76

#### Disbursements:

Heather Schoell ( Agenda Package Jan. 2013)	Ck #1585	\$	200.00
Roberta Weiner (Minutes Dec. 2012)	Ck #1586	\$	180.00
FedEx Office (Jan. 01, 2012 Statement)	Ck #1587	\$	213.10
ANC Security Fund	Ck #1588	\$	25.00

Total Disbursements \$ 618.10

Ending Balance \$ 9,688.66

### Savings Account:

Balance Forwarded \$ 13,714.85

#### Receipts:

Interest 01/310/13	0.23
Deposit -	
Transfers from Checking Account	

Total Receipts \$ 0.23

Total Funds Available \$ 13,715.08

Disbursements \$ -

Ending Balance \$ 13,715.08

Prepared February 1, 2013



## Committee Reports

### Community Outreach Committee (COC)



**ANC6A Community Outreach Committee**  
**January 21, 2013 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, Louis Barbash, Rose Williams, Maurice Cook, Gladys Mack (quorum)

Committee members absent: Pat Joseph

Commissioners present: David Holmes

- I. Agenda  
Adopted.
- II. Chairman Holmes thanked the Community Outreach Committee (COC) members for their service.
- III. Status report on website & Fagon Guide advertising.
  1. Ms. Nelson reported that the website has been updated to reflect the new commissioners and officers. She will soon begin moving some correspondence from the Other Documents page to the archive pages.
  2. To date, she has not received notice from the Fagon Guide to update last year's ad. The committee agreed that this year's ad should have the same format. Ms. Nelson will provide the updated commissioner information, when the request arrives. When she receives the draft, it will be forwarded to the commissioners for their approval. Turn-around will be tight at that point.
- IV. Discussion of revision of ANC 6A flyer
  1. Ms. Kohanek had prepared two draft layouts for the ANC flyer, one the same as in the past but with updated information, the other of a completely different design. The new design includes the same basic information, including contact information for commissioners, meeting schedule and contact information for the committees, ANC map, URL for the website and mailing address and meeting location and schedule for the ANC. All preferred the new design as it is more attractive and likely to attract attention. Also, it does not require a tri-fold which makes it more economical to produce. Ms. Kohanek has created two variations of this design, one in color and the other in black and white with indented margins making it easier to print for some persons who may download it from the website. Both variations will be made available on the website.
  2. There is no plan to print large numbers of the flyer for a wide distribution. (The committee feels that this is not worth the cost, given the size of the ANC budget.) A few will be produced, likely out of the COC photocopy budget, for use at committee meetings and ANC meetings. Nevertheless, Ms. Kohanek will research the cost of having the printing done at some place other than Kinkos.



## Committee Reports

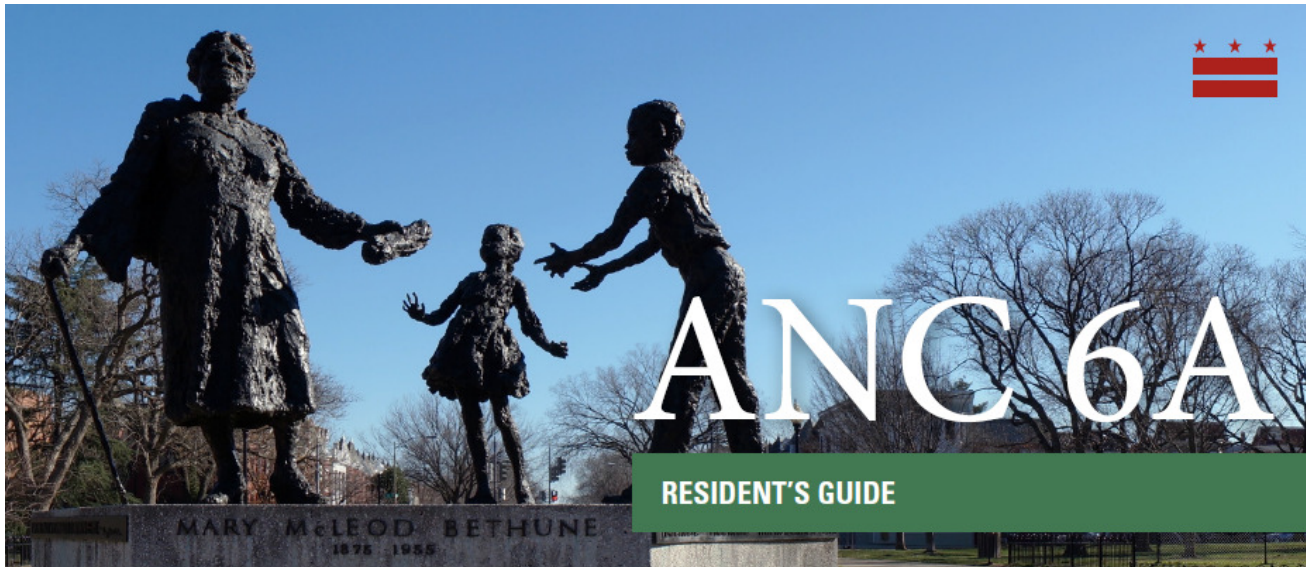
### Community Outreach Committee (COC)



