



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for March 8, 2012**



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

7:00pm **Call to order, Approve Previous Meeting's Minutes, Adopt Agenda**

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

7:10 **Community Presentations: Lt. Timothy Haselden of MPD-5D PSA 507**

7:20 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 17*

7:30 **Single Member District reports (2 minutes each)**

Standing Committee Reports:

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

1. Approve committee report
2. **Recommendation:** ANC approve full funding (\$5,000) of the grant application from Miner ES PTO
3. Next meeting - 7:30pm, March 19, 2012 (3rd Monday)

8:00 **Alcohol Beverage Licensing *pg. 25***

1. Approve committee report
2. **Recommendation:** ANC protest the license for Casbah located at 1128 H St. NE unless there is an approved voluntary agreement (VA) by the petition date and that the standard VA state the maximum number of occupants allowed on the outdoor patio at 40 patrons (according to their ABRA license)
3. **Recommendation:** ANC approve the standard VA for a CT license for Impala Cantina Y Taqueria at 1358 H St. NE with a modification regarding kitchen facilities and food sales requirements
4. **Recommendation:** ANC protest the CT license for Souk located at 1206 H St. NE unless the applicant changes the ABRA license to a restaurant and signs a new voluntary agreement by the petition date
5. **Recommendation:** ANC reluctantly accept the Board's modifications to several submitted VAs and that the standard voluntary agreement be updated to reflect the Board's changes. Further, that the ANC send a letter to the ABC Board indicating why we believe these provisions are important to the community, why the Board chose to discard them, and what modified language they recommend that could replace these provisions.



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2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
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6. Next meeting - 7pm, March 20, 2012 (3rd Tuesday)

8:05 **Transportation and Public Space Committee** *pg. 39*

1. Approve committee report
2. **Recommendation:** ANC approve 2012 committee goals
3. **Recommendation:** ANC request removal of no parking restrictions in the 400 block of 13th Street NE
4. Next meeting - 7pm, March 19, 2012 (3rd Monday)

8:10 **Economic Development and Zoning** *pg. 44*

1. Approve committee report
2. **Recommendation:** ANC support the concept plan for 1321-1323 Constitution Ave. NE and encourage the final design to utilize as much of the façade of 1321 Constitution as possible
3. **Recommendation:** ANC send a letter to DPW asking that an audit of businesses in the 1100 to 1300 blocks of H Street be audited to make sure that they have dumpsters and commercial hauling services
4. Next meeting - 7pm, March 21, 2012 (3rd Wednesday)

8:15 **Unfinished Business**

8:20 **New Business** *pg. 50*

1. Consider supporting community and ANC6C protest of an alcohol license for Xclusive located at 707 H St. NE (Healy)
2. Approve voluntary agreement for DC Conscious Cafe located at 1413 H St. NE (Healy)
3. Consider sending a letter to DDOT opposing the change in the location of midline streetcar substation from the SW corner of 12th and H to the SE corner of 12th and H (Ronneberg)
4. Approve Letter to Deputy Mayor and DDoT Director (Holmes)

8:25 **Community Comments Round II, time permitting (2 minutes each)**

8:30 **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes for February 9, 2012



Advisory Neighborhood Commission 6A Minutes Miner Elementary School February 9, 2012

Present: Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Ronneberg

Absent: Commissioners Mack and Veenendaal-Selck

The meeting was convened at 7pm

1. Community Presentation

There was not a quorum at 7pm when the meeting was convened and the Chair said that the meeting would proceed with non-voting items until there was one. He introduced a representative of DDOT to comment on the status of the H Street - Benning Road streetcar line.

She said that the line was proceeding on schedule and the outstanding issue currently was final decisions on the turn-around locations and the car barn. Discussions were now being held about the location of the car barn at the Minnesota Avenue terminus of the trolley line, with opposition being raised by residents of that community because of a lack of notification. They are looking at several sites in the area. She said she would return with an engineer to discuss the turn-around issues at the H Street end of the line. She mentioned a completion date of summer 2015.

Community Comment

Warren William, who said he is a lifetime resident of the neighborhood said he had become aware that stores in the community are selling synthetic marijuana. He said he had seen a store on Benning Road -an old High's grocery store—where he had seen a 13 year old buying it. He said it was legal because it's being sold as incense. He said he had been trying to be proactive about it and had talked to Steve Harvey. He said the store is in between 18th and 19th Streets NE on Benning Road.

Mr. Holmes said he will reach out to the police. Chris Fitzgerald, the Mayor's Ward 6 representative, said that he is working on the issue. The problem is, he said, that it is not listed as a narcotic and anyone can buy it. Naomi Mitchell of Councilmember Wells' office said that she would certainly look into it and see what can be done about it.

Mr. Alberti said he had heard about this last year taking place in Adams Morgan, but not here. Mr. Holmes said that it's more a Council problem at this point than a police problem.

A quorum was now present.

2. Minutes

The minutes were accepted as presented by unanimous consent.

3. Agenda

The agenda was accepted by unanimous consent.

4. Officer Reports

Chair

Mr. Holmes reported that he would be attending an ANC Chairs meeting with the Mayor.



Advisory Neighborhood Commission 6A Meeting Minutes for February 9, 2012



He said there was a meeting on Reservation 13 with the Deputy Mayor for economic Development with the Commissioners who signed the letter to the Mayor mentioned at the last meeting by Mr. Alberti. A public meeting will be held soon.

He announced that a Maryland Avenue transportation study update will be presented to the Transportation Committee on February 27. It is possible that the Transportation and Public Space Committee will have a recommendation to make about alternative choices.

He reported that a presentation on performance parking may come before the ANC in March. Funds will become available after the costs are recovered.

Mr. Holmes said that it is possible that there will be a marijuana dispensary in ANC 6A and another within 200 feet. 908 H Street (PBL Industrial Group, LLC) and 777 H Street (DC Green Shop LLC) in 6C are the proposed sites. The ANC will have very few days to respond. He reminded commissioners that the Health Department is less than knowledgeable about ANCs. They have already had to extend the time allowed for ANC comment for those already noticed about cultivation sites. The ANC's comment will be limited to a/ the potential adverse impact of the proposed location to the neighborhood; b/ an overconcentration of lack of cultivation centers or dispensaries in the affected ward; and c/ its proximity to substance abuse treatment centers, day care centers, and halfway houses. The timeline for dispensaries, as of now, is mailed to ANCs on March 5 with comments due at noon on April 5, so a special meeting will be needed.

He announced that the new ethics bill applies to ANC commissioners. The extent to which that matters is unclear, and he has asked the Office of ANCs for a briefing either in person or in writing. There are additional disclosure requirements that extend to families.

Finally, he said that 6A has been offered an office space at Miner Elementary School. It is large enough for one desk and some file cabinets or for about six people to sit in an informal circle. It may be 8'x10'. He asked the commissioners to think about it over the next month and let him know.

Treasurer

Mr. Alberti presented the Treasurer's Report. It showed that the opening balance in the checking account was \$17,652.64, and the savings account balance was \$4,206.29. There was a District allotment payment of \$4,836.27 and an interest payment to the savings account of \$.18. There were disbursements of \$389.92 to FedEx Office for the January 1, 2012 copying (Check #1542); \$200 to Heather Schoell for the January 2012 agenda package (Check #1543); \$4,998.53 to INT AC Inc. for a grant to Elliot Hine Middle School PTSA (Check #1544); \$180 to Roberta Weiner for December 11 minutes (Check #1545); and) \$25 for the ANC Security Fund (Check #1546), leaving a balance of \$16,695.46 in the checking account, and \$4,206.47 in the savings account.

Motion: Mr. Alberti moved/Mr. Healy seconded a motion to approve the disbursements. It passed without objection.

Motion: Mr. Alberti moved/ Ms. Lawler seconded a motion to accept the Treasurer's Report. It passed without objection.

5. SMD Reports

Dr. Ronneberg reported that sidewalk repairs have occurred on 11th Street NE.

