



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



- 7:00 pm **Call to order, Adopt Agenda and Approve previous meeting's minutes. pg. 3**
- 7:02 **Community Comments** (2 minutes each)
- 7:05 **Community Presentation:** Amanda R. Molson, Historic Preservation Specialist, DC Historic Preservation Office/Office of Planning
- 7:10 **Community Presentation:** Regan Ford, Campus Director, Levine School of Music at THEARC
- 7:15 **Officer Reports:**  
Chair (2 minutes)  
Vice-Chair (2 minutes)  
Secretary (2 minutes)  
Treasurer (2 minutes) *pg. 14*
1. Approve treasurer's report and previous month's disbursements.
  2. Approve monthly photocopying expenses.
- 7:20 **Single Member District reports** (2 minutes each)  
**Standing Committee Reports:**
- 7:30 **Alcohol Beverage Licensing** *pg. 16*
1. **Recommendation:** ANC 6A allow a limited exception to the Ward 6 Single Sales Ban, on half-pints of spirits only, subject to the stipulations in the ANC approved Voluntary Agreement for Capitol Liquors, 1835 Benning Road.
  2. Approve committee report.
  3. Next meeting - 7:00 pm, March 16, 2010 (3<sup>rd</sup> Tuesday)
- 7:35 **Economic Development and Zoning** *pg. 30*
1. **Recommendation:** ANC 6A support the massing and design of the proposed building at 900 H St. NE (H Street Connection Redevelopment), as well as the proposed community amenities.
  2. **Recommendation:** ANC 6A oppose the rulemaking in CASE NO. 09-21 (Text and Map Amendment to Create and Implement the Union Station North District) and appoint Drew Ronneberg and Dan Golden as ANC6A representatives for the case.
  3. **Recommendation:** ANC 6A write a letter to Councilmember Wells identifying principles for an effective vacant property tax system and asking him to oppose vacant properties bills (B18-546 or B18-448) or any other bill not tying vacant properties fees to the value of the building.
  4. Approve committee report.
  5. Next meeting - 7:00 pm, March 17, 2010 (3<sup>rd</sup> Wednesday)



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



7:40 **Community Outreach** pg. 39

1. Next meeting - 7:30 pm, March 15, 2010 (3<sup>rd</sup> Monday)

7:45 **Transportation and Public Space Committee** pg. 40

1. **Recommendation:** ANC 6A send a letter of support for the Capitol Hill Classic.
2. **Recommendation:** ANC 6A approve the developer's proposed redevelopment of the H Street Connection provided the developer adopts the recommendations set forth in sections 1.a - 1.q. and sections 2.a. - 2.e. of Attachment B to the meeting minutes.
3. **Recommendation:** ANC 6A make the recommendations to DDOT contained in Sections 3.a. - 3.d. of Attachment B to the meeting minutes, following the developer's submission of its PUD application.
4. **Membership:** accept resignation of Diane Hoover from the committee.
5. Approve committee report.
6. Next meeting - 7:00 pm, March 15, 2010 (3<sup>rd</sup> Monday)

7:50 **Public Safety Committee** pg. 56

1. Next meeting - 7:00 pm, March 18, 2010 (3<sup>rd</sup> Thursday)

7:55 **Unfinished Business** pg. 58

1. Proposed Changes to Bylaws (Holmes)

*The following motions require two-thirds of the Commission to approve.*

Motion 1: Article X, Section 2 be amended to include "(e) Transportation and Public Space." and renumber the following line as (f).

Motion 2: Article IX, Section 1, (c) be amended to read: "The Chairperson shall, during any vacancy in the office of Secretary, fulfill the duties of the Secretary." Subsequent subsections shall be renumbered as appropriate.

2. Discussion and consolidation of ANC Committee recommendations regarding the H Street Connection Development Project (Robinson)

8:05 **New Business** pg. 62

1. Vacant property tax proposal to send to the City Council (Ronneberg)
2. Residential Parking Pass Only parking restrictions for the 700 and 800 blocks between 8th and 14th St. (Ronneberg)
3. Nomination of 1381 H St NE for designation as a historic landmark (Ronneberg)

8:10 **Community Comments Round II, time permitting** (2 minutes each)



# Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



## Advisory Neighborhood Commission 6A Miner Elementary School

### Minutes

February 11, 2010

The meeting was called to order at 7:00 pm.

Present: Commissioners Alberti, Beatty, Holmes, Mack, Marshall, Robinson, and Schultheiss.

Mr. Robinson opened the meeting by announcing the special election to fill the vacancy SMD 6A02.

#### 1. Approval of Agenda

Mr. Alberti asked that the Quarterly Report for the 1<sup>st</sup> Quarter FY10 be considered under the Treasurer's Report. The agenda, as amended, was approved without objection.

#### 2. Minutes

The minutes for the December meeting, approved without objection.

#### 3. Special Election

Mr. Robinson said that there were two candidates - Robert Pittman and Dr. Drew Ronneberg - for the vacancy in SMD 6A02, that each candidate would have five minutes to speak, and the voting, which would be open only to residents of the SMD, would be open from 7:10 to 8:10 pm.

Mr. Pittman said that he is the coordinator of PSA 102, and that when he took over there weren't a lot of people who came to meetings, but he has the ability to get people involved, and having instituted set agendas for the meeting, there are now 30 to 40, sometimes even 100 people at meetings. He said he has been fighting crime on H Street for ten years, and while he didn't want to get involved, he saw he had to. He saw that the police used to send two units to a crime scene—one to report the crime and the other to watch. When the police districts were realigned he said he was very involved, and worked hard to get better coverage. He said that without his work on cooperative agreements for establishments, H Street would be like Georgetown, and he has worked on valet parking and 8<sup>th</sup> Street planning. He said he would be a hands-on representative, not just sending e-mails.

Dr. Ronneberg said he would like to help keep ANC 6A the best-run, most efficient ANC in the city. He said he has been a citizen volunteer on the Economic Development and Zoning Committee since 2003, and has served as Chair since 2006, dealing with dozens of issues - the H Street Connection was on the agenda at the meeting, which he has been negotiating for two years. He said he has been working on vacant property issues as well. He said his goals for his service were: 1/ to make the neighborhood safer, and increase surveillance in high crime areas; 2/ to continue working on a revitalized H Street, including such issues as reimbursable police details; 3/ to continue working on the H Street Connection; and 4/ parking - seeing that valet parking is not on residential streets, resident-only parking streets; and working with parking enforcement people.



## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



### 4. Community Presentations

#### SunTrust National Marathon

Diane Thomas of the Greater Washington Sports Alliance presented information on the SunTrust National Marathon to be held on Saturday, March 20. She acknowledged there had been a lot of concerns about the race, and they met with Commissioners Holmes and Robinson. They have also met with MPD about keeping East Capitol Street accessible. She distributed new maps and explained the changes that have been made as a result of these discussions, including moving the starting line, and establishing “bump cross” routes, where officers will be prepared to handle traffic. She said they would be done no later than 11 a.m., and are planning to go door-to-door handing out information on the race, and placing “door knockers” on doorknobs.

Mr. Robinson said that they had had a good conversation, and they have been responsive to the ANC’s concerns. Mr. Schultheiss said that for past years there had been an issue with the officers not knowing how to deal with the traffic. Ms. Thomas responded that they had heard that concern and the Councilmember’s office had heard that concern, and it would be fixed.

(A vote on supporting the race was taken during the New Business segment of the meeting).

#### H Street Connection

Chip Glasgow of Holland Knight, Gary Rapaport, the developer, and Sarah Alexander of Torti Galli Architects, made a presentation of the current plans for the H Street Connection. Ms. Alexander gave the background of the project, saying they had begun with two buildings, but had modified it to appear as seven smaller buildings of different “languages.” She said it would be a LEED Silver building, and will be sustainable, incorporating outdoor cafes and green spaces. There will be underground parking, including 165 spaces for retail. There will be 384 residential units.

Mr. Robinson announced that there would be a meeting of the Economic Development and Zoning Committee the following week to discuss the ANC’s recommendations for the project.

Mr. Marshall asked whether there was a start date for the project. Mr. Rapaport said that there was not one, but that the good news is that it allows them the time to do it right, but they have to make sure they do it when the market is right. He said the development would be done in two phases, one half first, and then the second. Mr. Pittman asked whether there would be any community space in the project, and was told there would not be. He was also told that the garbage will all be dumped internally, and there would be a private alley for truck pick up. Mr. Marshall asked about affordable housing and was told there would be about 34 units.

### 5. Officer Reports

#### Chair

Mr. Robinson said that he met with other Ward 6 ANC Chairs and Councilmember Wells to discuss the National Marathon, and the Councilmember was sympathetic to ANC concerns. He wants to meet regularly with the Chairs to discuss vacant properties and work collaboratively on other issues.



## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



The 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 \$23,588.50 and that the savings account balance was \$4,199.31. There was an interest payment to the savings account of \$.36, leaving a balance of \$4199.67 in the savings account. There were disbursements of \$200 to Heather Schoell for preparation of the agenda packet (Check #1446); \$135 to Roberta Weiner for transcription of minutes (Check #1447); and \$144.80 to FedEx Office for December copies (Check #1447), leaving a balance of \$23,108.78 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 Quarterly Report for the 1st Quarter of FY10. Mr. Alberti said he had circulated the complete Report packet to the Commissioners. The motion passed without objection.

**Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion that \$600 be approved for copying for ANC materials for February, 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

**Mr. Holmes** said that he wanted to clarify that his remarks made at the January meeting about the reprehensible actions of two commissioners that undermined the great weight of this ANC and the great weight afforded its motion referred to Commissioners Beatty and Robinson. Again, the Charter School Board used their letter as proof of the local support that charter schools are supposed to obtain before a charter or charter expansion can be granted. So the two commissioners outweighed the 2 to 1 majority of the Commission.

**Mr. Schultheiss** said he wanted to give a shout-out to the neighbors for shoveling the sidewalks in the neighborhood.

**Mr. Robinson** reported that the Eastern High School renovation is continuing to move swiftly, and it's going to be beautiful.

**Ms. Beatty** reported that she had an SMD meeting with Councilmember Wells on the car-jackings in her SMD, with a follow-up by MPD Chief Lanier, and the crowd applauded the police efforts. The car-jackings have gone down considerably. There are several community public safety efforts going on, including a new Orange Hat patrol on starting on Duncan Place. She urged people to get involved. She also thanked Commissioner Holmes for thinking she is so powerful that one little letter could have more impact than 4 - 5 years of his work.

**Ms. Mack** reported that the Rosedale Recreation Center project is back on track, and there will be a job fair in her neighborhood for construction jobs.



## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



Mr. Marshall said that the 90 buses were still a problem, being re-routed through 10<sup>th</sup> Street, and it was exacerbated by the snow. He also said that he is gathering additional petitions for residents parking on one side of the street and two-hour parking on the other side of the street, and will get them to DDOT.

### Committee Reports

#### ABL

##### Biergarten Haus - 1355 H Street NE

This is an application for a CT license for a restaurant and summer garden. The establishment is a restaurant, but because its kitchen is in a separate building it cannot have a CR license. The establishment is between two buildings and the summer garden is enclosed and well-insulated from the street. The only music outside will be a single non-electrified accordion. The voluntary agreement has a provision for a three month probationary period (until June 15) on the hours for the garden - 11 pm during the week, and midnight on the weekends—after which, if there are no problems, they may be extended. He is planning a soft opening on March 15, and a hard opening on March 19. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation to approve the Voluntary Agreement for Biergarten Haus as approved.

Ms. Beatty said she looked at the location, and the garden is surrounded by buildings. Mr. Schultheiss said he liked the idea of having a period of time to evaluate the impact of the garden. Mr. Alberti asked whether the motion is to accept the VA as presented, Ms. Beatty said the motion was changed to say "approved" rather than "signed". Mr. Alberti asked whether there is any food requirement in the VA, and was told that there isn't, although the owner is willing to add one. Mr. Pittman suggested that the probationary period should be at least six weeks of good weather. He also said the neighbors on 13<sup>th</sup> Street didn't know about the establishment and hadn't had any notice. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.