3. As only a few will be printed at any one time, it is feasible to make changes to the flyer as the need arises. However, the situation with the chairs of the ABL and ED&Z committee should be addressed before the flyer is made public. Currently, there is no chair for ED&Z and the chair of ABL has said he may resign. Ms. Nelson will contact David Holmes for guidance. [This was done, subsequent to the meeting.]
  4. The draft document will be made available for the review of the commissioners at least a week prior to the February 14 ANC meeting.
  5. A motion to request approval is not necessary as the commissioners have already given their blessing to the project. **However, we do request that they provide any comments or updates by the end of the February 14 ANC meeting** as it is important to replace the seriously outdated version currently on the website.
  6. A recommendation with regard to printing may be forthcoming at a later date, if we determine that it is better not to use Kinkos.
- V. Confirmation of next meeting date.
- The committee meets on the third Monday of each month and usually keeps that date when it falls on a holiday. However, Ms. Mack asked that the meeting not take place on the holiday. Ms. Kohanek said there was a possibility that she would be unavailable on that Monday. The COC members present agreed to accommodate Ms. Mack's request and set the date for the fourth Monday, February 25. This will mean that minutes must be produced and reviewed quickly to make the deadline for the March ANC meeting.
- VI. Meeting adjourned at 8:15 p.m.
- VII. **The next meeting will be held February 25, 7:30 p.m. at 1235 C St. NE. Note that this is the fourth Monday, rather than the usual third Monday.**



# Committee Reports Community Outreach Committee (COC)



## The Advisory Neighborhood Commission (ANC) is your voice in city government.

Each Ward is divided into a number of ANCs; we are in ANC 6A in Ward 6. Each ANC is in turn made up of Single Member Districts (SMDs) of approximately 2,000 residents who are represented by an Advisory Neighborhood Commissioner. Commissioners are elected to serve without pay for two-year terms. ANCs are supported by citizens willing to become involved by attending meetings and volunteering for ANC committees and activities.

### What does an ANC do?

The ANC makes recommendations to the District government and Federal agencies on matters directly impacting the community. Issues include social services, transportation, public works, education, safety, health, planning, zoning, and recreation. District officials are not required to follow ANC recommendations, but must give them "great weight."



### About ANC 6A

ANC 6A has monthly meetings where commissioners discuss and vote on issues brought to their attention by citizens, city agencies, and others. ANC 6A also has committees to research issues and make recommendations to the ANC commissioners. *All meetings are open to the public, and citizens are encouraged to attend and get involved.*

To find out more about ANC 6A and what's happening in the neighborhood, please attend a meeting, or visit the ANC 6A website: [www.anc6a.org](http://www.anc6a.org).

ANC 6A meets the 2nd Thursday  
of the month, 7 PM  
Miner Elementary School  
601 15th Street, NE

### ANC 6A Committees

**Alcohol Beverage Licensing**  
3rd Tuesday of the month, 7 PM  
Sherwood Recreation Center  
10th and G Streets, NE  
CONTACT: Adam Healy, 556-0215  
healyanc6a01@gmail.com

**Community Outreach**  
3rd Monday of the month, 7:30 PM  
Church of Lord Jesus Christ Annex  
1235 C Street, NE  
CONTACT: Elizabeth Nelson, 543-3512  
elizabeth\_knits@yahoo.com

**Economic Development & Zoning**  
3rd Tuesday of the month, 7 PM  
Sherwood Recreation Center  
10th and G Streets, NE  
CONTACT: Laura Gentile, 744-2014  
Lgentile6a2@gmail.com

**Transportation & Public Space**  
3rd Monday of the month, 7 PM  
Sherwood Recreation Center  
10th and G Streets, NE  
CONTACT: Omar Mahmud, 594-9848  
mahmud6a01@gmail.com

[www.anc6a.org](http://www.anc6a.org)

ANC 6A, P.O. Box 75115, Washington, D.C. 20013 | [anc6a@gallaudet.edu](mailto:anc6a@gallaudet.edu)