ANC 6A Agenda Package | March 2012 | For more information go to www.anc6a.org.



Advisory Neighborhood Commission 6A Meeting Minutes for February 9, 2012



Mr. Alberti reported that he and Mr. Holmes would be attending the DCA hearing on the raze permit for 1310 East Capitol Street.

Mr. Healy reported that he held an SMD meeting on Feb. 6.

Mr. Hysell reported that he had heard from DDOT that the K Street changes will go into effect within 30 to 45 days. He also wanted to thank MPD for being proactive in the issuing of tickets.

6. Economic Development and Zoning

700 Constitution Avenue NE

Motion: The Committee moves/Dr. Ronneberg seconds a motion to recommend that the ANC support the 700 Constitution Avenue project at its February HPRB hearing with three provisos: that the developer seeks to soften the stark commercial look of the residential exterior walls surrounding the north side terrace; present an analysis of the traffic pattern in, through, and out of the Square; and present plans to maximize the use of transportation alternatives such as CaBi, bike racks and shared use vehicles, such as ZipCar.

Mr. Holmes said that ANC 6A is a party to the case because it is across 8th Street from 6A03. It will be an apartment building with 140 apartments, 86 parking spaces and very high rents. The development will share space with Specialty Hospital. Mr. Holmes said that an important thing is for the traffic to move smoothly and there should be a study to be shared with the community.

It was also mentioned that ANC 6C had objected to the north façade and the design had been modified.

An amendment was adopted to remove the first provision as the developer has already presented new drawings to meet that requirement. The amendment was adopted unanimously.

7. Transportation and Public Space

SunTrust Rock 'n' Roll USA Marathon

Chris Browne, the executive director of the Greater Washington Sports Alliance, the organization sponsoring the SunTrust Rock 'n' Roll USA Marathon on Saturday, March 17, appeared before the Commission, saying he has now experienced several marathons and made several modifications. He was hopeful that the ANC would support the race. Mr. Holmes said that he didn't see how he could, and pointed out that he appreciated that the water stations were moved, and that the music will be non-amplified, but there are still no changes that will positively affect him or his constituents and it still puts an unreasonable burden on his neighbors. Dr. Ronneberg said that he had supported the race in the past, but that this year he would have to vote against it.

Mr. Alberti said that as much as he has excused, nothing has changed. He said he had supported the race the first two years on the promise of a better event. His SMD is still the most seriously affected. He asked his fellow commissioners to think about the hardships we've suffered and what they would do if they were similarly affected. Each year, he said, there have been promises, promises, promises that have not been fulfilled. If it happened every three or four years, it might be different, but, he said, they are being asked to bear a huge burden.

Mr. Browne responded that some criticisms are accurate, such as the inadequate trash pick-up and there is a need for changes after eight years. He said he would like to put together a plan for 2013 and make an overhaul before it goes to the Emergency Management Task Force. Mr. Alberti responded that making the changes is an exact science and he hoped that Mr. Browne was not groveling.

Mr. Healy asked whether there had been a quorum at the Transportation Committee meeting, and Mr. Mahmud responded that the Committee vote had been 3-0 to recommend supporting the race. He said that the race people had been there in November and came back in December.

Motion: The Committee moved/Ms. Lawler seconded a motion to support the Committee's recommendation to support the SunTrust Rock 'n' Roll USA Marathon on March 17. The motion was defeated 1-4, with Ms. Lawler voting in the affirmative.



Advisory Neighborhood Commission 6A Meeting Minutes for February 9, 2012



Committee Goals

Motion: The Transportation and Public Space Committee goals for 2012 were accepted by unanimous consent.

8. Community Outreach

Chair Elizabeth Nelson said she had no report, but wanted to raise the issue that funds for interpretive services had been eliminated from the OANC budget. Gottlieb Simon, director of the Office of ANCs said he had received a memo saying that the centralized provision of interpretive services had been a pilot program of the Office of Disability Rights, that the money has run out and they are now pressuring agencies (including ANCs) to provide funding. Ms. Nelson noted that the commission had made infrequent use of the services but that it important to be able to provide services as required and that proximity to Gallaudet increases the likelihood that such services will be requested. She added that, not only is it a substantial expense, but it is difficult to arrange outside of the centralized services. Without this service each group/agency is on its own in identifying providers and most affordable providers require the use of credit cards, which an ANC may not use. When going through the City's centralized service it was a simple matter of filling out a form which could be emailed. Mr. Alberti noted that the ANC budget includes a line for interpretive services.

9. Alcohol Beverage Licensing

Mr. Healy began by announcing that he had received an email from ABRA requesting that certain things be taken out of submitted VAs, and he will discuss it at the next ABL Committee meeting and bring a recommendation back to the ANC.

HR 57

Mr. Healy said that HR 57 had moved across the street and requires a new license. They are requesting a stipulated license until their new CT license is approved. Mr. Healy said that they have operated in their current location without any complaints from neighbors. **Motion:** Mr. Healy moved/Dr. Ronneberg seconded a motion to protest the license on the grounds of peace, order and quiet unless a VA is finalized before the petition date. In the interim, the ANC will send letter to ABRA supporting the issuance of a stipulated license for HR 57. The motion passed 4--0-1, with Mr. Alberti not voting.

Conscious Café -1413 H Street NE

This is an application for a D license for the Conscious Café, 1413 H Street NE, a world fusion cuisine restaurant, with readings and music for entertainment. The restaurant will serve beer and wine and will have entertainment until 10pm on Mondays through Thursdays and until 11pm on Fridays and Saturdays. The petition date is February 27 and, Mr. Healy hasn't heard any community concerns about the establishment. **Motion:** Mr. Healy moved/Dr. Ronneberg seconded a motion to protest the license on the grounds of peace, order and quiet, unless a Voluntary Agreement is signed prior to the petition date. The motion passed 4-0-1, with Mr. Alberti not voting.

Impala Cantina y Taqueria - 1358 H Street NE

Mr. Healy said that the issue with the establishment was whether it could get a license as a restaurant rather than a tavern. The owners' concern is that they have 100 seats in two outdoor seating areas, one ground floor, and one rooftop and are concerned about meeting the financial requirements for a restaurant with so many seats that are not usable year round. Mr. Healy said he was waiting to hear from ABRA as to what is generally permitted in a VA pertaining to kitchens and food sales. The owners say they are willing to include language in a CT requiring a kitchen be open for food sales to ensure they operate as a restaurant **Motion:** Mr. Healy moved/Dr. Ronneberg seconded a



Advisory Neighborhood Commission 6A Meeting Minutes for February 9, 2012



motion to protest the license on the grounds of peace, order and quiet, unless a VA is signed prior to the petition date of March 5. The motion passed 4-0-1, with Mr. Alberti not voting,

Souk - 1208 H Street NE

Souk has new owner, and the previous owner terminated his license. The new owner requires a stipulated license so that he doesn't have to close until his new license has been granted. Dr. Ronneberg said that someone is dumping trash on that corner, and he would like to see whether Souk has commercial trash pick-up, or he will move to rescind the stipulated license. Mr. Healy said that he doesn't have enough room for dumpsters so he puts the trash on the street for pick-up. He said he would talk to the owner.

Motion: Mr. Healy moved/Dr. Ronneberg seconded a motion to support a stipulated license for Souk but to submit a protest letter unless a VA is signed prior to the petition date of March 19. The motion passed 4-0-1, with Mr. Alberti not voting. A vote was also taken to support the entertainment endorsement and it passed 4-0-1, with Mr. Alberti not voting.

The meeting was adjourned at 8:50 pm.



Commission Letters of February 9, 2012 Meeting



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



February 12, 2012

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 4005
Washington, DC 20009

Re: DC Conscious Cafe (1413 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of February 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted 4-0-1 to protest the new license for DC Conscious Cafe to be located at 1413 H Street, NE. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion.

Our protest is based upon the threat to the peace, order and quiet of the neighborhood. The ANC is also troubled that there may be an adverse impact on residential parking as well as by concerns about trash, loitering, and pedestrian safety.