##### Souk - 1208 H Street NE

This is a Middle Eastern restaurant with a patio. They have opened without a liquor license, and are now applying for one. They are seeking a CR license, and will not have entertainment, using piped in music. They have a patio, which will be covered overhead, and is enclosed by two buildings. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation to approve a standard VA for the CR application for Souk. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.

##### Rock and Roll Hotel - 1353 H Street NE

This is a request from the Rock and Roll Hotel to make a substantial change in their license to operate a 99-seat roof garden on top of the establishment. It will be set back from the front and back. **Motion:** MS. Beatty moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation to support the substantial change to the license of the Rock and Roll Hotel and to approve the amendments to the Rock and Roll Hotel's current VA. Mr. Holmes asked about legal action regarding the establishment. Ms. Beatty responded that there was a protest to the license, and Mr. Englert posted a message on a local listserv that said that it costs money for the reimbursable detail, and if he has to defend himself in the protest he won't be able to afford to contribute to the police special detail. The motion passed 5-0-2, with Mr. Alberti and Ms. Mack not voting.





## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



The report of the committee was accepted without objection.

### Economic Development and Zoning

#### Gallaudet University - Denison House

This is a request for support for a special exception from the Zoning Commission from Gallaudet University for the conversion of Dennison House, a historic building that is currently used for administrative purposes, to a residential building. The relief is required because Gallaudet is proposing to modify an approved campus plan. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to support Gallaudet University's zoning application to amend its approved campus plan to allow the conversion of Dennison House from administrative to residential use. The motion passed 6-0-1, with Ms. Mack not voting.

#### 324 - 326 12<sup>th</sup> Street NE

This is a request for support of a Historic Preservation Review Board application for a four-unit building at 324-326 12<sup>th</sup> Street NE. The building has a façade with a bay window and an articulated cornice on each flat. The neighbors support the project. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the Committee's report to support the HPRB application for two two-flat buildings at 324 - 326 12<sup>th</sup> Street NE. The motion passed 5-0-2, with Ms. Beatty and Ms. Mack not voting.

### Community Outreach

#### Committee Goals

Chair Elizabeth Nelson proposed increasing the Grants budget by \$2500. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to increase the budget for grants by \$2500. Mr. Marshall asked whether that is the maximum that will be allowed. Ms. Nelson said that the Commission is free to increase the amount at any time, but the Committee thinks that it is an adequate amount. She said that she knows that there will be applications from Kid Power, Joy of Motion, the Capitol Hill Garden Club, and perhaps more. The motion passed 6-0-1, with Ms. Mack not voting.

The Committee's report was accepted without objection.

### Transportation

#### 90s Buses

**Motion:** Mr. Marshall moved/Mr. Schultheiss seconded a motion to send a letter to WMATA and MACTEC about re-routing the 90s buses on a different street than 10<sup>th</sup> Street. Mr. Schultheiss asked whether the idea of working longer hours to speed up the completion of work on the 8<sup>th</sup> Street intersection had been discussed? He said that the inconvenience had to be put up with for the greater good. Mr. Mahmud said that longer hours had not been discussed. Mr. Marshall said he had spoken with WMATA representatives, and Margaret Gentry says K Street is an alternative—the bus can make a left on K Street and a right on 10<sup>th</sup> Street. The community was not informed about the re-routing and had no notice. Mr. Alberti asked how long it will be, and was told that it could be delayed beyond the scheduled April finish. Mr. Marshall said he would like to see a collective effort with Metro and the developer.



## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



Mr. Alberti noted that there was no draft letter, and said it would best if it were a collaborative letter. Mr. Robinson said that there needs to be draft letters included in the agenda package.

Diane Johnson asked when the project will be done. Mr. Holmes replied that it's scheduled for early summer 2011. There are monthly updates on construction that are available on the ANC web site.

Mr. Robinson suggested a modified motion to accept the Committee's recommendation to write a letter on re-routing of the 90s buses, but with the proviso that the ANC has an opportunity to read and comment on it. The motion passed without objection

### Committee Goals

**Motion:** Ms. Beatty moved/Mr. Marshall seconded a motion to approve the Goals of the Transportation Committee for 2010. The motion passed without objection.

The Committee's report was accepted without objection.

### Public Safety

The Public Safety Committee had no report.

## 7. New Business

### H Street Connection

**Motion:** Mr. Robinson moved/Ms. Beatty seconded a motion to refer the recommendations on the H Street Connection project back to Committee for further action. The motion passed without objection.

### Voluntary Agreement Process

Mr. Alberti described the process for granting voluntary agreements, and said that concerns arose because the ANC hasn't always done what it did tonight, which was to state that the ANC is approving the VA. It hasn't always been the case that all VAs sent out as having been approved by the ANC were voted on by the ANC. Ms. Beatty said that because of the timing of hearings, a process has to be developed. She said she prepared a three-page document which notes that sometimes the ANC gets notice too late; sometimes it hits a date where the Commission can no longer protest. A process is needed to cover the 10% we miss. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to give the ANC Chair the ability to protest one day in advance of the petition date of an application if there is no signed VA. Mr. Alberti said he would prefer if protests were discussed at ANC meetings. He said you can always say the ANC is going to protest, and when the VA is signed the protest can always be withdrawn. Ms. Beatty said that there are times when the ANC may receive the notice, but she doesn't and it doesn't come to her electronically. She said she doesn't want to automatically protest every license because it would unduly stigmatize the establishment owners. Mr. Marshall said he agrees with Ms. Beatty.

## 7. Election Results

The discussion was interrupted to announce the election results: Dr. Ronneberg was the winner. **Motion:** Ms. Beatty moved/Mr. Holmes seconded a motion to approve the election. It passed without objection.





## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



**Motion:** Mr. Holmes moved/Ms. Mack seconded a motion to send a transmittal letter with the information to the Election Board and the ANC Office. The motion passed without objection.

Councilmember Wells, saying that ANC 6A was the hardest working, most efficient ANC and the immediate swearing-in of Dr. Ronneberg was typical, so he can get right to work. The Councilmember swore in Dr. Ronneberg and he took his place at the table.

### 8. New Business (continued)

#### VA Processes (continued)

Mr. Alberti said that if there is no signed VA one day before the petition date he would like to say “approved” VA rather than “signed”, meaning that there is still the ability to make changes. Ms. Beatty said that saying the ANC will protest gives the Commission the leverage to bring a negotiation to closure. Mr. Alberti said that timing is built into the statute. Mr. Schultheiss said that the Biergarten is a good example of how it’s worked out by establishing a relationship with an owner. He said he didn’t have a lot of faith in business owners and it’s hard to make it a burden on an owner. Mr. Marshall said in his SMD there was a business owner who said things that weren’t true. **Motion:** Mr. Holmes moved/Mr. Schultheiss seconded a motion to postpone discussion of the issue for one month to March. Ms. Beatty said she had put the document together and to say it is a complex issue is overstated. The ANC is praised all around for its ability to get VAs and the original motion is not complex. The motion to bring it back next month failed 1-7. The motion to allow the Chair to protest if a VA has not been signed one day prior to the petition date passed 4-2-2 with Alberti and Schultheiss in opposition and Holmes and Ronneberg abstaining.

#### Bylaws Amendment

Mr. Holmes said he was just notifying the body that the bylaws amendments would be brought up next month:

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

1. I move that the Committee on Transportation and Public Space be made a permanent committee of the Commission.

In formal language, I move that Article X, Section 2 be amended to include “(e) Transportation and Public Space.” And number the following line as (f).

2. I move that, during the vacancy in the office of Secretary, the Chair shall fulfill the duties of the Secretary.

In formal language, I move that Article IX, Section 1 (c) be amended to read: “The Chairperson shall, during any vacancy in the office of Secretary, fulfill the duties of the Secretary.” Subsequent subsections shall be renumbered as appropriate.



## Advisory Neighborhood Commission 6A Meeting Minutes of February 11, 2010



### Races in Residential Areas

Mr. Holmes offered a resolution with respect to long-distance races in residential areas:

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 the following guidelines for races in residential areas:

Every marathon, half-marathon, 10-miler and 10K run through residential neighborhoods should be run only one-way along a street with no return on nearby parallel streets. For example, once down East Capitol without returning down East Capitol, A or C Streets, Constitution or Independence Avenue in the same race.

Every marathon, half-marathon, 10-miler and 10K should finish outside of residential areas. The start of a race goes past a given point quickly; the end is stretched out over hours.

Routes should change from year to year whenever they are scheduled to be run through residential areas. This shares both the excitement and the burden.

Under police control, every reasonable road crossing should be open when runners are not present.

The motion passed 7-0-1 with Ms. Beatty not voting.

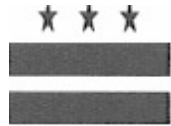
### National Marathon

**Motion:** Ms. Beatty moved/Ms. Mack seconded a motion to send a letter of support to the Special Events Task Force for the SunTrust National Marathon, scheduled for March 20. Mr. Alberti said they get an A for communicating, and an F for listening. The motion failed 4-4, with Mr. Alberti, Holmes, Schultheiss and Ronneberg in opposition.

The meeting was adjourned at 9:00 pm.



# Commission Letters from February 11, 2010 Meeting



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



February 15, 2010

Ms. Sharon S. Schellin  
Secretary to the Zoning Commission  
Office of Zoning  
Government of the District of Columbia  
One Judiciary Square  
441 4<sup>th</sup> Street NW  
Suite 200 South  
Washington, DC 20001

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

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on February 11, 2010, our Commission voted 7-0-0 (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 Commissioner Terres (Drew) Ronneberg is authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

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

CC: Commissioner Raphael Marshall, SMD 6A01



## Commission Letters from February 11, 2010 Meeting



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



February 15, 2010

Honorable Adrian Fenty  
Mayor  
Government of the District of Columbia  
Executive Office of the Mayor  
1350 Pennsylvania Avenue, NW, Suite 316  
Washington, DC 20004

Dear Mayor Fenty:

As you know, in March the Greater Washington Sports Alliance will hold the 5<sup>th</sup> Annual Sun Trust National Marathon on Capitol Hill. While such events provide the District with a great way to share and showcase the beauty and richness of our diverse NE neighborhoods, regrettably, when poorly planned or executed, such events also can create disruption and chaos for those residents whose lives are negatively impacted while such events take place. This has been the case in the past with this race, but hopefully will be less so when this event takes place this year.

Despite efforts over the years to work with organizers and the Metropolitan Police Department to minimize concerns related to course planning, length and timing, as well as traffic flow, little has been done to adequately address those concerns, and to ensure that proposed mitigation strategies when identified, are carried out on race day. While we are appreciative of the constructive dialogue and modified plans the Alliance has coordinated for the upcoming race, Advisory Neighborhood Commission 6A suggests that more should and can be done to lessen the negative impact these events have on our neighborhoods. Toward this end, we offer the following:

1. Every marathon, half-marathon, 10-miler, and 10-K run through residential neighborhoods should be run only one-way along a street with no return on nearby parallel streets. For example, once down East Capitol without returning down East Capitol, A or C Streets, Constitution, or Independence in the same race.
2. Every marathon, half-marathon, 10-miler, and 10-K should finish outside of residential areas. The start of a race goes past a given point quickly; the end is stretched out over hours.
3. Routes should change from year to year whenever they are scheduled to be run through residential areas. This shares both the excitement and the burden.
4. Every reasonable road crossing, under police control, should be open when runners are not present.



## Commission Letters from February 11, 2010 Meeting



Letter to Mayor Fenty  
Page 2

Please know that we appreciate your sensitivity to our concerns and your active consideration of our recommendations to ensure the success and acceptance of these types of events moving forward.