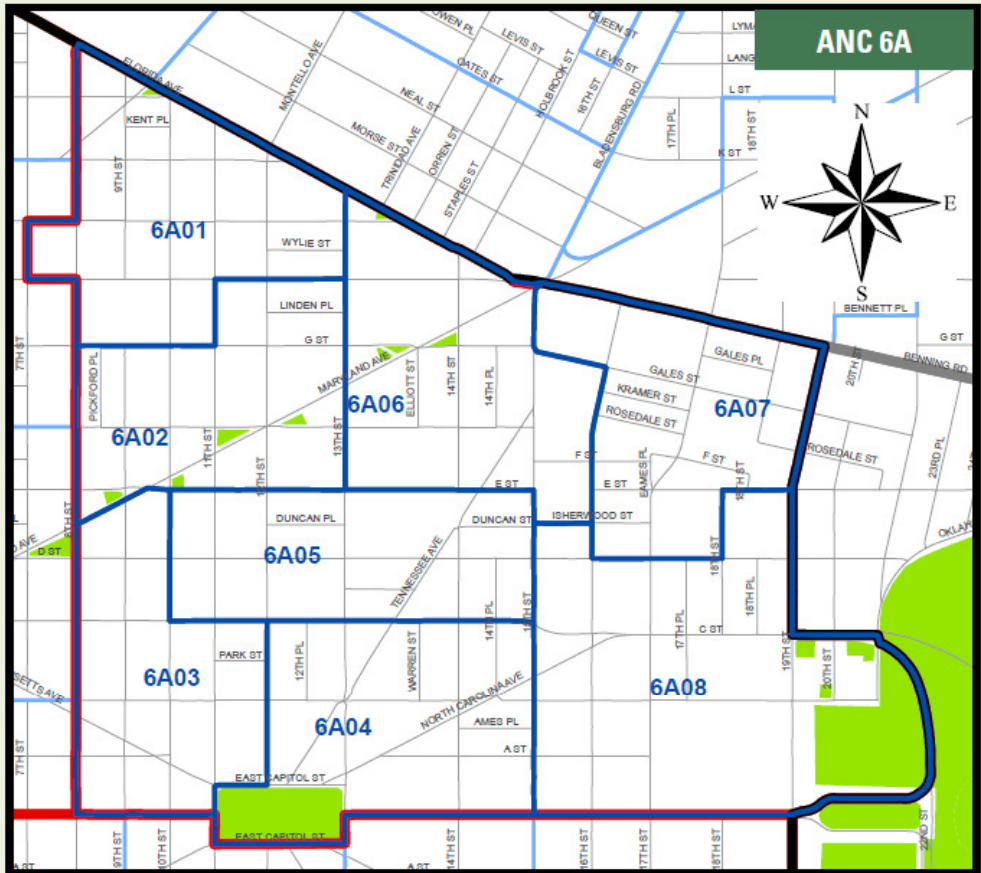


# Committee Reports Community Outreach Committee (COC)



## Find Your SMD and Commissioner

Use this map to locate your street address and find your commissioner.



### 6A-01

J. Omar Mahmud, 594-9848  
Contact Commissioner for address  
mahmud6a01@gmail.com

### 6A-02

Gloria Nauden, 528-9005  
1239 Maryland Avenue, NE  
gnauden@gmail.com

### 6A-03

David Holmes, 251-7079  
919 Massachusetts Avenue, NE  
holmes6a3@gmail.com

### 6A-04

Nicholas Alberti, 543-3512  
1330 North Carolina Avenue, NE  
alberti6a04@yahoo.com

### 6A-05

Jay Williams, 906-0657  
315 12th Street, NE #100  
williamsANC6a05@gmail.com

### 6A-06

Andrew Hysell, 812-3054  
1364 Emerald Street, NE  
ahysellANC6a06@hotmail.com

### 6A-07

Sondra Phillips-Gilbert, 397-7228  
1744 E Street, NE  
spgilbert01@comcast.net

### 6A-08

Calvin Ward, 506-5449  
436 19th Street, NE  
cward6a08@gmail.com

Please visit the ANC 6A website at [www.anc6a.org](http://www.anc6a.org) to find out more about what's happening in the neighborhood and ANC activities, including:

- ★ Agendas
- ★ Minutes and reports
- ★ Changes to meeting locations and/or schedule
- ★ Correspondence
- ★ Grant information
- ★ Up-to-date calendar listings
- ★ Sign-up for agenda by e-mail
- ★ Links to other websites

UPDATED JANUARY 2013





## Committee Reports Alcohol Beverage and Licensing (ABL)



### Alcoholic Beverage Licensing Committee

ANC 6A

January 15, 2013

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on January 15, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Michael Herman, Anne Marie Koshuta, Katy Thomas, Roger Caruth, Dave Obertin, and Christopher Seagle

Committee Members Absent: None

Commissioners Present: David Holmes and Jay Williams

Community Members Present: Chris Taylor, Brandon Hill, Peter Chang, Chris Steinke, Sang Lee, Diana Lee, Margaret Holwill, Drew Ronneberg, Anwar Saleem, Jerome Phenious, Tasha Jova, Allan Whittaker, and Jessica Culpepper.

#### I. Call to Order

Chairman Healy called the meeting to order at 7:02 pm. The meeting having been duly convened was ready to proceed with business with a quorum. Without objection a new item number three was placed on the agenda under New Business regarding the ABC Board changes to recent settlement/voluntary agreements.

#### II. Community Comment

Mr. Healy announced that the Mayor today signed the legislation to update the District’s alcohol control laws and that voluntary agreements will now be referred to as settlement agreements.

Margaret Holwill announced that Joey Belcher had recently passed away. He was a part owner of Sticky Rice and other establishments on H Street.

Chris Taylor expressed his disappointment that the ANC had lifted the restrictions on the public space patio at Cusbah located at 1128 H St. NE. He lives near the establishment and is concerned about possible increased late night noise.