We hope to withdraw this protest once a Voluntary Agreement has been signed between the applicant and the ANC.

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

On behalf of the Commission,

David Holmes
Chair

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



Commission Letters of February 9, 2012 Meeting



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



February 12, 2012

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: HR- 57 (1007 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of February 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted 4-0-1 to protest the new license for HR-57 to be located at 1007 H Street, NE. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion.

Our protest is based upon the threat to the peace, order and quiet of the neighborhood. The ANC is also troubled that there will be an adverse impact on residential parking as well as concerns about trash, loitering, and pedestrian safety. Nearby property values may be at risk because the rear of the property abuts residential property across a very narrow alley.

We hope to withdraw this protest once a Voluntary Agreement has been signed by the applicant and the ANC.

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

On behalf of the Commission,

David Holmes
Chair

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Commission Letters of February 9, 2012 Meeting



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



February 10, 2012

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

Re: Souk, 1208 H Street, NE

Dear Ms. Miller:

At a regularly scheduled and properly noticed public meeting¹ on February 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted 4-0-1 (Commissioner Alberti abstaining to support a stipulated license for Souk located at 1208 H Street, NE (ABRA-088675). The required quorum of five Commissioners was present.

Should you have any questions, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee at healyanc6a01@gmail.com or 202.556.0215.

On behalf of the Commission,

David Holmes, Chair

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Commission Letters of February 9, 2012 Meeting



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



February 15, 2012

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

Re: 700 Constitution Avenue NE

Dear Ms. Buell:

On February 9, 2011, Advisory Neighborhood Commission 6A (ANC) voted 5-0 to approve a resolution favoring the redevelopment of 700 Constitution Avenue NE. This vote took place at a regularly scheduled and publicly announced meeting with a quorum present¹. Five commissioners are required for a quorum.

ANC 6A adopted a motion to support the 700 Constitution project before the HPRB with two provisos:

That the developers present an analysis of the traffic pattern in, through, and out of the Square;

and present plans to maximize the use of transportation alternatives such as CaBi, bike racks, and shared-use vehicles like Zipcar.

An amendment was adopted to delete a proviso that the developers soften the stark commercial look of the residential exterior walls surrounding the north side Terrace as found in the early drawings, since the developers have already redesigned the walls surrounding the north terrace.

The community was invited to attend a discussion with IBG, met separately without IBG present, and was able to attend both the Economic Development and Zoning Committee and the full Commission meeting. The developer has addressed many of our concerns. Consequently we did not, in our motion, articulate already resolved concerns about the original designs such as the proposed deep underground terraces in public space, the penthouse height, and the width of the bays.

Speaking now as the Commissioner whose District lies across Eighth Street, I urge the HPRB to ensure the protection of the historic St. Monica and St. James Church from construction and traffic vibrations, and put on the record assurances given to the community that the penthouse will

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Commission Letters of February 9, 2012 Meeting



be reduced to the minimum dimensions necessary and that cell towers will not be visible from the streets.

I also request that final approval be reserved to the Board, not from any lack of confidence in the very able staff, but to allow the community a chance to be heard about the final designs negotiated between HPO staff and IBG.

David Holmes, as Chair of ANC 6A, will represent the Commission in this matter (holmes6a3@gmail.com).

On behalf of the Commission,

David Holmes
Chair



Commission Letters of February 9, 2012 Meeting



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



March 1, 2012

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: HR- 57 (1007 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of February 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted 4-0-1 to protest the new license for HR-57 to be located at 1007 H Street, unless a VA becomes finalized before the petition date.

The protest is hereby withdrawn and, instead, I present a Voluntary Agreement between HR-57 and ANC 6A. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion.

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

On behalf of the Commission,

David Holmes
Chair

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Made this 9th day of February, 2012

by and between

HR-57
1007 H Street, NE
Washington DC 20002
and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash garbage removal service, regularly remove trash from the trash and dumpster



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

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with Title 25-113(b)(5)(A)(B)(C) of the DC Municipal Code.
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment.
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on.
 - iii. Calling the Metropolitan Police Department if illegal activity is observed.
 - iv. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - v. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- j. After receiving complaints and/or observing problems with this establishment, ANC Commissioners and/or the ABL Committee chair may ask the D.C. Metropolitan Police Department (MPD) for records and data regarding calls for service or other necessary police presence around this establishment.

Voluntary Agreement between HR-57 and ANC6A

Page 2 of 4



i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

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

l. 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.

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

3. Music / Dancing / Entertainment:

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

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

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

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

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

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

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

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

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

e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.

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

Voluntary Agreement between HR-57 and ANC6A



Commission Letters of February 9, 2012 Meeting



television, a radio, or other prerecorded music.

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

h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

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

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.

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

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: Alquideo Antonio PUESAN Date: Feb 8, 2012

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: DAVID HOLMES Date: 3-1-12

Signature: [Handwritten Signature]



Commission Letters of February 9, 2012 Meeting



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



March 4, 2012

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 4005
Washington, DC 20009

Re: Impala Cantina Y Taqueria (1358 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of February 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted 4-0-1 to protest the new license for Impala Cantina Y Taqueria. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion.

Our protest is based upon the threat to the peace, order, and quiet of the neighborhood. The ANC is also troubled that there will be an adverse impact on residential parking and has concerns about the effects on trash, loitering, and pedestrian safety.

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

On behalf of the Commission,

David Holmes
Chair

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



Officer Reports - Treasurer



ANC 6A Treasurer's Report February 2012

Period Covered 02/01/12 - 02/29/12

Checking Account:

Balance Forwarded \$ 16,695.46

Receipts:

District Allotments: 4th Quarter FY2011 \$ 4,832.43
Transfers from Saving Account \$ -

Total Receipts \$ 4,832.43

Total Funds Available \$ 21,527.89

Disbursements:

Heather Schoell (Agenda Package Feb. '12) Ck #1547 \$ 200.00
Roberta Weiner (Minutes Jan. '12 Meeting) Ck #1548 \$ 180.00
FedEx Office (Feb. 01, 2012 Statement) Ck #1549 \$ 257.40

Total Disbursements \$ 637.40

Ending Balance \$ 20,890.49

Savings Account:

Balance Forwarded \$ 4,206.47

Receipts:

Interest (02/29/12) \$ 0.17
Transfers from Checking Account

Total Receipts \$ 0.17

Total Funds Available \$ 4,206.64

Disbursements \$ -

Ending Balance \$ 4,206.64

Prepared March 1, 2012



Officer Reports - Treasurer



ANC 6A Treasurer's Report February 2012

PETTY CASH SUMMARY

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

Prepared March 1, 2012



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee
February 20, 2012 Minutes
Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE

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

Committee members present: Elizabeth Nelson (Chair), Rose Williams, Louis Barbash, Jean Kohanek, Pat Joseph (quorum)

Commissioner present: Nick Alberti

Community member present: Jon Wadsworth representing Miner ES PTO

- I. Agenda
Adopted.
- II. Status of ANC/COC activities
See sign language interpreters below.
- III. Grant application from Miner ES PTO
 1. Mr. Wadsworth presented a grant application on behalf of the Miner ES PTO. He is the vice-president. The PTO is requesting funding to provide computer tablets (possibly IPAD2s) for use by Miner students. They hope to purchase 30 with funding from the ANC, and also Delta Sigma Theta Sorority (the local chapter meets in the school and partners in many ways) and H Street Community Development Center. In the event that complete funding is not received, students could easily share tablets by taking turns or working in pairs or small groups but the ideal is to have one for each member of the class. The PTO is committed to keeping the tablets in a highly secure mobile cart when not actually in use.
 2. While, as Ms. Williams pointed out, DCPS has an expectation that students will be exposed to computer technology and one might think this would be a duplication of existing City services, this is not true in the case of Miner. They had approx. 70 PCs which were removed by DCPS last year and have not been replaced. There remains only a handful of mis-matched, out-of-date laptops and PCs that were not in the computer lab at the time and escaped confiscation.
 3. Computer technology is needed so that students can learn to use it. Specific plans for these tablets include having the students create power-point presentations and self-produced animation. This is consistent with Miner's focus on experiential learning. Miner already has an information technology officer on staff and this individual is fully prepared to instruct both the faculty and students in the use of this technology.
 4. Much of the discussion centered on the decision to procure tablets instead of PCs or laptops. The tablets are far less expensive and (since apps are downloadable at very low cost) there would be savings in the cost of software as well. The tablets are very sturdy and, because they are lightweight, they can easily be stored in a secure



Committee Reports

Community Outreach Committee (COC)



portable cart that can be moved from site to site within the school. Students will also become familiar with touch-pad technology which is expected to be the norm when they are of high school or college age, thus better developing their skills for future study and employment.