On behalf of the Commission,

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

CC: Honorable Tommy Wells, Councilmember, Ward 6  
Greater Washington Sports Alliance  
Metropolitan Police Department, Homeland Security Bureau and Special Operations  
Division  
Mayor's Special Events Task Force



## Officer Reports - Treasurer



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

**Period Covered:** 02/01/10 - 02/28/10

**Checking Account:**

Balance Forwarded \$ 23,108.78

Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 23,108.78

Disbursements:

ANC Security Fund Ck #1449 \$ 25.00  
Robera Weiner (Jan. '10 Minutes) Ck #1450 \$ 135.00  
Heather Schoell (Jan. '10 Agenda Package) Ck #1451 \$ 200.00  
Fed Ex Office (Jan. '10 Statement) Ck #1452 \$ 158.14  
Weissan Designs for Dance  
(Eastern HS PTSA Grant) Ck #1453 \$ 1,983.14  
Art Stone Theatrical (Eastern HS PTSA Grant) Ck #1454 \$ 2,253.38

Total Disbursements \$ 4,754.66

Ending Balance \$ 18,354.12

**Savings Account:**

Balance Forwarded \$ 4,199.67

Receipts:

Interest (01/29/10) \$ 0.36  
Transfers from Checking Account \$ -

Total Receipts \$ 0.36

Total Funds Available \$ 4,200.03

Disbursements \$ -

Ending Balance \$ 4,200.03





## Officer Reports - Treasurer



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

#### PETTY CASH SUMMARY

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



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### ANC 6A ABL Committee February 16, 2010 Minutes

Meeting called to order at 7:15 pm

Committee members present: Michael Herman (Chaired the meeting); Jaki Downs; Tish Olshefski

Committee members absent: Commissioner Mary Beatty (6A05); Anne Marie Koshuta

Commissioners: Kelvin Robinson (6A08); Raphael Marshall (6A01)

Community: Woo Young (Capitol Liquors); Ryan W. Grozdon; Coralie Farlee (ANC6D)

#### I. HOUSEKEEPING

- 1) **Agenda** - Motion to accept agenda. No objections.
- 2) **Minutes** - Motion to accept minutes presented at last ANC meeting. No objections.

Committee members introduced themselves:

#### II. COMMUNITY COMMENT

- a. None

#### III. DISCUSSION/UPDATES

- a. **ABL Recommendations/ANC Update**
  - a. Biergarten - VA Accepted by the ANC including provision for a single non-amplified accordion
  - b. Souk - VA accepted.
  - c. Rock & Roll - Substantial Change - VA Accepted. Their petition date was before the ANC meeting so this was a ratification of what had already been accepted.
- b. **Discussion of VA process** - ANC held a long discussion of the protest process when applicant has not signed a VA prior to petition date. This happens sometimes because of timing, renewal schedules, etc. Action gives the ANC Chair authority to act in a timely manner if a protest needs to be filed.

#### IV. NEW BUSINESS

- a. **Capitol Liquors - Exception to Singles Ban - Young Woo**
  - a. Mr. Woo is requesting exception to singles ban, only with reference to half-pints, not beer or malt liquor. The Committee discussed and agreed to language that would be used in a VA if the Committee recommended this exception.
  - b. We've discussed the exception in the past. Mr. Woo only wants to change one item in the prior recommended VA. (The prior VA was approved by the Committee, but not approved by the Commission.) The one major change that came to discussion--the price point in the prior agreement was 5.99. The current proposed version now states that "The licensee will not sell spirits in containers of half pints or less for a retail price less than \$3.99." The Committee felt that this price would help discourage street drinking at Capitol Liquors.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



**MOTION:** Tish moves that: “The Committee recommends that ANC 6A allow a limited exception to the Ward 6 Single Sales Ban, on half-pints of spirits only, subject to the stipulations in the ANC approved Voluntary Agreement for Capitol Liquors, (1835 Benning Road NE). Seconded by Jaki. Unanimous.

Discussion: This recommendation moves things along. Commissioner Mack is supportive. No community members have come to complain about the business.

#### b. Little Miss Whiskey—1102 H Street, NE

- a. Commissioner Marshall is bringing a complaint from neighbors about the noise. There is a street that separates them from the property. Also neighbors on the other side of the street who said that they have heard it as well. It is in their VA that this would not happen. They were supposed to create noise mitigation - either it is not working or they didn't do it. Nature of the noise is music and general noise.
- b. Committee recommends (no motion necessary) that we invite the owners of Little Miss Whiskey to the next ANC meeting to hear about the complaints of the neighbors regarding the noise.

Adjourn 8:10 pm. Next meeting is March 16, 2010.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Made this 29 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.).
  - 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.





## 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:

- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
- b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
- c. In order to mitigate noise on the patio or summer garden the following steps will be taken:
  - 1) The hours for the patio will be until 11PM on weekdays and 12AM 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)



- 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)



- 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: Aaron McIvoron, Biergarten Haus, LLC Date: 3/2/2010  
 Signature: [Handwritten Signature]

**Advisory Neighborhood Council 6A Representative:**

By: Kevin J. Robinson Date: 3/3/2010  
 Signature: [Handwritten Signature]

**ABC Board-Licensed Manager:**

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



# Committee Reports

## Alcohol Beverage and Licensing (ABL)



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



### Class A and Class B Liquor License Cooperative Agreement

Made this \_\_\_\_\_ day of April, 2010, by and between

Capitol Liquors, (Class "A" Licensee)

1835 Benning Road  
Washington, DC 20002  
("Licensee")

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 to the ANC 6A community, while concurrently curtailing any adverse effects a business such as the licensee's could have on the surrounding neighborhood. This agreement applies to Class A liquor licenses that permit retail sale of beer, wine, and spirits for off premises consumption.

The licensee 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 "A" licensees 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 have agreed that it is in all the parties' best interests to standardize the requirements for the operation of Class A establishments within the boundaries of ANC 6A. 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. It is the intent, therefore, of ANC 6A, to level the playing field through the implementation of this standardized Cooperative Agreement.

#### Witnessed

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 "A" Liquor License at the subject premises; and,

Whereas, the parties wish to state their mutual intention and commitment to promote the success, peace, order, and quiet of the community. Both parties recognize the importance of commercial districts (and limited commercial operations within residential districts) and their adjacent neighborhoods that are safe, clean, and "pedestrian friendly."

#### ANC6A supports an exemption to the "Consolidated Mt. Pleasant, Ward 2, and Ward 6 Single Sales Moratorium Act of 2008 for a period of one year upon the following terms and conditions:

- I. Requirements for sale / provision of single containers of alcohol beverages
  - A. Licensee shall not sell, give, offer, expose for sale, or deliver an individual container of beer, malt liquor, or ale in single containers of alcohol of 70 ounces or less.
  - B. Once all Class A licensees within 1,200 foot radius of the applicant's premises are not allowed to sale, or agree by VA to not sale spirits in containers of half-pints or less, the licensee will not be allowed to sell spirits in containers of half pints or less.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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



#### Class A and Class B Liquor License Cooperative Agreement

- C. The licensee will not sell spirits in containers of half pints or less for a retail price less than \$3.99.
  - D. ANC6A reserves the right to reconsider this exemption one year after its approval by ABRA. If ANC6A takes a position that the exemption has created a negative impact on the "peace, order, and quiet" of the neighborhood, it will petition ABRA to revoke the exemption.
2. Ban on Sale/Provision of Other Items:
    - A. Single Cigarettes:
      - 1) Applicant shall not sell, give, offer, expose for sale, or deliver individual single cigarettes.
    - B. "Go-cups":
      - 1) Applicant shall not sell, give, offer, expose for sale, or deliver "go-cups" or servings of plain ice in a cup.
      - 2) Per the Alcoholic Beverage regulations, a "go-cup" is defined as: "a drinking utensil provided at no charge or a nominal charge to a customer for the purpose of consuming alcoholic beverages off the premises of an establishment."
    - C. Products associated with illegal drug activity:
      - 1) Applicant agrees to not sell, give, offer, expose for sale, or deliver products associated with illegal drug activity.
      - 2) These items are defined as: "cigarette rolling papers, pipes, needles, small bags, or any other items which may be regarded as drug paraphernalia."
  3. Hours of Operation for Sales of Alcohol:
    - A. Applicant shall not sell alcohol before or after ABC regulated hours.
  4. Public Space Cleanliness and Maintenance:
    - A. 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:
      - 1) Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (immediately before business hours and once between 5:00 p.m. and 8:00 p.m.).
      - 2) 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.
      - 3) Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
      - 4) Maintaining regular trash removal service. Ensure that the trash and dumpster area(s) remain clean.
      - 5) Remove snow and/or ice from sidewalks fronting (includes sidewalks on the sides of corner buildings) within time limits set by the District of Columbia for such snow and/or ice removal.
      - 6) Promptly remove graffiti written on the exterior walls of the property. Promptly is defined as within two (2) weeks of graffiti's appearance.
  5. Signage / Loitering / Illegal Activity:
    - 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 any person arrested or cited for alcohol-related offenses by the Metropolitan Police Department for any alcohol-related crime three times or more in any one year and who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
    - B. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
      - 1) The minimum age requirement for purchase of alcohol,
      - 2) The obligation of the patron to produce a valid identification document in order to purchase alcohol.
    - C. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
      - 1) Posting a sign kept in good repair, a sign requesting customers to not contribute to panhandlers,





# Committee Reports

## Alcohol Beverage and Licensing (ABL)



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



### Class A and Class B Liquor License Cooperative Agreement

- 2) Asking loiterers to move on whenever they are observed outside the establishment,
  - 3) Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
  - 4) Calling the Metropolitan Police Department if illegal activity is observed,
  - 5) Keeping a written record of dates and times (i.e. log) when the MPD was called for assistance. 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.
- D. Applicant agrees to post signs kept in good repair in highly visible locations that announce the following:
- 1) Prohibition against selling alcohol to minors.
  - 2) No panhandling.
  - 3) No loitering.
- E. Applicant agrees that total signage for alcohol and tobacco products in the front window shall be limited to 25% of the total window space available.
- F. To the extent such lighting is not present on the exterior of the establishment, Applicant will install and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
6. Reporting to ANC 6A:
- A. Applicant shall make best efforts to appear before the ANC 6A Alcohol Beverage Licensing Committee two (2) months prior to their Class A license expiration date to discuss issues and concerns related to the prior two years operations, and the impending renewal of their license.
  - B. Written testimony can be provided to the ANC 6A Alcohol Beverage Licensing Committee instead of appearing in-person if mutually agreed upon by the merchant and ANC 6A.
7. Miscellaneous:
- A. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
8. Enforcement:
- A. If any 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: Young S. Woo

Date: 2-23-2010

Signature: [Handwritten Signature]



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



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

**Class A and Class B Liquor License Cooperative Agreement**



**ABC Board-Licensed Manager:**

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

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

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

**Advisory Neighborhood Commission 6A:**

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

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

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



# Committee Reports

## Alcohol Beverage and Licensing (ABL)



Made this 29 day of January 2010  
by and between  
SOUK  
1208 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.).
- 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.





## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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:
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
  - b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
  - c. In order to mitigate noise on the patio or summer garden the following steps will be taken:
    - 1) The hours for the patio will be until 11PM on weekdays and 12PM on weekends.
    - 2) Applicant shall not offer any type of live or pre-recorded music on the patio.
    - 3) A fence or other barrier will enclose the entire perimeter.
    - 4) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
    - 5) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
    - 6) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden decor.
  - d. If residents have no noise complaints 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: Alain A. Rahim Date: 2/11/2010

Signature: [Handwritten Signature]

#### Advisory Neighborhood Council 6A Representative:

By: John J. Robinson Date: 2/11/2010

Signature: [Handwritten Signature]

#### ABC Board-Licensed Manager:

By: [Handwritten Signature] Date: 12/01/09

Signature: [Handwritten Signature]





# Committee Reports

## Economic Development and Zoning (ED&Z)



### MINUTES

ANC 6A Economic Development & Zoning Committee  
Wednesday February 17, 2010 7-9:00 p.m.  
Sherwood Recreation Center (640 10<sup>th</sup> St. NE)  
2<sup>nd</sup> floor Community Room

Committee members: Drew Ronneberg, Jeff Fletcher, Dan Golden, Barbara Halleck, Phil Toomajian  
Commissioners: David Holmes (6A03), Kelvin Robinson (6A08), Raphael Marshall (6A01)

7:00 Call to order

#### Ongoing Status Reports

1. H Street Connection Redevelopment (Drew Ronneberg): The ED&Z committee will consider the referred ANC recommendations during New Business
2. Zoning Code Rewrite (Cody Rice): None
3. Vacant Properties (Dan Golden): Proposed Changes to the vacant property tax will be discussed during New Business

#### New Business

##### 1. H Street Connection Recommendations.

The ED&Z recommendations have been referred back to committee by the ANC with guidance on what they would like the ED&Z committee to reconsider (shown below). The changes are minor and address the following issues: 1) fully supporting the massing and design now that the developer has presented detailed drawing and materials for the 8<sup>th</sup> and H façade; 2) eliminating recommendations related to parking and car sharing that will be considered by the T&PS committee; and 3) specifically recognizing the participation in a BID community amenity rather than just limiting the amenity to the current Clean and Safe program.

Drew Ronneberg moved and Barbara Halleck seconded the following recommendation:

**Recommendation:** The ED&Z Committee unanimously recommends that ANC 6A support the massing and design of the proposed building at 900 H St. NE (H Street Connection Redevelopment), including the façade materials proposed for the modern design for 8th and H. In addition, the Committee recommends that the ANC support the community amenities package as listed below.

#### Proposed Amenity

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



## Committee Reports

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



[1] 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

#### 2. ZC 09-21 (Union Station North Zoning District).

The Office of Planning has proposed a text and map amendment to create a special zone for the air rights over the tracks behind Union Station. Among other issues, the zone proposes to make the measuring point for the development at the top of the H Street Bridge rather than from the grade at 1<sup>st</sup> or 2<sup>nd</sup> St NE. The ED&Z committee is considering this case because of its impact on the H Street Strategic Development Plan and Zoning Overlay that was meant to create a “Western Gateway”.

Drew Ronneberg stated that the proposed measuring point was in direct contradiction of 2006 Comprehensive Plan, the 2002 Zoning Case (ZC 02-35) which changed the definition of building height to exclude bridges and viaducts and recommendations made by Office of Planning through the Zoning Regulations Rewrite process to measure height from grade rather than from man-made structures like bridges.

Drew Ronneberg said that the rezoning of the air rights would allow a building that was over 5 stories taller than Senate Square and would remove much of the community’s input into the massing and design of the building that would take place under a Planned Unit Development process.

Summary text from the rulemaking is below; the complete document is attached to the ED&Z agenda package and is available at <http://www.anc6a.org/agendas/EDZA0210.pdf>.

#### **SUMMARY**

The Office of Planning proposes to create a new stand-alone zone called Union Station North, or USN. USN would consist of bulk and design provisions, including height, density, parking and street frontage requirements, as well as provisions necessary for the unique conditions associated with developing 14 acres over an active rail yard. USN would also establish a Zoning Commission design review and approval process, similar to that used in the Capitol Gateway Overlay, with a set of review criteria to evaluate development applications. The Office of Planning also proposes related text amendments to achieve the purposes of the USN zone and to properly administer applications submitted pursuant to the new zone. The proposed zone would only be applicable from the elevation of the air-rights lots and above. Most of the area of the airrights lots begins at an elevation of 80 feet above sea level and a smaller percentage begins at 70 feet above sea level. The land below the air-rights lots would retain its C-M-3 and M zoning. The following summarizes some of the specific points of the



## Committee Reports

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



new zone. The following paragraphs have been provided by the Office of Planning. Purposes of the New Zone In addition to achieving the goals of the Comprehensive Plan, the main objective of guiding the USN zone is to reconnect the city from east to west. Development on the air-rights lots should take whatever steps possible to reconnect this part of the city. This sentiment is further recognized by other purposes of the zone that call for an active streetscape, a mix of uses and a walkable environment. Another important purpose of the USN zone is to ensure that new development relates positively to its surroundings. Development on the subject site should minimize impacts to other properties, including light, air, noise and odor impacts.

#### Union Station Platform

Two platforms will be built over the railroad tracks to support the buildings to be built above the tracks. One platform will be built south of H Street and one north of H Street. Collectively they are known as the Union Station Platform or platform.

#### Single Buildings for Zoning Purposes

Over a 14-acre site with only one public street - H Street - crossing it, there are likely to be building pads that do not front on a public street, although the platform that connects them would. The USN zone, therefore, would recognize all interconnected structures south of H Street as one building, and all interconnected structures north of H Street as one building, regardless of whether there is communication between the structures above the level of the platform. This would allow all “building units” to be considered to front on H Street.

#### Height

The USN zone proposes to measure height from the level of the H Street sidewalk in front of the buildings, in conformance with the Height Act. The maximum proposed height is 130 feet.

#### FAR and Mix of Uses

The USN zone provides for a maximum density of 6.5 FAR for any single building. The zone also puts a strong emphasis on a mix of uses, including residential. The Office of Planning proposes Zoning Commission review criteria that would promote a mix of uses, and a specific requirement for the phasing of residential uses during build out of properties in the USN zone.

#### Design Review

The proposed text amendment calls for Zoning Commission design review of any buildings, structures, parks or plazas in the USN zone. Design review applications could be a Stage 1, Stage 2, or Consolidated application, with the scope of those applications similar to their PUD counterparts, and with specific review criteria to guide evaluations. A Stage 1 application would examine the arrangement of building units on the site, the massing of building units, the mix of uses, the size and layout of streets and other transportation ways, and the functioning of parking and loading. A Stage 2 application would examine the outward appearance of building units, the design of landscape and hardscape areas, the functionality of transportation ways and the internal layout of uses. A Consolidated application would examine all aspects of design using all the evaluative criteria. Applications could be for either a portion of the site or the entire subject property.





## Committee Reports

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



Drew Ronneberg moved and Jeff Fletcher seconded the motion.

**Recommendation:** The ED&Z Committee unanimously recommends that ANC6A oppose the rulemaking in CASE NO. 09-21 (Text and Map Amendment to Create and Implement the Union Station North (USN) District) and appoint Drew Ronneberg and Dan Golden as ANC6A representatives for the case.

### 3. Policy Recommendations for Mitigating Vacant Properties.

This is a continuation of January discussion on recommendations for developing a vacant property fee structure that encourages the sale or reoccupation of vacant properties without unfairly punishing homeowners who have been misidentified as vacant or are actively working to reoccupy their property.

Phil Toomajian: The current system of vacant property exemptions is overly broad and should be eliminated or severely restricted. Under the current system, very few vacant or blighted properties are charged at the higher tax rate. The Bowser bill (B18-546), which replaces the higher property tax rate with a flat fee not to exceed \$5,000 per year is an insufficient remedy to the problem.

The agenda package found at <http://www.anc6a.org/agendas/EDZA0210.pdf> provides some explanation of two bills that are under consideration—B18-546 and B18-448.

B18-546 (Bowser) calls for a registration system for vacant properties and only applies penalties to blighted properties; currently in ANC6A only 7 of the 200+ vacant properties are considered blighted. We do not feel that this bill provides any incentive for owners of vacant properties to reoccupy their properties.

B18-48 (Evans) focuses only on blighted properties with no registration or penalties for vacant properties.

Drew Ronneberg suggested that the committee start by developing a framework of basic guidelines for how vacant properties should be addressed city-wide.

After discussion on the above topics, the committee came to agreement on the following principles below and the following motion as a starting point for further discussion in upcoming meetings.

1. The current vacant property system is untenable and doesn't create sufficient financial incentives for owners of vacant properties to occupy or sell these properties. The complexity of the system and exemption allowances leads to many vacant properties not being taxed at the vacant property rate. This is a problem—we have a serious vacant property problem in our ANC.
2. A system of penalties should be designed that is easy enough to administer but that is sufficiently strict that it encourages reoccupation of vacant properties.
3. Overall goal of the vacant property and blighted property penalties is to encourage occupation of vacant properties and renovation of blighted properties for eventual occupation.
4. There should be a distinction between vacant and blighted properties.
5. The definition of blighted should be examined; the current narrow definition of “blighted” may not be strong enough.
6. Only a strictly limited number of exemptions should be allowed—military service being one specific exemption.

Discussion covered several different aspects or ideas for inclusion. The committee will continue its discussion at future meetings.

1. Vacant vs blighted should be treated differently
2. Possibly 1<sup>st</sup> year of vacancy, not taxed more than if it were occupied. Tax would increase 1% per year up to 5% of assessed value. Doesn't apply to blighted.



## Committee Reports

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



3. Blighted 10% flat.
4. Definition of “blighted” is very narrow; lists criteria that may be considered but not criteria that must be criteria.
5. No exemptions, simplify the process for DCRA.
6. Commercial vs residential rates would be different. Possibly 2%, 4%, 6%, 8%.
7. Fines should be tied to tax rate, no exemptions, graduated penalties OR fines should be tied to tax rate, some exemptions (narrow list, objectively verifiable, for example, military service), graduated penalties. Penalties to start in after year 1 vacant - residential
8. Require owners to register vacant properties w/DCRA, pay a nominal fee
9. Do not allow previously allowed exemptions (renovation work, house for sale, etc.)
10. Should be easy to remove the property from vacant property list after reoccupied
11. Blighted
  - a. No gradual increase, no permissive criteria
  - b. Easy to get off the blighted list after repairs are completed
  - c. Possibly eliminate blighted property category altogether (suggested)

Phil Toomajian moved and Drew Ronneberg seconded the following motion.

**Recommendation:** The ED&Z committee unanimously recommends that ANC6A write a letter to Councilmember Wells identifying the principles above and asking him to oppose vacant properties bills (B18-546 or B18-448) or any other bill not tying vacant properties fees to the value of the building.

Next meeting is March 17, 2010, 7pm.



## Committee Reports

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



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

RE: ZA Case 09-21 (Union Station North Zoning District Rulemaking)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on March 11, 2010, our Commission voted X-X (with 5 Commissioners required for a quorum) to oppose the proposed rulemaking to create a Union Station North (USN) Zoning District.

This rulemaking is of interest to our ANC because it will negatively impact H Street NE by compromising the H Street Strategic Development plan by allowing a development to be 5 stories taller than the adjacent Western gateway buildings at 2<sup>nd</sup> and H NE. In addition, the proposed rulemaking will remove the community's role in negotiating the building's massing, design and community amenities that would normally take place in a Planned Unit Development (PUD) process.

The Commission is opposed to the designation of the top of the H Street Overpass as the measuring point for height in the USN zoning district because it:

1. Doesn't conform to the definition of building height in Section 199 of the Zoning Regulations whereby "in the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet." This definition resulted from a rulemaking (ZC 02-35) that was meant to resolve the ambiguity in the previous definition about whether the H Street Overpass could be used as the measuring point for building height (ZC 01-09). The resulting definition made it clear that building height should be measured from the natural or finished grade and not from artificial structures.
2. Is inconsistent with Policy CH-2.1.7 of City Council approved 2006 Comprehensive Plan, which states "the allowable height of any building constructed in the air rights should be measured from the existing grade of 1<sup>st</sup> or 2<sup>nd</sup> Street NE, rather than from the overpass."
3. Contradicts the Office of Planning's seventh recommendation addressing the Height Element of Zoning Regulations Rewrite (ZC 08-06-01). The recommendation states, "Where natural elevation, is interrupted by a bridge, viaduct, embankment, ramp, abutment, tunnel or other type of artificial elevation, the height of a building will not be measured from the human-constructed elevation, but will be measured from either a street frontage not affected by the artificial elevation, or from a level determined by the Zoning Administrator



## Committee Reports

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



to represent the logical continuation of the surrounding street grid where height is not affected by the discontinuation of the natural elevation.