#### III. Old Business

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

The Committee continued the discussion of the on-going noise complaints about Twelve. Mr. Bernard Gibson, owner of Twelve, failed to appear at the meeting even though he committed at the December meeting to attend the January meeting and that the new windows would be installed by the January 15 meeting date. Mr. Allan Whittaker appeared on behalf of Mr. Gibson. Mr. Whittaker indicated Mr. Gibson couldn’t attend the meeting because he was hosting a charity fundraiser. Mr.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Whittaker indicated that the first phase of window delivery has arrived and that the second phase should arrive in 5-7 days but that none of the new windows have been installed. Mr. Healy expressed his disappointment that Mr. Gibson failed to attend or let the Committee know in advance that he would not be attending. Further, Mr. Healy stated that the failure to comply with the commitment the establishment made at the December meeting was unacceptable. No action was taken by the Committee since the ANC had authorized the Commission Chair and ABL Chair to act on behalf of the Commission in this matter. Mr. Healy said he would discuss the matter with Chairman Holmes and move forward with contacting ABRA regarding the violations of the settlement agreement.

#### IV. New Business

##### **Request from Grand Liquors for an exemption from the Ward 6 singles ban**

The owner of Grand Liquors located at 409 15th St. NE asked the committee to support an exemption from the Ward 6 singles ban in order to sell pints of spirits. He was not seeking an exemption for beer. Mr. Lee believes the proximity of Ward 5, where there is not a singles ban, hurts his business. Two residents that live near the store spoke in favor of the request because the owner is a good neighbor and keeps the surroundings free of litter.

Mr. Healy indicated that to his knowledge, the ANC has only supported one similar exemption in the past. That was for a liquor store on Benning Road that was literally across the street from establishments in Ward 5 that were not subject to a singles ban. That store has since gone out of business so there is no active exemption in ANC6A.

Several committee members felt that instead of considering possible exemptions on a case-by-case basis it might be better to have a community meeting about the topic in general to see if the community still supports the singles ban. Mr. Healy agreed to have such a discussion at a future committee meeting this spring.

Ms. Thomas moved/seconded by Mr. Herman to not support an exemption to the Ward 6 singles ban for Grand Liquors located at 409 15th St. NE. The motion carried 6-1 (with Mr. Obertin voting no).

##### **Discussion about events at 700 H St. NE using a caterer's license to serve alcohol**

Discussion was held about events taking place at 700 H St. NE where a caterer's license has been used to serve alcohol. The organizers of some of the events appeared before the committee to discuss their events and plans for upcoming Inauguration weekend events. They indicated that all of the proper rules have been followed.

A resident indicated that some of the past events have been a real problem in the neighborhood with loud music that could be heard inside her home, parking/traffic congestion, urination in the alley, and other rowdy behavior.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Mr. Healy indicated that he had been working with ABRA staff to learn more about how caterer's licenses work and what a neighborhood could do to remedy a situation where a caterer's license is basically used to get around applying for a regular alcohol license and going through the normal public comment process. He learned that a licensee that was catering one of these events at 700 H St. NE received a \$250 ABRA fine for noise violations. There is a little known provision in District law that would allow an ANC and/or group of 5 or more residents to lodge an ABRA protest against a specific location if it can be demonstrated that past catered events have caused a repeated problem. The consensus of the committee was to continue this discussion at the next meeting and to invite the owners of the building to the meeting.

#### **ABC Board Changes to recent settlement agreements**

Mr. Healy explained that over the past several months the ABC Board has been requiring changes to the ANC's settlement agreements by striking language that had been approved over the past several years. Unfortunately, there's little the ANC can do since the Board can reject the entire agreements or unilaterally make the modifications if the ANC does agree to the changes. Mr. Healy also expressed his desire to update the standard settlement agreement with the language required by the Board so that we don't have to continually vote on accepting these required changes.

The language of required changes to the Avery's Bar and Lounge, Maketto, and standard settlement agreements follows below. The new language is underlined and the stricken language is designated with a strikethrough:

Section 2(i): Upon request of the Board, applicant's call log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

Section 7 (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~~ shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject the Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.

Mr. Healy moved/seconded by Ms. Koshuta to accept the ABC Board changes requested for the previously adopted settlement agreements for Avery's Bar and Lounge and Maketto and to amend the ANC's standard settlement agreement to reflect the changes required by the ABC Board. Motion carried 7-0.

#### **V. Further Community Comment**

Mr. Caruth and Anwar Saleem briefly mentioned that DC was chosen for an EMS conference to be held in March and that they were working with H Street businesses on potential events. They want to be mindful of the ANC's prohibition on bar crawls contained in settlement agreements. Mr. Healy



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



indicated he would put them in touch with the appropriate ABRA staff to ensure any event would conform to the rules.

#### VI. Adjourn

The Committee adjourned at 8:50pm.



## Committee Reports Alcohol Beverage and Licensing (ABL)



2/11/13

Gmail - Avery and Maketto Settlement Agreements



Adam Healy <healyanc6a01@gmail.com>

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### Avery and Maketto Settlement Agreements

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**Jenkins, Martha (ABRA)** <Martha.Jenkins@dc.gov>  
To: "Adam C. Healy" <healyanc6a01@gmail.com>  
Cc: "Delgado, Yazmin (ABRA)" <yazmin.delgado@dc.gov>

Thu, Jan 10, 2013 at 1:51 PM

Adam,

The Board reviewed Chair Holmes' letter on its Administrative Agenda yesterday and decided to amend its original direction to your ANC. The Board is agreeable to leaving in Section 1 (a) and Section 1 (f). They would still like your concurrence on the following two provisions:

Section 2(l): Include "Upon request of the Board, . . . "

Section 7 (b): Remove the exiting language as stated in Sarah's original email, and then parties may insert instead, . . . shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject the Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.