5. Although current retail price for IPAD2s was used in the development of the budget, the PTO is committed to getting the best price possible. They expect that when the IPAD3 becomes available within the next few weeks, the price of IPAD2s will drop significantly - although they will still be more than adequate for the students' use. Other companies also make tablets and some retailers offer reduced prices to schools and/or when bulk purchases are made.
6. There was a question raised about the balance remaining in the ANC 6A grants budget, given that we are just at the halfway point of the fiscal year. Commissioner Alberti noted that the ANC often does not receive many grant applications and that the commissioners can decide to replenish the grants budget from reserves, should they decide they want to fund this (or any other) grant.
7. **Motion: Mr. Barbash moved that the COC recommend that ANC 6A approve full funding (\$5,000) of the grant application from Miner ES PTO. Seconded by Ms. Joseph. Vote 5 in favor none opposed.**

IV. Availability of Sign Language interpreters.

1. Ms. Nelson reported that, subsequent to the January COC meeting, Gottlieb Simon contacted her with regard to interpretive services. Apparently, the existing program to provide interpreters for ANC (and other) District Government activities was a pilot only. Funding has been exhausted and the program has effectively ceased to exist. This was reported in the January COC minutes and discussed at the February ANC 6A meeting. It is not clear what will be done about this. In the meantime, if services are requested, the COC will have to make the arrangements on its own - both in terms of identifying and retaining interpreters and also in paying for the service.
2. There was discussion of past problems in identifying affordable service providers and those who do not require the use of credit cards. Ms. Joseph will contact MPDC to see if their interpreter might be available on an occasional basis. Commissioner Alberti noted that it might be possible to hire said officer if MPDC cannot offer the service free of charge.

V. The next meeting of the COC will take place Monday, March 19, at 7:30 p.m. at 1235 C St. NE

Meeting adjourned at 8:40 p.m.



Committee Reports
Community Outreach Committee (COC)



Advisory Neighborhood Commission (ANC) 6A
Grant Request Application Form

1. DATE OF APPLICATION

2/1208/12

2. DATE OF PROJECT OR ACTIVITY

2011-2012 School Year

3. APPLICANT ORGANIZATION NAME AND ADDRESS

Myrtilia Miner Elementary PTO
 601 15th Street, NE
 Washington, DC 20002

4. CONTACT NAME

Jon Wadsworth/ LaVonne Taliaferro-Bunch

5. TITLE

PTO Vice President/ Principal

6. ADDRESS (IF DIFFERENT FROM ABOVE)

Same as Above

7. TELEPHONE

(202) 397-3960 EXTENSION 0

8. FAX

(202) 724-4957

9. E-MAIL ADDRESS

Jrwadsworth18@yahoo.com / LaVonne.Taliaferro-Bunch@dc.gov

10. BRIEF DESCRIPTION OF PROPOSED PROJECT/ACTIVITY

Digital technology, more specifically, Apple's IPAD 2's, are needed for students to improve higher-order thinking skills through problem solving, critical thinking and creative expeditionary learning experiences. This equipment will enhance the designing of student-centered, project-based and online learning environments. Additionally, tablets are more adaptable to advances in applications due to their ability to access continuing software updates, providing a better long-term tool for students. The equipment will be housed in a secured computer lab, and usage by students strictly controlled. During Museum Days, a school wide, interactive exhibition project that occurs four times per year, students will showcase their learning by using Apple applications for presentations and in depth background. The equipment will mainly be used in the secured computer laboratory by the computer technology coordinator who services students from Preschool through 5th grade. All students will use this equipment regularly on a rotating schedule. Additionally, equipment will be used in the secured mobile roaming laboratory to provide easier access to all classrooms. The goal is to purchase 30 IPAD 2 tablets as funding becomes available. However, we can purchase and deploy a smaller number with limited funds in the interim. If ANC 6A approves this grant, we would buy 8-10 tablets which would be used in small "break out" sessions. Personnel at Miner ES are already trained in the use of this technology so they could be put to good use immediately.

11. PROJECTED TOTAL COST

\$17,340.00

12. AMOUNT REQUESTED

\$5,000.00

13. OTHER SOURCES OF FUNDING (BE SPECIFIC, PROVIDE NAMES)

Myrtilia Miner Elementary PTO, Delta Sigma Theta Sorority Incorporated Federal City Chapter, H Street Community Development Corporation



Committee Reports
Community Outreach Committee (COC)



14. STATEMENT OF BENEFIT (DETAILED DESCRIPTION OF PROJECT OR ACTIVITY, WHO WILL BENEFIT AND IN WHAT WAY)

According to the International Society for Technology in Education, technology has forever changed the way we communicate, what we need to learn and the way we learn. Engaging our students in education using technology prepares them for their future in a global economy. With many of our students coming from low income, and in some many instances homeless families, opportunities for the use of advanced technology is limited and often non-existent. Providing students with these types of learning experiences during the school day will promote academic achievement and various opportunities they would not otherwise receive.

According to Spencer Kagan, a national leader in the field of Cooperative Learning and expeditionary learning experiences, quality learning experiences enhance student achievement in the classroom. Improving opportunities for cooperative learning using advanced technology allows every student to become engaged in content. Teachers will chronicle students' learning through performance based, multi-media assessments such as self-produced animation and PowerPoint presentations.

This much-needed equipment will contribute significantly to our efforts to provide all Miner students an engaging classroom experience while opening a whole new world for them merging prior activities new opportunities while creating visual media. DC Public Schools previously provided computers but has since removed 70 machines from Miner without any plans to replace them. The equipment we intend to purchase will be the property of the Miner PTO and used for all children in all grades.

In summation, a majority of the students reside within the boundary of ANC6A. Our goal is to provide the children of this community with the highest quality learning experiences possible, as it is our belief that it is the responsibility of our entire community to improve the quality of life of its citizens. As we often say, "Together, We Can Achieve the Extraordinary For Failure Is Not An Option."

Budget

Below please find the projected price of Apple IPAD 2 Computers; similar items may be substituted based on cost and availability.

Item #	Description	Qty.	Price	Total
S3788LL/A	Apple Care Protection Plan for IPAD Auto-Enroll	30	\$79.00	\$2370.00
MC769LL/A	IPad 2 with Wi-Fi 16 GB-Black	30	\$499.00	\$14970.00
Total Project				\$17,340.00



Committee Reports Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee
ANC 6A
February 28, 2012

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on February 28, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Katy Thomas, and Anne Marie Koshuta

Committee Members Absent: Michael Herman

Commissioners Present: Drew Ronneberg and David Holmes

Community Members Present: Ian Holt, Troy Hickman, George Grall, Mark Busby, Brandi Summers, and Margaret Holwill.

I. Call to Order

Chairman Healy called the meeting to order at 7:04 pm EST. The meeting having been duly convened was ready to proceed with business.