In addition to proposing a measuring point that contradicts all legislative guidance and administrative precedence, the proposed zone creates a design review process whereby the community is afforded much less influence than the traditional Planned Unit Development (PUD) process. While the PUD process has been abused by some developers to gain enormous density bonuses in exchange for a few thousands dollars of community amenities, ANC 6A and ANC 6C have successfully used the PUD process to 1) secure buildings whose mass and architecture are sensitive to the historical buildings of H Street NE and 2) negotiate significant community amenities packages that will enrich our neighborhood for years to come.

ANC 6A believe that the developer should receive density above what is permitted as a matter-of-right in the C-M-3 zone only through a PUD process. The current proposal to set the measuring point at the top of the H Street Overpass and grant additional FAR in exchange for a design review process that doesn't require community input will lead to an inferior development literally overshadowing one of Washington's great historic neighborhoods and commercial corridors.

Please be advised that Commissioner 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

cc. Harriet Tregoning, Director, Office of Planning  
Jennifer Steingasser, Office of Planning  
Matthew Jesick, Office of Planning  
Karen Wirt, Chair, ANC 6C  
Monte Edwards, Stanton Park Neighborhood Association  
Gary Peterson, Capitol Hill Restoration Society  
Tommy Wells, Ward 6 City Councilmember  
Phil Mendelson, At-Large City Councilmember  
Kwame Brown, At-Large City Councilmember  
David Catania, At-Large City Councilmember  
Michael Brown, At-Large City Councilmember



## Committee Reports

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



March 11, 2010

The Honorable Tommy Wells  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 408  
Washington, DC 20004

Dear Councilmember Wells:

As you know, vacant properties threaten the public safety and well-being of the communities that surround them, often becoming havens for criminal activity, rodent infestation, and unkempt yards that are littered with debris. According to DCRA Director Linda Argo, Ward Six and ANC6A have been acutely affected by vacant properties with 340 such properties in Ward Six alone. Unfortunately, the Council recently amended the vacant property law to dramatically limit its reach. As a result, only 7 of the 340 properties that had been classified as vacant are currently subject to the Class 3 tax rate, which had been an effective incentive to encourage occupancy and appropriate maintenance of properties in recent years. ANC6A believes strongly that the legislative status quo, which provides no incentive to occupy vacant properties, is unacceptable. Furthermore, the vacant property tax was our only tool to discourage land speculation on H Street NE and encourage the sale or productive use of vacant properties on the Corridor.

The Economic Development and Zoning Committee of ANC6A has reviewed the pending vacant property legislation - Bills 18-448 and 18-546 -- and believes that neither bill adequately addresses the problems posed by vacant properties. The Committee is in the process of proposing a detailed solution to this problem and we intend to submit that proposal for your consideration soon. Accordingly, we hereby request that you withhold support from either measure or any bill that does not address the following principles:

1. Vacant properties pose significant problems for their surrounding communities regardless of whether or not they reach the current overly restrictive definition of “blighted.”
2. The current vacant property system is untenable because it does not create financial incentives for owners of vacant properties to lease, rent, occupy or sell these properties. Any legislative correction should include occupation incentives for vacant properties regardless of whether they qualify under the “blighted” definition and should require registration of vacant properties to ease the administrative burden.
3. The complexity of the prior vacant property system with its numerous and permissive exemptions led to too many vacant properties not being taxed at the vacant property rate. This problem should be resolved by eliminating or significantly restricting exemptions.
4. Occupation of vacant properties should be encouraged through use of the property tax code with the strength of the incentives tied to the assessed value of the property and to the length of the period that the property has been vacant. Incentives that are not tied to the assessed values of the properties are unlikely to prove adequate in many instances.



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



5. The definition of “blighted” should be reexamined as the current definition is too narrow as evidenced by the paucity of properties that are currently classified as such.

On behalf of the Commission,

Kelvin Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Linda Argo, Director, DCRA  
Kwame Brown, At-Large City Councilmember,  
Michael Brown, At-Large City Councilmember,  
David Catania, At-Large City Councilmember,  
Phil Mendelson, At-Large City Councilmember  
Reuben Pemberton, Vacant Property Director, DCRA





**Committee Reports**  
Community Outreach Committee (COC)



No February meeting to report.



## Committee Reports

### Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes  
Capitol Hill Towers (900 G Street NE)  
February 22, 2010

- I. Call meeting to order at 7:05 pm.
- II. Introductions
  - A. Committee members present: Lance Brown and Omar Mahmud (Chair).
  - B. Committee members absent: Shane Artim, DeLania Hardy, Sean Lovitt and Marlon Smoker.
  - C. Others in attendance: Margaret Gentry from MACTEC Engineering & Consulting; Sarah Alexander, Erwin Andrews and Chip Glasgow with the H Street Connection development team; Joshua Raymond with the Capitol Hill Classic race; and ANC 6A Commissioners Nick Alberti, David Holmes, Raphael Marshall, Kelvin Robinson and Drew Ronneberg.
  - D. Mr. Mahmud announced the resignation of committee member Diane Hoover and expressed thanks for her service to the committee.

III. Community Comment - None

IV. New Business

[The committee began with discussion of the H Street Connection redevelopment since Mr. Raymond was not yet in attendance. See Attachment B, which sets forth the committee recommendations coming out of discussion of this issue at the meeting. The committee began discussion of the Capitol Hill Classic after Mr. Raymond joined the meeting.]

A. Capitol Hill Classic Presentation

1. Mr. Mahmud welcomed Mr. Raymond to the meeting and thanked him for attending. Mr. Raymond passed out informational flyers (see Attachment C), discussed the following information about the race and fielded questions from those in attendance:
  - i. The race will be held on May 16, 2010. The 10K starts at 8:30 am and the 3K starts at 10:00 am. Last year's race was completed by 10:45 am.
  - ii. The race has been run along the same route through Capitol Hill for the last 31 years.
  - iii. Street closures are controlled by MPD. Mr. Raymond stressed that race organizers have no control over street closures.



## Committee Reports

### Transportation and Public Space (TPS)



- iv. Mr. Mahmud asked Mr. Raymond to explain race organizers' efforts to publicize the event and notify nearby residents about race day disruptions like street closures. Mr. Raymond informed the committee that race organizers "stepped up" publicity of the event last year at the suggestion of the ANC, which included posters in local businesses, flyers on lamp posts along the route, posting on listserv lists, newspapers ads and preview articles in local publications.
    - a. Mr. Mahmud asked whether organized had made sure someone was responsible for taking down race-related materials posted in public space after the race. Mr. Raymond confirmed this to be the case.
  - v. At Commissioner Holmes' request, Mr. Raymond went over the race route in more detail, explaining that the most impacted street is East Capitol Street.
  - vi. Mr. Mahmud asked whether the street closures and the race itself cause disruptions to public transportation services. Mr. Raymond confirmed that public transportation services are not disrupted by the race and required street closures.
  - vii. Commissioner Holmes asked whether race organizers would be interested in getting MPD to allow north/south traffic to pass East Capitol Street during the race when no runners are present. Mr. Raymond indicated organizers would like for this to happen, but that MPD has been totally unwilling to entertain this request thus far. Commissioner Holmes believes MPD may be more willing to discuss this proposal now, based on discussions he has had of late with MPD regarding the National Marathon. Commissioner Holmes believes Mr. Raymond may be able to work out an arrangement with MPD to allow for limited traffic crossings or "bump routes" across the race route this year, as has been worked out for the National Marathon.
  - viii. There were 3,500 runners for last year's event, which raised somewhere between \$35,000 to \$40,000. Mr. Raymond stressed the importance of this event as a fundraiser. Mr. Raymond hopes that additional marketing efforts this year will bring another successful fundraising campaign.
  - ix. The race's website is [Capitolhillclassic.org](http://Capitolhillclassic.org) and the cost to participate is \$35.
2. Mr. Mahmud thanked for Mr. Raymond for attending the meeting and for providing information about the event to those in attendance.

*Mr. Mahmud made a motion that the committee recommend the ANC send a letter of support for the Capitol Hill Classic. Mr. Brown seconded the*



## Committee Reports

### Transportation and Public Space (TPS)



*motion, which passed without objection. Mr. Mahmud agreed to prepare a draft letter.*

#### V. Old Business

[The committee resumed discussion of the H Street Connection Recommendations following discussion of the Capitol Hill Classic. See Attachment B, which sets forth the committee recommendations coming out of discussion of this issue at the meeting in track changes against the original set of recommendations presented at the meeting by Mr. Mahmud, attached as Attachment A.]

##### A. Finalize Recommendation to ANC Regarding H Street Connection Redevelopment Project

1. Mr. Mahmud distributed a summary of committee recommendations discussed with the developer thus far (see Attachment A). Discussion ensued regarding whether the committee should be working from this summary or the one presented in the ANC's January agenda package. Mr. Mahmud explained that the agenda package summary was missing some items discussed with, and in some instances agreed to already by, the development team. It was decided to work from the summary prepared by Mr. Mahmud.
2. Attachment B, as edited in track changes, shows the changes to the original summary (Attachment A) discussed by the committee at this meeting. The following summarizes significant discussion about specific proposals in Attachment B:
  - i. At the request of the developer, section 1.c. was revised to provide for 65 retail parking spaces, instead of 61. According to the developer, 65 is the maximum number of retail spaces allowed for a development like this under existing regulations.
    - a. In addition, the committee decided to move the recommendation regarding development of a parking plan to allow for city use of non-residential parking spots to Section 2.e. of the summary.
  - ii. At the request of the developer, section 1.f. was revised to delete the words "at least" since Mr. Glasgow argued the "at least" language may require the developer to provide more than one car share parking spot. Mr. Glasgow wanted to make it clear the developer would only provide one car share parking spot. Several in attendance argued the developer would be in compliance if only one car share spot is provided since that would cover the obligation to provide at least one parking spot, but the committee relented on this point given Mr. Glasgow's insistence.
  - iii. Section 1.n. was revised to include the words "where access is permitted" at the request of the developer. Mr. Glasgow wanted



## Committee Reports

### Transportation and Public Space (TPS)



to make sure it was clear the developer would not be responsible for performing existing conditions studies for buildings the developer was not allowed to fully inspect.

*Mr. Mahmud made a motion to adopt Sections 1.a. - 1.q., as revised in Attachment B, as committee recommendations regarding the H Street Connection redevelopment project. Mr. Brown seconded the motion, which passed without objection.*

- iv. Discussion ensued regarding a revision to Section 2.a. which would increase the ratio of parking spots per residential unit in the building from .7 to .9.
  - a. Mr. Mahmud argued that the ANC should encourage the developer to build and maintain as few parking spots as possible, particularly given the upcoming investments in public transportation infrastructure being made by the city. In his estimation, a ratio of .7 is perfectly reasonable for a site such as the H Street Connection.
  - b. Commissioner Alberti indicated he sympathized with the developer's request to increase the ratio to .9 given the site is not adjacent to a Metro train stop.
  - c. Commissioner Ronneberg indicated he would like to allow a ratio of up to .9 so the developer would be able to offer residents the most parking spots possible, according to what the market will allow.