Please know that the Board has authorized me to suggest this language to you. We have been reluctant to do so in the past so that it is not interpreted as giving counsel. Know that the Board has no concern regarding the receipt of complaints or notification of breaches; it just desires that parties pursue the correct mechanism to get to Show Cause if in fact the complaint is substantiated and needs to be addressed.

Please let me know if this is acceptable to your ANC and we will proceed with the two outstanding Orders.

Thank you.

Martha

**Martha Jenkins**

General Counsel

Alcoholic Beverage Regulation Administration

2000 14th Street, NW, 4th floor

Washington, DC 20009



## Committee Reports

### Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting  
Sherwood Recreation Center (10<sup>th</sup> Street and G Street NE)  
January 28, 2013 at 7:00 pm

- I. Call meeting to order  
7:08 PM
- II. Introductions (5 minutes)  
Commissioner Mahmud noted there are new committee members for 2013. Each member introduced himself briefly.
- III. Community Comment (5 minutes)  
No comments at this time
- IV. Announcements
  - A. DDOT to provide update about Maryland Avenue redesign project  
Date and Time: February 7 at 7:30 pm  
Location: the Kaiser-Permanente Capitol Hill Medical Center, 700 2nd St., NE, lobby-level conference room (check at front desk for exact location)  
This meeting has been postponed until March. New meeting date to be announced soon.
- V. New Business
  - A. Review of public space application for Chupacabra restaurant to be located at H Street and 9<sup>th</sup> Street NE - Mahmud (30 minutes)  
Jason Martin and Kevin (last name unknown) “the owners” represented Chupacabra. They are proposing a restaurant near the corner of 9<sup>th</sup> and H NE. They are proposing a sidewalk café with 56 seats as the main part of the occupancy of the café (10 seats inside). The owners have applied for but are unsure of status of public space permit for outdoor seating. They will check with the city and inform the committee. There is a permit for designated parking on the sidewalk at 9<sup>th</sup>/H NE for Stan’s Pants.  
  
The owners have an eventual plan for additional indoor seating and expansion of restaurant. For now, the kitchen and 10 indoor seating spaces will be run out of a 600+/- square foot garage on 9<sup>th</sup> St NE.  
  
Commissioner Alberti expresses concern for the width of the sidewalk available to pedestrians if outdoor seating is installed as proposed. Community member expresses concern for trash, noise, animals, and other issues that outdoor seating might bring. Commissioner Mahmud states concern that outdoor seating would be so close to adjacent neighbor’s houses.  
  
Owners state that trash would be kept out of public view, perhaps in renovated basement area of adjacent building owned by Stan’s Pants. Owners state that sound engineer has provided plan for sound dampening so neighbors will not be adversely affected. Owner states fence for outdoor seating would be removable within 24 hours.



## Committee Reports

### Transportation and Public Space (TPS)



Commissioner Mahmud states it will be helpful to have an actual application in hand for public space use. Owners will track down status of application. Neighbors express desire for more concrete plans on trash, noise, permitting, and other previously raised issues from owners. Owners encouraged to consider these issues and re-appear before committee at a later date.

- B. Review of public space modification proposal to allow for a canopy above public space patio area for Cusbah, located at 1128 H Street NE - Mahmud (30 minutes)
- Owner proposing to add canopy to already permitted and operating outdoor public space permit at Cusbah. Owner requesting for 2 reasons. First, it will allow him to operate outdoor seating year round, increasing revenue. Second, it will mitigate issue of area homeless population bothering customers who are patronizing the outdoor space. The canopy would have removable covering which would allow the owner to keep the space full enclosed, or to make it open air, depending on outdoor conditions. Owner not proposing permanent structure or any HVAC installation in this space. Owner states current allowed hours of operation for restaurant are until 11pm Sundays to Wednesdays, until 2am Thursdays and Fridays, and until 2:45am Saturdays.

The committee expresses concern about potential noise problems resulting from canopy. Owner states intention to work with committee on that issue if the restaurant receives any noise complaints in the future. At this point, owner provides overview of application packet that has been provided to DDOT.

**Motion to approve modified use of public space application by Commissioner Mahmud. Seconded and unanimously passed.**

- C. Presentation and request for approval regarding Capitol Hill Classic Race - Mahmud (20 minutes)
- Organizers and representative of PACERS event present details on race. This is the 34<sup>th</sup> year of the race. Includes a 10K, a 3K, and a fun run race. Race scheduled for May 19<sup>th</sup>. Race will employ rolling street closures, beginning in ANC6A at 8:45am and lasting until about 10am on day of race. PACERS rep spoke of race management preparation to ensure smooth operation of race. Organizers expecting about 4000 participants. Organizers will post signs in public spaces and on message board ahead of race date to inform community. Cm. Holmes asked about usage of bump crossroutes. Organizers will check with MPD on the issue.