II. Community Comment

Margaret Holwill raised concerns about new applicant Xclusive located in ANC6C but across the street from ANC6A. She indicated the owners haven’t signed a voluntary agreement with the community and that the case is going to a protest hearing in March. Mr. Healy indicated that he had been contacted by neighbors living near the proposed establishment asking that ANC6A send a letter of support for the protest. Mr. Healy said he was not comfortable taking a formal committee position on the matter since it hadn’t been placed on the agenda and publicly noticed; however, it was the consensus of the committee that 6A should support the protest. Mr. Healy indicated he will have it added to the full ANC meeting agenda in March.

III. New Business

The Casbah (Retail Class “C” Restaurant)

In December, the owner of a new license for The Casbah 1128 H St. NE appeared before the committee to talk about his establishment.

Mr. Healy moved/seconded by Ms. Koshuta that the ANC protest the license for Casbah located at 1128 H St. NE unless there is an approved voluntary agreement by the petition date and that the standard VA state the maximum number of occupants allowed on the outdoor patio at 40 patrons (according to their ABRA license). Motion carried 4-0 (with Commissioner Ronneberg voting).

DC Conscious Cafe (Retail Class “D” Restaurant)

Since the last meeting, Mr. Healy reported that he was able to get in contact with Pam Johnson regarding the application for DC Conscious Cafe at 1413 H St. NE. He reported that Ms. Johnson



Committee Reports Alcohol Beverage and Licensing (ABL)



wanted to attend the meeting; she had a previous commitment, but was willing to answer in writing any concerns or questions the committee had. Mr. Healy indicated he felt the application was reasonable because it's a DR and the hours of operation and entertainment seem responsible. He believes the owner will sign a VA.

Since the committee previously voted to protest the license unless a VA is approved by the petition date, the committee took no further action.

Impala Cantina Y Taqueria (Retail Class "C" Tavern)

The owners of Impala Cantina Y Taqueria again appeared at the meeting after having made a presentation at the January meeting. Their proposed establishment is located at 1358 H St. NE. Based on discussion at the January meeting about how outdoor seats would count for the food sales requirement of a restaurant license, Mr. Healy reported that he's been working with ABRA staff on possible language that could be included in Impala's CT VA that would require them to operate as a restaurant and meet food sales requirements for the indoor seats even though they seek a tavern license. Mr. Healy said ABRA confirmed that outdoor seats that are on private property (rooftop, deck, or patio) count towards the \$2000 per seat per year food sales requirement (outdoor seats on a public patio space - with DDOT approval - do not count in that calculation). Mr. Healy stated that ABRA staff has given preliminary indication that the board would likely accept the language in the VA (much of the proposed language mirrors DC statutory language defining an ABRA-licensed restaurant).

Discussion was held about whether or not this would set a precedent for other restaurants that want to seek a tavern license after the ANC's actions last year strongly encouraging restaurant versus tavern licenses. It was the consensus of the committee members that this was a unique case because of the large number of outdoor seats that would be located on private property and that the proposed VA language would ensure the licensee operates as a restaurant.

Mr. Healy moved/seconded by Ms. Thomas that the ANC approve the standard VA for a CT license for Impala Cantina Y Taqueria at 1358 H St. NE with the following change:

"Strike Section 3(h) and insert the following: The establishment shall be regularly ready, willing, and able to prepare and serve food, have a kitchen (with an operational stove, oven, or grill) which shall be regularly open, have a menu in use, have sufficient food on hand to serve the patrons from the menu, and have proper staff present to prepare and serve the food up until at least one hour prior to closing. The establishment shall have annual gross food sales of \$2000 per occupant or have food sales account for at least 45 percent of the establishment's gross annual receipts. The occupancy is based on the 150 occupancy for the inside seating portion of the establishment."

Motion carried 4-0 (with Commissioner Ronneberg voting).

Souk (Retail Class "C" Tavern)



Committee Reports

Alcohol Beverage and Licensing (ABL)



After the last ABL meeting, the owner of Souk contacted Mr. Healy asking for the ANC's support for a stipulated license for his establishment at 1206 H St. NE. The owner indicated that the previous owner had canceled the alcohol license without his knowledge and that he would need to stop operations until the ANC supported a stipulated license or until a new placard period expired. The ANC considered the matter at the January meeting and voted to support a stipulated license with the understanding that a new VA would be signed.

Since that time, ABRA has posted the placard for Souk and they applied for a tavern license even though their previous license was for a restaurant. The owner was not in attendance at the meeting. Discussion was held about how to treat this license since it was for a tavern and the ANC strongly prefers restaurant licenses, the establishment previously operated with a restaurant license, and the establishment doesn't have outdoor seating (which was the special case in the Impala license issue). Additionally, Commissioners Healy and Ronneberg indicated they have had issues with the establishment regarding the inappropriate removal of trash at this establishment several times in the past.

Ms. Thomas moved/seconded by Ms. Koshuta that the ANC protest the CT license for Souk located at 1206 H St. NE unless the applicant changes the ABRA license to a restaurant and signs a new voluntary agreement by the petition date. Motion carried 3-0. Mr. Healy indicated he will contact the owner to work on the issue and hopes to get the license application changed to a CR.

ABC Board Changes to Submitted VAs

ANC Chair Holmes and Mr. Healy have received correspondence from ABRA staff indicating the ABC Board had conditionally approved the ANC's voluntary agreements with Pho Bar and Grill, Sol Mexican Grill, Da Luft, Central, and Dangerously Delicious DC. The Board is requiring the establishments and the ANC to accept the following changes to the VAs in order for them to be approved:

Section 2(i): Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

The word "ANC" should be removed.

Section 2(j) should be removed.

Section 3(d): This section should be clarified that any extension of hours must still be considered and approved by the Board, as the final decision maker. Please also be sure to include the applicable time period, as it is left blank in some of the voluntary agreements.



Committee Reports

Alcohol Beverage and Licensing (ABL)



Mr. Healy moved/seconded by Ms. Koshuta that the ANC reluctantly accept the Board's modifications and that the standard voluntary agreement be updated to reflect the Board's changes, including the following modification to Section 3(d) of the updated standard VA:

“Strike everything in Section 3(d) and insert the following: The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.”

Further, that the ANC send a letter to the ABC Board indicating why we believe these provisions are important to the community, asking why the Board chose to discard them, and what modified language they recommend that could replace these provisions. Motion passed 3-0.

IV. Adjourn

The Committee adjourned at 8:39 pm. The next meeting is Tuesday, March 20, 2012 at 7 pm at Sherwood Recreation Center.



Committee Reports Alcohol Beverage and Licensing (ABL)



DRAFT VA FOR IMPALA CANTINA Y TAQUERIA



Made this 8th day of March, 2012

by and between

Impala Cantina Y Taqueria (ABRA-088603)
1358 H Street, NE
Washington DC 20002
and
Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

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

Voluntary Agreement between Impala Cantina Y Taqueria and ANC6A
Page 1 of 5



Committee Reports

Alcohol Beverage and Licensing (ABL)



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

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with Title 25-113(b)(5)(A)(B)(C) of the DC Municipal Code.
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - v. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.

Voluntary Agreement between Impala Cantina Y Taqueria and ANC6A

Page 2 of 5



Committee Reports

Alcohol Beverage and Licensing (ABL)



j. After receiving complaints and/or observing problems with this establishment, ANC Commissioners and/or the ABL Committee chair may ask the D.C. Metropolitan Police Department (MPD) for records and data regarding calls for service or other necessary police presence around this establishment.

i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

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

l. 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.

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

3. Music / Dancing / Entertainment:

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

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

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

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

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

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

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

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

6) No more than 49 people may be on the ground floor patio at one time.

7) The patio must be closed and cleared of all patrons and staff when licensed alcohol sales end for the day.

In order to mitigate noise emanating from the rooftop venue, the following steps will be taken (NOTE: This language has not been in the standard VA but has been used in the past as an addendum to VA as applicants have applied for a substantial change to open a rooftop patio):

1) Seating capacity will not exceed 49 persons on the rooftop.

2) The patio will be used for seated guests only, that is, the applicant will not use the rooftop for persons standing, at a reception, etc.