*Mr. Brown made a motion to adopt Section 2.a., as revised in Attachment B, as a committee recommendation regarding the H Street Connection redevelopment project. Commissioner Holmes seconded the motion, which passed on a vote of four in favor (Alberti, Brown, Holmes and Ronneberg), one against (Mahmud) and two abstaining (Robinson and Marshall).*

- v. At the request of the developer, section 2.b. was revised to reflect the language in the parallel recommendation contained in last month's ANC agenda package.
- vi. The developer has agreed to the obligation in 2.c.
- vii. At the request of the developer, section 2.d. was revised to include a cap of \$19,000 on the developer's total car share membership commitment.

*Mr. Mahmud made a motion to adopt Sections 2.b. - 2.d., as revised in Attachment B, as committee recommendations regarding the H Street Connection redevelopment project. Mr. Brown seconded the motion, which passed without objection.*





## Committee Reports

### Transportation and Public Space (TPS)



- viii. Discussion ensued regarding the addition of Section 2.e. to the list of committee recommendations. This recommendation was moved from Section 1.c. of the original summary of recommendations and revised.
- a. Mr. Glasgow questioned the feasibility of such a plan given that the city lacked a successful track record for operating parking facilities in coordination with private developers. In addition, Mr. Glasgow expressed resistance to managing parking spots being used by patrons to businesses outside of the building.
  - b. Others argued these parking spots would amount to an inefficient use of space when not fully utilized in the evening. Maximum utilization of these parking spaces for the benefit of the greater H Street community would accomplish an important goal with respect to identifying additional parking for H Street businesses without overburdening this site with additional city-designated parking spots.
  - c. In addition, the committee discussed a proposal to add a requirement that the developer build an additional 100 city-designated parking spots in the parking garage. Messrs. Brown and Mahmud expressed absolute opposition to such a proposal. Mr. Mahmud expressed concern that this proposal ran counter to the goal of creating a development at this site which would take advantage of public transportation upgrades along H Street, significantly lower the quality of life for nearby residents due to the exponential rise in site visits generated by so much additional retail parking and lessen the incentive to focus on other agreed to transportation demand management plans for the site including car sharing, bicycle facilities, etc. Mr. Mahmud suggested the developer instead work with the city to fully utilize the 65 retail parking spots. Others argued that the 100 additional spots, possibly in conjunction with the 65 retail spots, would provide greater flexibility to allow for parking to be utilized by other H Street businesses.

*Mr. Mahmud made a motion to adopt Section 2.e., as revised in Attachment B, as a committee recommendation regarding the H Street Connection redevelopment project. Mr. Brown seconded the motion, which passed on a vote of three for (Alberti, Brown and Mahmud), two against (Robinson and Ronneberg) and two abstaining (Holmes and Marshall).*

3. Discussion ensued regarding whether the ANC's recommendation should be conditioned upon receiving notification from DDOT that it had fully evaluated the proposal and concluded it provides an "acceptable level of service" traffic wise for the site and surrounding



## Committee Reports

### Transportation and Public Space (TPS)



community. Mr. Mahmud argued it is difficult for the ANC to conclusively weigh in on the traffic aspects of the developer's proposal without seeing the results of DDOT's analysis. This proposal would allow the ANC to move forward with approving the project while allowing for it to rescind the recommendation should DDOT disfavor the traffic impacts created by the proposal. Commissioner Robinson argued the ANC should not impose conditions like this upon its recommendation and that the ANC should decide one way or the other if it accepts the developer's proposal.

*Mr. Mahmud made a motion that the committee recommend the ANC accept the developer's current proposal conditional upon receiving notification from DDOT that such plan provides an "acceptable level of service" to the site and the surrounding community. There was no second for the motion, which therefore failed.*

*Mr. Brown made a motion that the committee recommend the ANC approve the developers plan for redevelopment of the H Street Connection, provided the developer adopt the recommendations set forth in Sections 1.a. - 1.g. and Sections 2.a. - 2.e., as revised in Attachment B. Commissioner Holmes seconded the motion, which passed without objection.*

4. Discussion ensued regarding the additional recommendations to DDOT contained in Section 3 of Attachment B.
  - i. Consideration was given to revising Section 3.b. to specifically recommend moving the northbound 8<sup>th</sup> Street NE bus stop at H Street NE to a location north of H Street.

*A motion was made and seconded to add a specific recommendation to Section 3.b. which would propose moving the northbound 8<sup>th</sup> Street NE bus stop at H Street NE to a location north of H Street. The motion passed on a vote of three for (Holmes, Marshall and Ronneberg), one against (Brown) and three abstentions (Alberti, Mahmud and Robinson).*

- ii. Section 3.d. was revised to clarify that the proposed widening of 8<sup>th</sup> Street be done to accomplish a middle left turn lane.

*Commissioner Holmes made a motion that the committee recommend the ANC send the recommendations contained in Sections 3.a. - 3.d., as revised in Attachment B, to DDOT. Commissioner Robinson seconded the motion, which passed without objection.*

#### B. Rerouting of 90/92 Bus

1. Mr. Mahmud explained that he noticed a couple of weeks prior the bus had returned to its original route down 8<sup>th</sup> Street, but that this change was only temporary since the buses have resumed going down 10<sup>th</sup> Street. He also repeated concerns raised before that 10<sup>th</sup> Street is too narrow to accommodate bus traffic, particularly at the points where



## Committee Reports

### Transportation and Public Space (TPS)



the bus must turn onto and off of 10<sup>th</sup> Street. Mr. Mahmud has observed near miss accidents with other motorists (including himself) and buses having to drive over curbs to make turns. Mr. Mahmud invited Ms. Gentry of MACTEC to provide additional information to the committee on this issue.

2. Ms. Gentry indicated she agrees with concerns that this situation is dangerous and that she has observed dangerous conditions herself after walking along the revised bus route with Commissioner Marshall and taking pictures. Ms. Gentry indicated she has discussed these concerns with Mr. A. Walton of WMATA and encouraged him to attend this meeting, but he did not show. Ms. Gentry encouraged the committee to contact Mr. Walton directly at [awalton2@wmata.com](mailto:awalton2@wmata.com).
3. Commissioner Alberti clarified that MACTEC does not have control over this situation and that we need to address this situation with DDOT.
4. Discussion also ensued regarding additional points to make in the letter to DDOT regarding this issue, which was approved at last month's ANC meeting, including:
  - i. Damage caused by the buses needs to be repaired;
  - ii. The ANC's desire to weigh in on any proposed alternative routes;
  - iii. Expressing concern that the ANC was not directly consulted ahead of the decision to reroute the 90/92 buses down 10<sup>th</sup> Street; and
  - iv. A request that construction necessitating the rerouting be sped up as much as possible.

#### VI. Additional Community Comment

- A. Commissioner Ronneberg announced that he has been approached by certain H Street businesses about resolving parking problems along the corridor. Mr. Ronneberg has been asked to partner with businesses to encourage residents to apply for RPP on adjacent side streets. Commissioner Ronneberg recommends the ANC engage in such a partnership.

#### VII. Adjourn meeting at 9:30 pm.



## Committee Reports

### Transportation and Public Space (TPS)



#### ATTACHMENT A

### Preliminary ANC 6A Transportation and Public Space Committee H Street Connection Recommendations

#### I. Proposals agreed to by the developer:

1. Withdraw from consideration for residential parking permits for residents of the building. Assist, and not object to, any city and ANC efforts to accomplish the same.
2. Unbundle the sale of parking spots in the garage from the sale or lease of residential units in the building.
3. Limit the number of retail parking spaces to no more than 61 and develop a plan in coordination with the city to allow the retail parking lot to be available for parking by visitors to other H Street businesses during evening hours. Make this parking area accessible to patrons visiting other H Street businesses.
4. Locate ticketing kiosks for the parking garage at the base of the entry ramp.
5. Develop a written plan for distribution to building residents, visitors and employees informing them of the various transportation options available with the goal of reducing automobile ownership by building residents and motor vehicle trip generation to and from the building by residents, visitors and employees.
6. Make at least one car share parking spot in the retail portion of the garage available to a car share provider such as Zipcar or another similar company.
7. Develop a plan and parking price/validation policies which will:
  - a. Encourage retail patrons and other visitors to the building to use the building's garage should they drive;
  - b. Encourage the use of public transit and car sharing; and
  - c. Encourage visitors to the building and residents to bicycle to/from the building.
8. Provide 25 bike parking spaces for retail visitors and 50 bike spaces for use by residents, as reflected in the building plans provided to the ANC.
9. Fund the development of a bike sharing station on or adjacent to the property on public space at a cost not to exceed \$45,000.
10. Build and maintain conveniently located showers and changing areas in the building for employees who wish to bike to work.
11. Allow for bicycle access through garage ramps, which will include the use of shortened gate control arms.
12. Use of aesthetically pleasing brick facade materials at and around garage entrance areas (i.e. no plain cinder block walls).
13. Use auguring construction techniques instead of drilling into the ground, which will minimize ground vibrations that disturb or even damage nearby buildings. The developer will also undergo an existing conditions study of the nearby buildings prior to construction.



## Committee Reports

### Transportation and Public Space (TPS)



14. Undertake effective rodent control measures during demolition to ensure any disrupted rodent populations on the property do not invade nearby homes and other buildings.
15. Designate garbage collection and storage in areas inside of the building where garbage collection can take place by way of loading docks, and not in the back alley as is the current practice.
16. Provide a reversible middle retail parking entrance lane that can be used to implement a second ticket kiosk entrance as needed (i.e. when the other kiosk is inoperable).

#### II. Proposals not yet agreed to by the developer:

1. Maintain a residential parking ratio of no more than .7 parking spaces per unit given other transportation demand management initiatives outlined above, DDOT's significant investment in public transportation targeting the H Street corridor and existing DDOT policies which encourage minimizing parking in areas targeted for transportation infrastructure investments, such as H Street.
2. Provide at least five visitor parking spaces in the parking garage.
3. Provide a \$20 metro card SmartTrip card to all building residents upon initial move-in and a one-time \$30 SmartTrip card for each employee of the retail businesses. This total commitment will be capped at \$15,000. [Note: I believe this has been agreed to in principal, but the extent of the commitment has not been finalized with the developer]
4. Provide a one-time, one year car share membership (which shall include the cost for any application fees) for the initial occupant(s) of each residential unit. This commitment will be capped at \$100 per unit. If the initial occupant(s) of a leased unit reject this offer, it shall be made available to the next occupant(s) of the same unit. [Note: I believe this has been agreed to in principal, but the extent of the commitment has not been finalized with the developer]

Recommend the ANC support the developers' current proposal so long as 1) the recommendations above are agreed to by the developer, and 2) DDOT ultimately concludes the proposed traffic flow configuration with entrances/exits along 8<sup>th</sup> and 10<sup>th</sup> Streets will provide an "acceptable level of service" to the site. If DDOT concludes the level of service is not acceptable, the ANC reserves the right to withhold its approval of the project pending an analysis and site plan provided by the developer that includes any further analysis required by DDOT, which may include a proposal with a 9<sup>th</sup> and H Street entrance.





## Committee Reports

### Transportation and Public Space (TPS)



#### III. Additional recommendations to DDOT:

1. Adjust signal timing at 8<sup>th</sup> and H Street to reduce congestion due to the garage entrance and to accommodate traffic flow to the maximum extent feasible along 8<sup>th</sup> Street.
2. Consider moving bus stops along 8<sup>th</sup> Street so that traffic flow will not be impeded by buses stopping to pick up and drop off passengers.
3. Provide the ANC its final analysis regarding the feasibility of locating garage entrances along 8<sup>th</sup> and 10<sup>th</sup> Streets.
4. Consider widening 8<sup>th</sup> Street to forty feet from the alley adjacent to the property to H Street. This can be accomplished by removing two feet of sidewalk from each side of the street. This change would improve traffic flow and provide a feasible left turn lane in the middle of the street.