**Motion by Commissioner Mahmud to support the race. Seconded by Member Slopes. Unanimously passes.**

- D. Review of 2013 committee goals - Mahmud (15 minutes, time permitting)
- Motion to table this agenda item until next meeting. No objections.

VI. Additional Community Comment (time permitting)

None.

VII. Adjourn meeting

8:22PM



## Committee Reports Economic Development and Zoning (EDZ)



### Report of the Economic Development and Zoning Committee Meeting ANC 6A January 16, 2013

Present:

Members: Missy Boyette, Laura Gentile, Charmaine Josiah, Drew Ronneberg, Michael Hoening, Boa Vuong

Commissioners: David Holmes

Laura Gentile chaired the meeting.

#### Call to Order

#### Community Comments

None

#### New Business

**Murray's/H Street Storage Redevelopment (ZC Case #12-18):** Trent Smith, of the Insight Group, provided an update on the Murray's site redevelopment. Prior discussion can be found at: <http://anc6a.org/minutes/EDZM0912.pdf>. The lease for Good Danny's has been resolved but the lease for Murray's is set to expire in 2017 and has not yet been renegotiated. Insight is optimistic that an agreement will be reached soon.

The case was setdown by the Zoning Commission in November and the full hearing will be in March. Revised plans have been created to address feedback from the Commissioners and can be found at: <https://docs.google.com/open?id=0B9Fs4ArkSj6NcWg0bUdQakViSm8>. The alternations are focused on what happens at the top of the building - e.g. a green roof that is meant to draw activity from the residences.

Mr. Smith said that the Zoning Commission had concerns that the tower element was not setback as a rooftop structure. Committee members provided feedback on minor aspects of the design that could be improved (e.g. replacing the corrugated metal roof elements visible from the Eastern view). The committee also asked the Insight Group if it was willing to 1) provide a statement of how the building complied with the design guidelines referenced in the H Street Zoning Overlay and 2) provide a written commitment to support a Historic District on H Street if one was proposed. Mr. Smith said his group would be happy to provide both as part of their PUD statement.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC conditionally support the PUD application for #12-18 if the applicant provided a statement regarding the building compliance with the design guidelines and 2) express support for a Commercial Historic District for H Street if one was proposed and recommends that Drew Ronneberg and Missy Boyette be appointed representatives for this case.





## Committee Reports

### Economic Development and Zoning (EDZ)



**BZA #18510 (721 10<sup>th</sup> St. NE).** The project's architect, Will Teass, discussed the plans to add a garage at the rear of the property so that the total lot occupancy would be 70%. The application detailed how the project met the conditions of the special exception. The committee thought that the architect did a very good job with the burden of proof, including conducting a shadow study to demonstrate the impact that the structure would have on the light of the northern property. Letters of support from the adjacent neighbors was also included in the application.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC support the special exception for 721 10<sup>th</sup> St. NE.

**HPA #13-XXX (1331 Constitution Ave. NE):** The developer is proposing to add two stories to an existing one-story building, with the third floor set back so it is not visible from the street. There are no zoning issues with the proposal.

The proposed addition is very similar to what the developer proposed for 1323 Constitution Ave. NE (4 doors to the west), which the ANC supported. They are currently in talks with Amanda Molson at HPO about adding a cornice on the first level, which existed on the original building and helps show that this was once a single story building.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC support the conceptual plans for 1331 Constitution Ave. NE before HPRB.

**HPA #13-XXX (225 9<sup>th</sup> St. NE):**

The owners are seeking to add a railing to the 2<sup>nd</sup> floor balcony at the front of the structure and a second story and railed deck addition (2<sup>nd</sup> and 3<sup>rd</sup> floor) to the rear of their house at 225 9<sup>th</sup> St. NE. The addition would extend past the house to the south, but wouldn't extend past the house to the north. There are no zoning issues with this proposal.

The owners of the southern house were at the meeting and stated that although it would have some impact on their privacy, they supported the project and hoped they could do something similar in the future. Missy Boyette asked about the lack of an arch over the doorway on the 3<sup>rd</sup> floor. The architect stated that the arch was lost when a window was removed and the doorway put in and that it would be too expensive to construct a new arch.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC support the plans for 225 9<sup>th</sup> St. NE before HPRB.

**HPA #13-XXX (1134 C St. NE):** The owners are seeking to modify a 3<sup>rd</sup> floor addition (mansard roof) that was supported by the ANC. The building is a non-contributing structure in a historic district. The previous discussion can be found at: <http://anc6a.org/minutes/EDZM0812.pdf>. The proposed modification would be to make a modern bay of windows at the top of the structure at the rear of the building. The committee asked how visible this new element would be. It won't be very visible because it was at the rear of the building and large trees block views of the back yard.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC support the revised plans for 1134 C St. NE before HPRB.



## Committee Reports

### Economic Development and Zoning (EDZ)



**BZA #18514 (1120 Park St. NE).** No one was at the meeting to present this case. Based on the written materials available to the committee, it had concerns that 1) the burden of proof didn't address the criteria for a variance, 2) there was no letters of support from the neighbors, and 3) architectural plans were not provided. Because the case will be heard by the BZA before the ANC meets in March it was suggested that the best course of action was to appoint two people to act as ANC representatives and that these people would be responsible for deciding if the applicant addressed the committee's concerns.