3) Applicant agrees that sounds on the rooftop shall not be amplified, therefore speakers will not be

Voluntary Agreement between Impala Cantina Y Taqueria and ANC6A

Page 3 of 5



Committee Reports

Alcohol Beverage and Licensing (ABL)



used on the rooftop. This includes sounds from entertainment, a radio, jukebox, TV or microphone.

- 4) The Applicant will use plantings, walls, fencing, etc. to mitigate sounds from the patio.
- 5) The rooftop will close seating at 11:00 p.m. on Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings.
- 6) Placards or signs will be posted to notify patrons of the hours.
- 7) Placards will be posted requesting patrons to respect the neighboring residents.
- 8) Applicant will respond quickly to noise complaints which are brought through the ANC and take appropriate action to mitigate the problems.
- 4)9) In the event that noise on the rooftop repeatedly disturbs nearby residents, the ANC and applicant will work in good faith to negotiate an addendum to this agreement to mitigate noise through additional soundproofing measures.

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

e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.

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

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

h. The establishment shall be regularly ready, willing, and able to prepare and serve food, have a kitchen (with an operational stove, oven, or grill) which shall be regularly open, have a menu in use, have sufficient food on hand to serve the patrons from the menu, and have proper staff present to prepare and serve the food up until at least one hour prior to closing. The establishment shall have annual gross food sales of \$2000 per occupant or have food sales account for at least 45 percent of the establishment's gross annual receipts. The occupancy is based on the 150 occupancy for the inside seating portion of the establishment. ~~The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.~~

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

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

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

7. Enforcement:

- a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written Voluntary Agreement between Impala Cantina Y Taqueria and ANC6A



Committee Reports

Alcohol Beverage and Licensing (ABL)



notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.

b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.

c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____ Date: _____

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____



Committee Reports
Alcohol Beverage and Licensing (ABL)



CHANGES TO STANDARD CR/CT VA REQUIRED BY ABC BOARD

Made this _____ day of _____, 20____

by and between

[Name of Establishment]

Street Address, NE
Washington DC 20002
and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

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



Committee Reports

Alcohol Beverage and Licensing (ABL)



litter-free condition by:

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

2. Business Operations and Practices:

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



Committee Reports

Alcohol Beverage and Licensing (ABL)



- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - v. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- k. Applicant shall not support of the installation of pay phones outside of the establishment on their property.
- l. 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.
- m. Applicant shall provide valet parking services only with valet parking companies as defined licensed and in compliance with Title 24 DCMR Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. Music / Dancing / Entertainment:

- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
- b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
- c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:
 - 1) Applicant shall not offer any type of live or pre-recorded music on the patio.
 - 2) A fence or other barrier will enclose the entire perimeter.
 - 3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
 - 4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
 - 5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.
- d. *(NOTE: ABC Board wants to clarify that the extension of hours would still be considered and approved by the Board.)*

Proposed new language from ABL Committee: The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during



Committee Reports

Alcohol Beverage and Licensing (ABL)



the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.

e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.

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

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

h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

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

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6. Miscellaneous:

a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.

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

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.



Committee Reports
Alcohol Beverage and Licensing (ABL)



In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____ Date: _____

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes
Capitol Hill Towers (900 G Street NE)
February 27, 2012

- I. Call meeting to order at 7:15 pm (delayed due to a last minute meeting room change)
- II. In attendance - George Branyan, DDOT Pedestrian Program Coordinator; ANC 6A Commission Chairman David Holmes, and Commissioners Andrew Hysell, Sharee Lawler and Drew Ronneberg; ANC 6C Commissioner Scott Price; Committee members Marlon Smoker and Omar Mahmud (Chair); Bill Schultheiss along with members of his team at Toole Design Group; and various community members.
- III. Community Comment
 - A. Chairman Holmes announced that ANC 6A voted to not implement the Committee's recommendation/motion to send a letter of support for the 2012 National Marathon. He along with Commissioner Nick Alberti spoke to Homeland Security about marathon planning and the route, and Homeland Security agreed that in future years, road races like this would not be allowed to encircle neighborhoods and tie up residential streets.
 - B. Commissioner Ronneberg announced that the no parking signs in front of the old police station on 9th Street NE and the old firehouse on Maryland Avenue NE have been removed by DDOT per the request of the ANC.
- IV. New Business - Mr. Mahmud made a motion that item IV.B on the agenda (and below) be discussed prior to item IV.A. The motion passed without objection.
 - A. Presentation and Q&A regarding Maryland Avenue redesign project - Mr. Mahmud introduced Messrs. Schultheiss and Branyan and thanked them for coming. Mr. Schultheiss provided the following information about the project and answered questions:
 - i. The current effort is the result of more than ten years of work on improving safety along the Maryland Avenue NE corridor. This project came about due to a long history of complaints about safety from residents and Councilmember Wells, among others. In fact, Councilmember Wells has worked to ensure that DDOT funding is available for this project.
 - ii. Mr. Branyan pointed out that DDOT initially looked at addressing concerns at specific intersections along the corridor, but it soon became clear DDOT needed to look at improving conditions along the whole corridor from Stanton Park to the Starburst intersection in an effort to systematically slow down traffic and make the street easier to cross.
 - iii. DDOT and Toole Design are still taking comments from the community on this project while plans are developed. Nothing has been finalized yet.
 - iv. In doing the existing conditions study, the team found speeding at all times of the day along the corridor, especially during rush hour. There are also certain geometric safety problems based on how certain feeder streets are configured (e.g. rounded turns that do not make the driver slow down to make sharper turn). The team has tried to account for problems like this in the redesign effort.
 - v. The current set of ideas to deal with speeding issues along the corridor:
 1. Do nothing streetscape- or road diet-wise while seeking more police enforcement: Just shifts burden to MPD, not a viable long-term solution.
 2. Just fix the more troublesome intersections at 7th Street NE/D Street NE/Maryland, and 10th Street NE/Maryland: This provides an opportunity to solve part of the problem by employing a minimalist approach, but as



Committee Reports

Transportation and Public Space (TPS)



- explained in IV.A.2 above, it was decided a comprehensive approach is more desirable.
3. Fix the whole corridor systematically: Provides a viable long-term solution, not simply an incomplete or “band-aid” fix.
- vi. DDOT has considered removing the traffic signal on E Street at 9th Street and Maryland Avenue to flow traffic more easily from the Starburst all the way to Stanton Park. After that, a lane of traffic can be replaced with left turn lanes and bicycle lanes with no significant impact on traffic flow. People in attendance also pointed out that this light is confusing, which causes many near accidents on a daily basis. Mr. Schultheiss acknowledged this is a safety problem.
 1. Question: How would eliminating this traffic light do what DDOT believes it will do? Because of this extra light you need to split up the lights between three traffic groups instead of just two. DDOT can also time the traffic lights so that this change doesn’t cause traffic to speed up along the corridor.
 2. Question: Will people likely divert to other residential streets if a lane on Maryland is removed? Not significantly. This situation different than Constitution when a lane of traffic on that street was eliminated. That street had traffic coming from the freeway around RFK in an almost uncontrolled flow. The thing that’s unique about Maryland is that most of the traffic on this street comes from Bladensburg Road (traffic cannot turn off Benning Road onto Maryland at the Starburst). There is much less commuter traffic coming from Bladensburg. In addition, the throughput on Bladensburg road is already maxed out so all the cars that can come through are currently coming through now. This is an important point according to Mr. Schultheiss.
 - vii. DDOT plans to leave two lanes of traffic heading northeast going from Stanton Park to 7th Street to account for traffic cueing up into Stanton Park during evening rush hour. Similarly, two lanes would remain on the southwest direction side from 14th to 7th Street.
 - viii. First DDOT plans to test proposed solutions using temporary street markings and pylons in order to learn of unanticipated consequences prior to full build out. The testing phase should last anywhere from six months to one year.
 - ix. DDOT is looking for ways to improve the 7th Street and D Street intersection at Maryland in particular given this is a dangerous intersection for pedestrians, bicyclists and motorists. One idea is to reverse the direction of traffic along D Street to eliminate the problematic turn for motorists on to Maryland, but this solution may have other consequences DDOT needs to analyze. DDOT is also considering making 7th Street NE at this intersection one way. DDOT does not have a preference right now for any solution in particular and the community has a big opportunity to influence DDOT’s ultimate decision.
 1. Question: Given the Medlink apartments will be coming soon, how is that additional traffic from the apartment building’s garage accounted for in current plans? If the garage spills out onto 7th, they will have trouble getting up to Bladensburg. ANC 6C Commissioner Price answered that the current plan is to have ingress/egress for the garage on C Street so this shouldn’t be a concern. However, there will be parking for 86 in the building so this fact should probably still be accounted for in the modeling.
 - x. DDOT is considering making some of the less costly physical changes to improve safety first (e.g. better pedestrian signage), then implement more costly solutions at a later time.