## Committee Reports

### Transportation and Public Space (TPS)



#### ATTACHMENT B

#### **Final ANC 6A Transportation and Public Space Committee H Street Connection Recommendations (in track changes)**

1. Proposals initially agreed to by the developer:
  - a. Withdraw from consideration for residential parking permits for residents of the building. Assist, and not object to, any city and ANC efforts to accomplish the same.
  - b. Unbundle the sale of parking spots in the garage from the sale or lease of residential units in the building.
  - c. Limit the number of retail parking spaces to no more than 65 spaces.<sup>1</sup> and develop a plan in coordination with the city to allow the retail parking lot to be available for parking by visitors to other H Street businesses during evening hours. Make this parking area accessible to patrons visiting other H Street businesses.
  - d. Locate ticketing kiosks for the parking garage at the base of the entry ramp.
  - e. Develop a written plan for distribution to building residents, visitors and employees informing them of the various transportation options available with the goal of reducing automobile ownership by building residents and motor vehicle trip generation to and from the building by residents, visitors and employees.
  - f. Make at least one car share parking spot in the retail portion of the garage available to a car share provider such as Zipcar or another similar company at any time needed by such car sharing provider.
  - g. Support adding up to three agreed to car share parking spots in adjacent public space.
  - h. Develop a plan and parking price/validation policies which will:
    - i. Encourage retail patrons and other visitors to the building to use the building's garage should they drive;
    - ii. Encourage the use of public transit and car sharing; and
    - iii. Encourage visitors to the building and residents to bicycle to/from the building.
  - i. Provide 25 bike parking spaces for retail visitors and 50 bike parking spaces for use by residents in the parking garage, as reflected in the building plans provided to the ANC.
  - j. Fund the development of a bike sharing station on or adjacent to the property on public space at a cost not to exceed \$45,000.
  - k. Build and maintain conveniently located showers and changing areas in the building for employees who wish to bike to work, as reflected in the building plans provided to the ANC.
  - l. Allow for bicycle access through garage ramps, which will include the use of shortened gate control arms.
  - m. Use of aesthetically pleasing brick facade materials at and around garage entrance areas (i.e. no plain cinder block walls).
  - n. Use auguring construction techniques instead of drilling into the ground, which will minimize ground vibrations that disturb or even damage nearby buildings. The developer will also undergo an existing conditions study of the nearby buildings where access is permitted prior to construction/demolition.



## Committee Reports

### Transportation and Public Space (TPS)



- o. Undertake effective rodent control measures during demolition to ensure any disrupted rodent populations on the property do not invade nearby homes and other buildings.
  - p. Designate and enforce garbage collection and storage in areas inside of the building (as shown on building plans provided to the ANC) where garbage collection can take place by way of loading docks, and not in the back alley as is the current practice.
  - q. Provide a reversible middle retail parking entrance lane that can be used to implement a second ticket kiosk entrance as needed (i.e. when the other kiosk is inoperable).
2. Proposals not yet initially agreed to by the developer:
- a. Maintain a residential parking ratio of no more than .97 parking spaces per unit given other transportation demand management initiatives outlined above, DDOT's significant investment in public transportation targeting the H Street corridor and existing DDOT policies which encourage minimizing parking in areas targeted for transportation infrastructure investments, such as H Street.
  - b. The developer will provide at least five designated visitor/guest parking spots in the parking retail portion of [sic] garage during evening hours, for which the developer may charge a fee.
  - c. Provide a \$20 metro card SmartTrip card to all initial and future building residents upon initial move-in and a one-time \$30 SmartTrip card for each employee of the retail businesses. This total commitment will be capped at \$15,000.
  - d. Provide a one-time, one year car share membership (which shall include the cost for any application fees) for the initial occupant(s) of each residential unit, capped at a total commitment of \$19,000. This commitment will be capped at \$100 per unit. If the initial occupant(s) of a leased unit reject this offer, it shall be made available to the next occupant(s) of the same unit. [Note: I believe this has been agreed to in principal, but the extent of the commitment has not been finalized with the developer]
  - e. Develop a plan in coordination with the city to allow the retail parking area in the garage to be available for parking by visitors to other H Street businesses during evening hours.

Recommend the ANC support the developers' current proposal so long as 1) the recommendations above are agreed to by the developer, and 2) DDOT ultimately concludes the proposed traffic flow configuration with entrances/exits along 8<sup>th</sup> and 10<sup>th</sup> Streets will provide an "acceptable level of service" to the site. If DDOT concludes the level of service is not acceptable, the ANC reserves the right to withhold its approval of the project pending an analysis and site plan provided by the developer that includes any further analysis required by DDOT, which may include a proposal with a 9<sup>th</sup> and H Street entrance.

3. Additional recommendations to DDOT:

- a. Adjust signal timing at 8<sup>th</sup> and H Street to reduce congestion due to the garage entrance and to accommodate traffic flow to the maximum extent feasible along 8<sup>th</sup> Street.



## Committee Reports

### Transportation and Public Space (TPS)



- b. Consider moving bus stops along 8<sup>th</sup> Street so that traffic flow will not be impeded by buses stopping to pick up and drop off passengers, including moving the northbound 8<sup>th</sup> street bus stop to a location north of H Street.
- c. Provide the ANC its final analysis regarding the feasibility of locating garage entrances along 8<sup>th</sup> and 10<sup>th</sup> Streets.
- d. Consider widening 8<sup>th</sup> Street adjacent to the development site as necessary to create a left turn lane in the middle of the street to forty feet from the alley adjacent to the property to H Street. This can be accomplished by removing two feet of sidewalk from each side of the street. This change would improve traffic flow and provide a feasible left turn lane in the middle of the street.





## Committee Reports

### Transportation and Public Space (TPS)



### ATTACHMENT C

#### Capitol Hill Classic 10K Facts

- What:** 31<sup>st</sup> Annual running of the Capitol Hill Classic 10K/3K Race.
- Why:** The race is the primary fundraiser for the Capitol Hill Cluster School PTA. Last year it raised over \$35,000 to support supplies, materials, and other instructional supplements. It also is a time-honored community event, that brings out hundreds of residents who run, watch, and volunteer.
- Who:** The race is open to anyone that registers. The entry fee is \$35 dollars. Last year over 3,500 runners, primarily from the DC region, participated. The race is heavily run by Capitol Hill residents and sponsored by many local Capitol Hill businesses.
- When:** May 16, 2010. 10K starts at 8:30 AM, 3K starts at 10:00 AM.
- Where:** See attached map. The race starts at Peabody School at Stanton Park (C st NE) runs up Massachusetts Avenue, around RFK, Down East Capitol Street and down Independence past the Capitol to 3<sup>rd</sup> Street SW and then back to Peabody School.

#### **Other details:**

Race assembly starts at 6:30 AM and all parts of the Race are broken down by 11:30 AM. Last year, most streets, including East Capitol, Massachusetts Avenue, and Independence Avenue were completely open by 10:45 AM-- most were open earlier. Streets are opened on a rolling basis, as soon as the last runners pass by. All street closings and openings are controlled by the Metropolitan Police Department, but every effort is made to open portions of streets as quickly as possible, and to allow for cross traffic.

The race is publicized through mailings, and through posters around the neighborhood, with special emphasis on affected streets.

Some food and refreshments are provided within Stanton Park but no vendors or sales of goods take place around the race.

Bus service is not hindered by the race as only one half of the main thoroughfares are in use.



# Committee Reports

## Transportation and Public Space (TPS)



### Capitol Hill Classic 10km

Washington DC

USATF Certification DC09002JS  
Effective 4/25/2009 to 4/25/2019



#### Timing Points

- Start:** On C Street, N.E., going east. Even with the west edge of the white crosswalk that extends from the southeast corner of C & 5th Sts. N.E. across C St. to Stanton Park. 9 feet west of the stoplight pole at the corner of 5th & C St. NE.
- Mile 1** Going east on East Capitol Street on eastbound side. ~ 123 feet past 15th Street. 16' east of center of entrance to Holy Comforter School. Opposite 1508 East Capitol. 7' east of Metrobus Stop Sign on the right: "97 B2"
- Mile 2** On E. Capitol going west. On the north side of RFK 25' beyond pole #74729 on the opposite side of the road.
- Mile 3** On E. Capitol at Lincoln Park. Opposite Lincoln Park United Methodist Church. 10' past the white arrow on the road curving left
- Mile 4** On Independence going west. ~ 100' past 2nd St. SE. 42' before green fire hydrant on the right.
- Turn** On 3rd Street, SW. Approx. 98 feet north of the center of the intersection of VA Avenue and 3rd Street, SW. 18 feet north of light pole # 21562 on the east side of 3rd Street.
- Mile 5** Going north on 3rd Street SW. Near the northwest corner of the Humphrey Building. 12 feet south of the pole #21546 on the east side of 3rd Street
- Mile 6** On 3rd Street NE going north. Even with center of the doorway at 118 3rd Street (on the west side of 3rd).

Finish Same as start

Measured By: Lyman Jordan 4/25/2009



**Committee Reports**  
Transportation and Public Space (TPS)



ATTACHMENT D

March \_\_\_\_, 2010  
Joshua Raymond  
Race Director  
Capitol Hill Classic  
231 8th Street NE  
Washington, DC 20002

Re: 31<sup>st</sup> Annual Capitol Hill Classic Race – May 16, 2010

Dear Joshua,

At ANC 6A's regularly scheduled meeting on March 11, 2010, the Commission voted [unanimously] to support the 31<sup>st</sup> Annual Capitol Hill Classic Race scheduled for May 16, 2010.

On behalf of the Commission,

Kelvin Robinson, Chair  
Advisory Neighborhood Commission 6A  
Cc: Tommy Wells, Ward 6 Councilmember



## Committee Reports

### Public Safety



ANC6A Public Safety Committee  
February 18, 2010 Meeting Minutes  
Sherwood Recreation Center  
640 10<sup>th</sup> Street NE

Meeting called to order at 7:00 p.m.

Committee members present: Rebecca Sibilgia, chair, Dan Wolff

ANC Commissioners present: Commissioner Nick Alberti, Commissioner Drew Ronneberg

Community members present: Cody Rice

#### I. Old Business:

##### 1. Update on H Street Recommendations

- a. Ms. Sibilgia reported to attendees that the H Street recommendations put forward by the Committee to the ANC had been well received by the Mayor's office, and had created significant movement.
- b. The Mayor's office commissioned a lighting study, which resulted in several identified areas in need of additional lighting for pedestrian safety.
- c. In addition, the Mayor's office, along with that of Councilmember Wells, have invited the committee to take part in a continuing dialogue related to the H Street corridor, including follow-ups to several tourism and safety recommendations put forward by the ANC.
- d. Commissioner Ronneberg expressed his interest in becoming more involved in this project, and wished to add, for discussion with the EOM, recent graffiti issues and some neighbor concerns for safety at the 8<sup>th</sup> and H Street intersections.

#### II. Planning Discussion

##### 1. Juvenile Crime Prevention Strategies Follow-Up

- a. The Committee had an informal discussion with members of the community and ANC Commissioners to discuss the Committee's approach to creating a summer neighborhood campaign as part of the committee's general youth crime prevention strategies.
- b. The committee members reiterated their interest in assisting in a "block party" type promotion throughout the ANC.
- c. Cody Rice and Commissioner Alberti suggested that the committee play a "technical assistance" type role in the promotion and suggested activities related to block parties. Essentially, in concept, this would be the creation of a block party "tool kit", with "how-to" guides related to navigating the requirements to close streets and ensure security.
- d. The committee would also make itself available to residents interested in organizing their own block party by interfacing with MPD for a variety of organizational opportunities, including safety walks, meet-and-greets, fire alarm installations and custom home security checks.



## Committee Reports

### Public Safety



- e. The committee expressed its remaining interest to have each Commissioner identify one street/organizer in order to encourage at least one happening in each SMD during the summer months, and have those individuals work directly with the committee for technical assistance.