**Recommendation:** The Committee voted 6-0 to recommend that the ANC oppose the application for BZA Case #18514 unless Committee member Boa Vuong and Chair David Holmes both agree that the applicant meets that standard for a variance after the applicant is requested to provide 1) a revised burden-of-proof that address the criteria for a variance, 2) detailed architectural plans which show the impact on abutting properties, and 3) letters of support from the immediate neighbors.

**Zoning Regulations Rewrite:** The committee discussed the best approach for addressing the city-wide ZRR, including whether we should form a subcommittee to make recommendations to the full ED&Z. It was decided that the zoning regulations could be discussed via email before the ED&Z meetings to focus discussion.

#### Additional Community Comment

None.

**Next ED&Z Committee Meeting:  
Wednesday, February 20, 2012  
7-9 PM**



## Committee Reports

### Economic Development and Zoning (EDZ)



February XX, 2013

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

Re: ZC Case #12-18 (Murray's/H Street Self-Storage Redevelopment)

Dear Ms. Schellin:

At a regularly scheduled and properly noticed<sup>1</sup> meeting on October 11, 2012, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to conditionally support the USL WDC H Street LLC/ H Street Self Storage, LLC's application for a PUD to redevelop the Murray's/H Street Self Storage site on Square 858 (north side of the 600 block of H St NE).

For the last 10 months, ANC 6A has worked closely with representatives from Insight Development to create a design that complements the historic fabric of H Street NE. We are extremely pleased to have worked with a developer who was willing to engage the community and incorporate many of their ideas into the design of the project. The end result is a high quality building that will accelerate the H Street's development as a vibrant retail corridor as outlined in the H Street NE Strategic Development Plan.

The developer has agreed to the following two conditions which our Commission believes are important to achieve a balance between growth and preservation of the historic building fabric which gives H Street a competitive advantage over other commercial district:

1. The inclusion of a supplemental document in their application which described the building's compliance with the H Street design guidelines referenced in Section 1325.1 of the Zoning Regulations.
2. The applicant's support a future H Street NE historic district if one is proposed.

Please be advised that Drew Ronneberg and Missy Boyette are authorized on behalf of ANC 6A for the purposes of this case. Dr. Ronneberg can be reached by phone at 202 431-4305 or by email at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

David Holmes  
Chair

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) listserv and through print advertisements in the *Hill Rag*.



## Committee Reports Economic Development and Zoning (EDZ)



February 15, 2013

Ms. Catherine Buell, Chairperson  
Historic Preservation Review Board  
Office of Planning  
1100 Fourth Street SW, Suite E650  
Washington, DC 20024

Re: Historic Preservation Review (225 9<sup>th</sup> Street, NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed<sup>2</sup> meeting on February 14, 2013, our Commission voted X-X (with X Commissioners required for a quorum) to recommend support for the proposed project at 225 9<sup>th</sup> Street, NE.

The owners are proposing to add a railing to the second floor balcony at the front of the structure and railed deck addition (2<sup>nd</sup> and 3<sup>rd</sup> floor) to the rear of the house. There are no zoning issues with this proposal. The addition would extend past the house to the south. The owners of the southern house were at the meeting and stated that they supported the project. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or [Holmes6A3@gmail.com](mailto:Holmes6A3@gmail.com).

On behalf of the Commission,

David Holmes  
Chair

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<sup>2</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) listserv and through print advertisements in the *Hill Rag*.



## Committee Reports Economic Development and Zoning (EDZ)



February 15, 2013

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

Re: BZA Case 18510 (721 10<sup>th</sup> Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on February 14, 2013, our Commission voted X-X (with X Commissioners required for a quorum) to support the request for a special exception from Section 223 (not meeting the lot occupancy requirement in an R-4 zone) in the above referenced application.

The Commission supports the request for a special exception because the proposed detached garage addition at the rear of the property will not unduly affect the light and air available to neighboring properties, nor unduly compromise their privacy of use and enjoyment. Letters of support from the adjacent neighbors was included in the application.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or Holmes6A3@gmail.com.

On behalf of the Commission,

David Holmes  
Chair



## Committee Reports Economic Development and Zoning (EDZ)



February 15, 2013

Ms. Catherine Buell, Chairperson  
Historic Preservation Review Board  
Office of Planning  
1100 Fourth Street SW, Suite E650  
Washington, DC 20024

Re: Historic Preservation Review (1134 C Street, NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed<sup>3</sup> meeting on February 14, 2013, our Commission voted X-X (with X Commissioners required for a quorum) to recommend support for the proposed project at 1134 C Street, NE.

The owners are seeking to modify a 3<sup>rd</sup> floor addition (mansard roof) that was supported by the ANC. The building is a non-contributing structure in a historic district. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or [Holmes6A3@gmail.com](mailto:Holmes6A3@gmail.com).

On behalf of the Commission,

David Holmes  
Chair

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<sup>3</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) listserv and through print advertisements in the *Hill Rag*.