Committee Reports

Transportation and Public Space (TPS)



- xi. Chairman Holmes indicated he is generally happy with the proposed changes. He is particularly interested in improving safety at the intersection of 10th and Maryland Avenue NE. There is a park there and people with strollers have a problem crossing the street due to speeding traffic. He asked about getting raised sidewalks at this intersection similar to the ones around Lincoln Park, but Mr. Branyan indicated that isn't an option here given Maryland Avenue is a minor arterial.
 - 1. Mr. Mahmud asked about employing other tools in the DDOT toolbox to deal with speeding traffic given raised sidewalks are not an option. Mr. Branyan indicated DDOT can look at other solutions like an active strobe light that can be activated by pedestrians. Mr. Schultheiss indicated these measures probably won't be necessary at 10th and Maryland given the road diet to be put in place should adequately address speeding concerns. DDOT would still watch to see how these solutions work before full implementation.
 - 2. Chairman Holmes also proposed closing off the small strip of E Street NE here between 10th and Maryland given no one stops at the stop sign (at 10th and E). The street area can be added to the public space triangle along Maryland Avenue and a fairly nice sized park addition to the playground area.
 - 3. DDOT also envisions there being a traffic signal at the intersection as well, which will greatly help with the pedestrian crossing safety issue.
- xii. Any changes the DDOT and Toole Design team wish to make will be hard to push through at DDOT given the DDOT traffic engineer side often has differing views on these matters. Mr. Branyan pointed out that he is on the planning side and therefore does dictate solution adoption by the traffic engineer team.
 - 1. Chairman Holmes asked whether specific legislation calling for any recommended changes (which includes project funding for the DDOT budget) could have an impact on the engineer team's decision. According to Mr. Branyan, if there are local funds set aside for this project by the Council, then yes, that could be useful. But any project funding will likely be combined with federal funds.
 - 2. ANC 6C Commissioner Price asked for more information on the process for making this project happen. The idea is to nail down the big questions first and have them addressed in the 30% preliminary design, then fully vet the plan to ensure the community is on board. The DDOT engineers would then take this project to 100% design while maintaining the 30% plan solutions. They are looking at a 30% design by April/May. The community then gets to see the plans again once before DDOT moves toward completing the 100% design phase. DDOT plans to come back before the community in another nine months or so to get the design finalized.
 - 3. Chairman Holmes asked whether DDOT can paint temporary lines now. Mr. Branyan indicated he is not sure. Mr. Schultheiss indicated he would need to put together a temporary marking and signage plan.
 - 4. Mr. Smoker asked whether bus stops would block traffic if placed in one lane sections of Maryland Avenue. According to Mr. Schultheiss, the plan is to move stops to positions after lights at intersections and outside of one lane areas so they won't block traffic.
- xiii. Mr. Mahmud thanked DDOT and Toole Design for the presentation and again apologized to those in attendance for the delay in starting due to the last minute room change.



Committee Reports

Transportation and Public Space (TPS)



- B. Removal of old no parking sign at Lincoln Park Towers in the 400 block of 13th Street NE -
Commissioner Lawler presented the following information in support of this request:
 - i. There is legacy no parking signage along the 400 block of 13th Street NE between D Street and E Street NE. The parking restriction is no longer needed along this block, especially considering it unnecessarily blocks much needed street parking space.
 - ii. Commissioner Lawler spoke to the owner of the adjacent Doggie Café at 413 13th Street NE about removing the signs and he in support. She also poled concerned residents, who were all in support.
 - iii. ***Committee Chair Mahmud made a motion that the ANC send a letter to DDOT seeking removal of the referenced no parking signs in the 400 block of 13th Street NE and that they be replaced with parking signage indicating the current parking restrictions on this block. Mr. Smoker seconded the motion, which passed without objection.***

- V. Old Business
 - A. H Street Performance Parking Summary
 - i. Chairman Holmes, Commissioners Hysell and Ronneberg, and Mr. Mahmud discussed this matter briefly at the conclusion of the meeting. Mr. Mahmud provided a brief overview of the program.

- VI. Additional Community Comment - None

- VII. Meeting adjourned at 8:39 pm



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation and Public Space Committee 2012 Goals

1. Provide a forum for the ANC 6A community to discuss and recommend solutions to transportation and public space-related issues impacting ANC 6A.
2. Cultivate relationships and coordinate efforts with other city ANCs and community groups having a stake in transportation and public space matters impacting ANC 6A.
3. Work with other ANC 6A committees to address committee crossover issues including, but not limited to, zoning and public safety concerns.
4. Assist the District Department of Transportation, nearby ANCs and other community groups with implementing comprehensive transportation management plans incorporating parking, public transit, vehicle sharing, bicycling and pedestrian alternatives to address the anticipated increase in traffic congestion in and surrounding the H Street/Benning Road corridor.
5. Help educate the ANC 6A community on transportation and public space-related concepts.
6. Provide timely, well-informed recommendations to the ANC 6A Commission regarding transportation and public space-related issues so that it may weigh in on city decisions affecting ANC 6A including, but not limited to, streetcar and other public transit initiatives for the H Street/Benning Road corridor, streetscape and traffic calming improvements along Maryland Avenue NE and C Street NE, planned public space uses and implementation of transportation studies such as the Capitol Hill Transportation Study.
7. Track progress of streetcar and other public transit initiatives for the H Street/Benning Road corridor, streetscape and traffic calming improvements along Maryland Avenue NE and C Street NE, planned public space uses and implementation of transportation studies such as the Capitol Hill Transportation Study, and report to the ANC 6A Commission on these matters.
8. Work with the District Department of Transportation, Deputy Mayor for Planning and Economic Development, the Ward 6 Councilmember's Office and other city agencies to implement transportation, parking, bicycle infrastructure and pedestrian safety initiatives.
9. Report to the ANC 6A Commission on all significant transportation and public space-related activities conducted by the District Department of Transportation, Washington Metropolitan Area Transit Authority, Deputy Mayor for Planning and Economic Development, Office of Planning, National Capital Planning Commission, and other agencies that directly or indirectly impact ANC 6A.



Committee Reports Economic Development and Zoning (EDZ)



Report of the Economic Development and Zoning Committee of ANC 6A February 15, 2012

Present: Members: Missy Boyette, Charmaine Josiah, Dan Golden, Jeff Fletcher
Commissioners: Drew Ronneberg, David Holmes, Nick Alberti

Drew Ronneberg chaired the meeting.

Community Comment

There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPA Cases: David Holmes will testify before the HPRB with regards to the proposed project on the Medlink site. The case at 701 10th St. will be heard on 2/22. The case at 1400 Maryland Avenue seems to still be active in public space review, potentially with a March hearing, but the 2-year mark for the BZA case has expired, and no extension has been filed by the owner.

Vacant Properties: Phil Toomajian has resigned from the ANC ED&Z committee. The committee is currently searching for someone to fill this role.

Zoning Regulations Rewrite: Drew Ronneberg stated that the first third of the new zoning regulations is going out soon for public comment.