#### 2. Increased Visibility for PSA 103

- a. The Committee is interested in encouraging additional visibility for our new PSA 103 Lieutenant, and assisting in the “rebuilding” of the PSA structure, including public input forums
- b. The group discussed the possibility of planning and sponsoring a spring kick-off barbeque event at Kingsman field, potentially partnered with the MPD 1-D Community Advisory Committee.
- c. The event would allow the Lieutenant the opportunity to interact with neighbors, and would offer the various public safety-related agencies to have a series of community outreach programs, including fire truck rides for kids, etc.

#### 3. Additional Committee Activities

- a. Cody Rice suggested to the committee that they may wish to consider reviewing and soliciting input on two public-safety related bills currently pending in Council.
- b. These bills include the Safe Children and Safe Neighborhoods Educational Neglect Mandatory Reporting Amendment Act of 2009 and Information Sharing to Improve Services for Children and Families Act of 2009
- c. The Committee agreed to consider a review and informal information gathering via listserv and other input forums as to whether either bill should be reviewed in a more in-depth fashion.

Next meeting: Thursday, March 18, 2010, 7:00 p.m. at Sherwood Recreation Center





## Unfinished Business



### ANC 6A Recommendations for Community Amenities Associated with The H Street Connection Redevelopment Project (900 H St. NE)

#### Economic Development & Zoning Committee Recommendations

**Recommendation:** ANC 6A support the massing and design of the proposed building at 900 H St. NE (H Street Connection Redevelopment), as well as the following proposed community amenities:

#### IV. Amenity Proposals agreed to by the developer:

- a. Developer support for the H Street Historic District.
- b. Participation in a Business Improvement District (BID) or Clean and Safe Program.
- c. Erect bollards to protect the nearest house on 8<sup>th</sup> Street.
- d. Re-engineer the drainage system in the alley to prevent flooding during heavy rains
- e. Security cameras to monitor alley traffic
- f. Development meets LEED Silver Certification requirements
- g. Transportation Demand Management measures recommended by T&PS Committee
- h. Landscaping of Phase II area before Phase II building is erected<sup>[1]</sup>

*[1] 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.*



## Unfinished Business



### Transportation and Public Space Committee Recommendations

**Recommendation:** ANC 6A approve the developer's proposed redevelopment of the H Street Connection provided the developer adopts the transportation related amenity package below (2.a - 2.v, 3.a).

#### 2. Amenity Proposals agreed to by the developer:

- a. Withdraw from consideration for residential parking permits for residents of the building. Assist, and not object to, any city and ANC efforts to accomplish the same.
- b. Unbundle the sale of parking spots in the garage from the sale or lease of residential units in the building.
- c. Limit the number of retail parking spaces to no more than 65 spaces.
- d. Locate ticketing kiosks for the parking garage at the base of the entry ramp.
- e. Develop a written plan for distribution to building residents, visitors and employees informing them of the various transportation options available with the goal of reducing automobile ownership by building residents and motor vehicle trip generation to and from the building by residents, visitors and employees.
- f. Make one car share parking spot in the retail portion of the garage available to a car share provider such as Zipcar or another similar company at any time needed by such car sharing provider.
- g. Support adding up to three car share parking spots in adjacent public space.
- h. Develop a plan and parking price/validation policies which will:
  - i. Encourage retail patrons and other visitors to the building to use the building's garage should they drive;
  - ii. Encourage the use of public transit and car sharing; and
  - iii. Encourage visitors to the building and residents to bicycle to/from the building.
- i. Provide 25 bike parking spaces for retail visitors and 50 bike parking spaces for use by residents in the parking garage, as reflected in the building plans provided to the ANC.
- j. Fund the development of a bike sharing station on or adjacent to the property on public space at a cost not to exceed \$45,000.
- k. Build and maintain conveniently located showers and changing areas in the building for employees who wish to bike to work, as reflected in the building plans provided to the ANC.



## Unfinished Business



- l. Allow for bicycle access through garage ramps, which will include the use of shortened gate control arms.
- m. Use of aesthetically pleasing brick facade materials at and around garage entrance areas (i.e. no plain cinder block walls).
- n. Use auguring construction techniques instead of drilling into the ground, which will minimize ground vibrations that disturb or even damage nearby buildings. The developer will also undergo an existing conditions study of the nearby buildings where access is permitted prior to construction/demolition.
- o. Undertake effective rodent control measures during demolition to ensure any disrupted rodent populations on the property do not invade nearby homes and other buildings.
- p. Designate and enforce garbage collection and storage in areas inside of the building (as shown on building plans provided to the ANC) where garbage collection can take place by way of loading docks, and not in the back alley as is the current practice.
- q. Provide a reversible middle retail parking entrance lane that can be used to implement a second ticket kiosk entrance as needed (i.e. when the other kiosk is inoperable).
- r. Maintain a residential parking ratio of no more than .9 parking spaces per unit given other transportation demand management initiatives outlined above, DDOT's significant investment in public transportation targeting the H Street corridor and existing DDOT policies which encourage minimizing parking in areas targeted for transportation infrastructure investments, such as H Street.
- s. The developer will provide at least five designated guest parking spots in the retail portion of the garage during evening hours, for which the developer may charge a fee.
- t. Provide a \$20 metro card SmartTrip card to all initial and future building residents upon move-in and a one-time \$30 SmartTrip card for each employee of the retail businesses. This total commitment will be capped at \$15,000.
- u. Provide a one-time, one year car share membership (which shall include the cost for any application fees) for the initial occupant(s) of each residential unit, capped at a total commitment of \$19,000.

### 3. Amenity Proposals not agreed to by the developer:

- a. Develop a plan in coordination with the city to allow the retail parking area in the garage to be available for parking by visitors to other H Street businesses during evening hours.

**Recommendation:** ANC 6A recommends the following additional recommendations regarding the H Street Connection Development project to DDOT, following the developer's submission of its PUD application.



## Unfinished Business



### 4. Additional recommendations to DDOT:

- a. Adjust signal timing at 8<sup>th</sup> and H Street to reduce congestion due to the garage entrance and to accommodate traffic flow to the maximum extent feasible along 8<sup>th</sup> Street.
- b. Consider moving bus stops along 8<sup>th</sup> Street so that traffic flow will not be impeded by buses stopping to pick up and drop off passengers, including moving the northbound 8<sup>th</sup> street bus stop to a location north of H Street.
- c. Provide the ANC its final analysis regarding the feasibility of locating garage entrances along 8<sup>th</sup> and 10<sup>th</sup> Streets.
- d. Consider widening 8<sup>th</sup> Street adjacent to the development site as necessary to create a left turn lane in the middle of the street. This can be accomplished by removing two feet of sidewalk from each side of the street. This change would improve traffic flow and provide a feasible left turn lane in the middle of the street.

### Additional Recommendations Not Recommended by the Committees

Recommendation: 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 ANC recommends:

1. The inclusion of 100 additional city funding parking spaces as part of the H Street Connection project and that the city allow for up to 10 of these spaces to be dedicated to car sharing use as demand warrants.
2. That the city fund all costs associated with traffic mitigation or other costs associated with the 100 city owned parking spaces.



## New Business



March 11, 2010

The Honorable Muriel Bowser  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 110  
Washington, DC 20004

The Honorable Jack Evans  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW, Suite 106  
Washington, DC 20004

Dear Councilmember Bowser and Councilmember Evans:

ANC 6A has worked hard over the past 3 years to identify and mitigate vacant property in our neighborhood. Even when vacant properties are not “blighted” they are a burden our community because when homes are unoccupied and poorly maintained, they tend to become eyesores that attract vermin, litter, and criminal activity.

Our ANC commends your recent proposal to restore a distinct tax class for vacant properties that provides owners a strong financial incentive to reoccupy or sell their property. Furthermore, we agree that vacant and blighted properties should be treated differently and that vacant properties should be taxed at an intermediate rate between occupied and blighted properties.

Unfortunately, the proposed vacant property tax structure suffers from a key flaw found in the structure abandoned by the City Council in 2009. We believe that a fundamental problem with the prior system was that vacant properties faced a high tax rate as soon as they were deemed vacant. This system imposed serious hardships for people whose property was misidentified as vacant and also necessitated an elaborate and bureaucratically cumbersome exemption system that similarly undermined the effectiveness of the incentive regime.

We urge you and the full Council to consider a vacant property tax system that eliminates all exemptions except for military personnel who are on temporary reassignment and instead features an escalating tax rate based on the number of years a property is vacant. In our proposal, the escalating vacant property tax rate would be identical to the occupied property tax rate for the first year of vacancy and escalate at 1% per year thereafter until it reaches a maximum of 5%. The following table shows how this escalating tax rate would be applied to residential and commercial properties.





## New Business



Time vacant (past 5 years)	Residential	Commercial
0 to 1 year	0.85	1.65
1 to 2 year	1.85	2.65
2 to 3 year	2.85	3.65
3 to 4 year	3.85	4.65
4 to 5 year	4.85	5.00

The advantage of proposed escalating vacant property tax and with a single exemption is that:

1. Owners of properties misidentified as vacant have a full year to correct this mistake before they are subject to a higher tax rate. We are sure you have heard horror stories about innocent individuals who suffered from ruined credit rating and other problems under the old system because they were immediately assessed at the higher rate. The proposed system would give these individuals ample time to correct misidentifications.
2. Owners of vacant properties are not immediately subject to the full effect of the vacant property tax. This allows them ample time to rent, lease, sell or refurbish their property without having to apply for and receive an exemption from DCRA. During the first year of vacancy, the property would be taxed at the occupied rate. In the second year, the rate would increase 1% which would provide reasonable financial incentive to occupy or sell the property. In subsequent years, the financial incentive would gradually increase in a way that would most heavily tax properties with the longest vacancy. Because the impact of the incentives in our proposal is not immediate for newly vacated properties and increase gradually, it eliminates the need for the varied permissive exemptions that plagued the prior system.
3. If the proposed system is implemented, properties that have a history of vacancy would not receive the lowest tax rate, but instead would be taxed according to the number of years of vacancy in the past 5 years, thus maintaining the strong incentives you propose on the most problematic and long neglected properties.
4. Our proposed system is likely to encourage reoccupation or sale of vacant property more quickly than a fixed rate tax system with extensive exemptions. In the latter system, a higher property tax rate is often not paid until the 3 years of exemptions have been exhausted. In essence, the latter system often means that the financial incentive is delayed by 3 years. By eliminating the exemptions in favor of a short grace period, we believe that the system's efficiency would improve greatly.
5. Our proposed system is unlikely to produce the political backlash that the immediate jump to a higher rate encourages. It should be no surprise that there was a significant backlash to the 10% vacant property tax rate when owner's 3 years of exemptions ran out. A similar backlash could occur with the 5% rate unless ample exemptions remain. A gradually escalating vacant tax rate does not have this problem and allows for the elimination of the extensive exemption scheme that slowed and confused enforcement under the prior system.



## New Business



In summary, we believe that an escalating vacant property tax rate system with only one exemption for military service is a fairer, more effective system that will reduce the bureaucratic burden of the old exemption system, while providing adequate incentive to eliminate the backlog of problematic vacant properties. The system that we are proposing should also help avoid the political backlash that caused the demise of the prior system, ultimately leading to the untenable situation we currently face without incentives to occupy vacant properties.

We hope you agree and will consider our proposal as you are initiating reform of the Vacant Property Tax System.

On behalf of the Commission,

Kelvin Robinson

Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, City Councilmember  
Vincent Gray, City Council Chair  
Kwame Brown, City Councilmember  
Michael Brown, City Councilmember  
David Catania, City Councilmember  
Phil Mendelson, City Councilmember  
Mary Cheh, City Councilmember  
Phil Graham, City Councilmember  
Yvette Alexander, City Councilmember  
Harry Thomas Jr., City Councilmember  
Marion Barry, City Councilmember  
Linda Argo, DCRA Director  
Reuben Pemberton, Vacant Property Director, DCRA