## Committee Reports Economic Development and Zoning (EDZ)



February 15, 2013

Ms. Catherine Buell, Chairperson  
Historic Preservation Review Board  
Office of Planning  
1100 Fourth Street SW, Suite E650  
Washington, DC 20024

Re: Historic Preservation Review (1331 Constitution Street, NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed<sup>4</sup> meeting on February 14, 2013, our Commission voted X-X (with X members required for a quorum) to recommend support for the proposed project at 1331 Constitution Street, NE.

The developer is proposing to add two stories to an existing one-story building, with the third floor set back so it is not visible from the street. There are no zoning issues with this proposal. The proposed addition is very similar to the proposal for 1323 Constitution Ave NE, which the ANC supported. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or [Holmes6A3@gmail.com](mailto:Holmes6A3@gmail.com).

On behalf of the Commission,

David Holmes  
Chair

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<sup>4</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoo.com](mailto:anc6a-announce@yahoo.com) listserv and through print advertisements in the *Hill Rag*.



## Committee Reports Economic Development and Zoning (EDZ)



RE: 1120 Park Street

ANC 6A is unable to support this request for a special exception and two variances. The homeowners and their architect have not yet provided us with drawings that show how their proposal can be brought to or below 70% lot occupancy. The plans as submitted failed to account for the lot occupancy of the front porch and the total yard width. After the date of our vote, should plans be submitted to the BZA that meet or come very close to the 70% maximum, we suggest the Board look at a variance for maximum occupancy that takes into account the special circumstance caused by the intrusion by the neighbor's fence/wall.

In addition, the garage deck plans are of intrusive height and visual solidity so as to dominate the neighbor's yards. There should be no trellis or other structure that visually overpowers the neighbors' backyards. The deck fence should be no more than 36 or 42 inches high and of open construction.

We have not received a letter of support for the proposal from the immediate neighbor on one side, and only one from a neighbor within two houses to either side.

For the Commission,

David Holmes  
Chair





## New Business



**Addendum to the bylaws under article 12, Section 3 with vote to be taken at March meeting (Philips-Gilbert):**

### ARTICLE V. Meetings

Section 1. Pursuant to the provisions of Section 742(a) of the District of Columbia Home Rule Act, all meetings of the Commission shall be open to the public, except those parts of meetings where personnel or legal matters are discussed. ***Proposed addendum to bylaws: (All Commission meetings, regular, special, and emergency, shall not be held during Federal and District of Columbia observed legal holidays.)*** Without limiting the scope, the following categories of information shall be specifically made available to the public:

AND

### Article X. Committee Duties

Section 1. Pursuant to the provisions of Section 742(a) of the District of Columbia Home Rule Act, committee meetings shall be open to the public. ***Proposed addendum to bylaws: (All Standing Committees meetings, regular, special, and emergency, shall not be held during Federal and District of Columbia observed legal holidays.)***



## New Business



February 15, 2013

Mr. Fred Moosally  
Director, Alcoholic Beverage Regulatory Administration.  
2000 14th Street NW  
Washington, DC

Dear Sir,

ANC 6A requests that ABRA and the ABC Board notify us whenever a licensee within 6A requests a change in their license class or seeks to add endorsements, a sidewalk cafe, or other license extensions.

We specifically ask to be notified when the licensee seeks:

to change the class of the license, i.e. from CR to CT, or CT to CN;

to add an entertainment endorsement, a summer garden, or a sidewalk cafe;

to add to the numbers of patrons to be served;

to change the hours of sale, either for inside or outside venues; or

other changes that affect the peace, order, quiet or parking of the immediately adjacent residences.

With few exceptions, the CR and CT licensees of ANC 6A are located only a narrow alley width from their rear neighbors. How narrow? With the exception of one block, the alleys are no more than 12' wide and most are 10' wide. Often the house is within 30' of the back wall of the liquor establishment and its rear outdoor garden, deck or serving patio. We are also close to beginning streetcar service, whose cars will run within two feet of the side of parked cars. We are looking to minimize potential danger to patrons as they return to their vehicles and cross streets.

With the exception of one establishment, we have a long history of peaceful and supportive interaction with our CR and CT licensees. We want to ensure that the H Street and Benning Road develop in a manner that's good for both the owners and their very nearby resident neighbors.

For the Commission

David Holmes  
Chair



## New Business



February 15, 2013

Department of the Environment

ANC 6A opposes the use of coal at the Capitol Power Plant. We ask that your department set particulate standards that protect our neighborhood from exposure to coal dust, sulfur particles, and sulfur dioxide that have been a health hazard to our community in the past, and should be rigorously prevented in the future. Clean burning natural gas is not in short supply, and should continue to be the energy source of the Power Plant.

The ANC adopted a motion supporting the language of this letter at its meeting on February 14, 2013. The vote was xxxx, with five required for a quorum. This was our regularly scheduled and publicly announced monthly meeting, advertised in the Hill Rag, two independent listservs and the ANC's own googlegroups. The meeting was also announced on our website, ANC6A.org

Your assistance in the protection of our neighborhood is essential.

For the Commission,

Chair

cc: Mayor Vincent Gray  
Council Chair Phil Mendelson  
Councilmember Tommy Wells