H Street Business Liaison Report: Charmaine reported that she met with the H Street Small Business Department and will invite them to the next ED&Z meeting.

Other: David Holmes stated that three ANC chairpersons met with the Deputy Mayor about a possible Redskin training center in DC, at Reservation 13. The Mayor will come to speak about this in March (March 20th or 22nd).

Old Business

None.

New Business

1340 G Street, NE: The owner, Ms. Cassandra Morgan, was present to describe the proposed concept for a deck addition at the rear of the property. The property was purchased as a vacant property, and the owner has paid all back taxes. Ms. Morgan is currently cleaning out and renovating the house. The lot has both R-4 and C-2-A zoning (garage is on the C-2-A portion). The existing porch will be removed. The lot occupancy is 51% without the deck; the proposed occupancy would be 59% with the deck. The committee noted that it appears that an error has been made on the lot occupancy calculations on the front page of the drawing set, which state that the allowed lot occupancy is 40%.



Committee Reports

Economic Development and Zoning (EDZ)



The committee voted 5-0 to support the concept of the deck and suggested that the owner fix the allowable lot occupancy on the front page of the drawing set and resubmit the documents.

HPA #12-260 (1321-1323 Constitution Avenue NE): Mr. Martin Ditto (Ditto Residential) and Mr. Robert Bailey presented the project. The property is under Historic Preservation review. The subject buildings were both originally 1-story buildings; in the early 1900s, a second story was added to 1321. The current addition and renovation scheme proposes 59% lot occupancy. The lot is one parcel with two houses; the applicant will have to get a variance in order to split the lots. Previous potential buyers of the property had proposed condo developments for the site, which OP did not support. The applicant is working with Amanda Molson at OP.

The following clarifications related to massing were requested of the applicant. Regarding the rear of the property, it was explained that the existing building is approximately sixty feet deep. The OP has been supportive toward the applicant of adding a second story to 1323. The existing garage, which is deeper than the dimension of a car, will be torn down and will be replaced with an area for uncovered parking. The applicant was asked whether the extension at the rear is in line with the adjacent row houses. The applicant responded that the plane of the rear will extend further, and that it will be lower than the neighbor to the west.

Community members posed additional questions for clarification. One attendee asked the applicant when they will decide about the number of units that will be included in the project. The applicant responded that, if the community supports the proposed massing, the applicant would favor a 4-unit project, such that the units will each be 1.5 floors. The applicant would not proceed with the project if a 2-unit building is all that is allowed. One community member expressed that they believe 4 units to be "excessive" for this site. There is no existing basement, and no basement is proposed. Regarding the proposed parking pad, the combined lot is approximately 28' total which, the applicant stated, allows for three (3) parking spaces across the width of the lot (zoning requires two). Community member Elizabeth Nelson asked whether the garage is a contributing structure. Mr. Ditto responded by stating that Ms. Molson is supportive of removing the garage. The applicant was asked whether there are other existing garages in the alley. The applicant responded that, yes, the church has an existing garage. A community member inquired whether commercial use is allowed on the site now. The committee responded by stating that this is not an approved use under the current zoning.

Attendees discussed the original uses of these buildings. Mr. Ditto explained that there is a property report that has been written and that can be forwarded to the ED&Z Chairman for record, which states that the buildings were originally 1-story merchant shops which have transitioned to residential use over time. Commissioner Nick Alberti inquired whether Ms. Molson has created a report for HPRB review. Mr. Ditto responded that a report has not yet been written. Mr. Alberti stated that, without an official report, it is difficult to fully understand Ms. Molson's recommendations based simply on the applicant's spoken word. Mr. Alberti stated that he believes the garage is a contributing structure, likely built as a shared garage, and thus has historic value. Mr. Alberti also added that he believes that the proposed 3rd story overwhelms the massing.

Additional clarifications were made pertaining to the proposed third story portions of the buildings. The applicant explained that the third floor will be set back so that it is not visible from the sidewalk. Charmaine Josiah expressed that the precedent on this street appears to be that most of the homes on this street have already been altered. The applicant described that the roof terrace would have a railing. Ms. Josiah added that, as a community, she feels that we should make sure that the



Committee Reports

Economic Development and Zoning (EDZ)



properties we have in our neighborhoods have are practical and useful for modern-day use and that, since the third story is not visible from the street, she has no issue with the proposed massing.

Attendees discussed the architectural implications of the proposed design. David Holmes pointed out that one of the defining characteristics of the streetscape is the sawtooth nature of the building elevations in terms of their varying heights. He asked whether Amanda Molson is approving the proposed 2-story facade for 1323. Mr. Ditto replied by stating that OP supports the 2nd floor facade as a modification at the front face of 1323. Missy Boyette stated that her preference would be for 1323's 2nd story facade to look different than 1321. Mr. Alberti inquired as to whether the height of the 1323 facade would match the 1321 facade height. Mr. Ditto stated that the design proposes to take the existing cornice on the adjacent east property and to pull the expression of this cornice across to both 1321 and 1323.

Charmaine Josiah inquired as to the role of the ED&Z committee in this case. Drew Ronneberg responded that the committee is to recommend to the ANC whether we support or do not support the case. Community members inquired as to the schedule for the project's approvals. The applicant hopes to present before the HPRB in March or April, and to close on the property soon after approval, with three months for building permitting and three to four months of construction.

Attendees discussed the construction logistics at this property. Mr. Ditto stated that his specialty is infill development. Most of the staging would be done in the back yard. A community member expressed concern about access. Mr. Ditto explained that the alley would be kept clear. Community members expressed concerns about alley access as well as parking.

In conclusion, the committee agreed that, in concept, the 2nd story addition to 1323 is acceptable. Charmaine Josiah asked whether the applicant should come back to present again. Mr. Ditto stated that they will come back if a 4th condo is proposed.

The Committee voted 5-0 to recommend that the ANC write a letter to HPRB supporting the conceptual plans. Drew Ronneberg added that the recommendation will be to retain the historic reading of the architectural elements of 1323 Constitution Avenue. The ED&Z Committee Chair will be a representative for the case, with Missy Boyette serving as an architectural representative from the Committee.

Recommendation: The ANC write a letter to HPRP supporting the conceptual plans and strongly recommend that the historic reading of the architectural elements of 1323 Constitution be retained.

1113-1117 H Street, NE: Stan Wall, of Wall Development, provided an update on the project. The architect is currently starting Construction Documentation phase for the proposed design. The terracotta has been eliminated from the building facade. In addition, the EIFS has been eliminated from the facades where it had been proposed previously, and will instead be replaced by brick. All of the windows on the facade are now exactly the same type of window, and the tower has been revised such that it now meets the ground. Mr. Wall expects to break ground on the project in August or September.

Missy Boyette responded to the design revisions by stating that the tower element has been greatly improved from the previous designs. Missy Boyette inquired about the size of the brick units. Mr. Wall replied that economy brick will be used. Mrs. Boyette expressed concern about the economy scaled bricks, stating that these are not in keeping with the traditional brick module that one would



Committee Reports

Economic Development and Zoning (EDZ)



find on an historic building on H Street. Mr. Wall stated that the brick at the sides and the rear elevation will likely be one color. Drew Ronneberg stated that he likes the lighter color brick on the top floor. Mr. Wall stated that he can come back to the ED&Z Committee next month with brick samples.

Commercial Trash on H Street: Drew Ronneberg has observed that a business on H Street is not paying to have their trash removed by a commercial trash hauler. He has asked that the ANC recommend an audit of all businesses on the 1200 and 1300 blocks of H Street. Dan Golden added that DCPW should audit the 1100 block as well. Drew Ronneberg agreed, but stated that the 1200 block will be the priority.

The Committee voted 5-0 to recommend that the ANC write a letter to DCPW requesting an audit of businesses on the 1100, 1200 and 1300 blocks of H Street related to these businesses having contracts for trash removal with a commercial trash hauler.

Recommendation: The ANC write a letter to DPW requesting an audit of businesses on the 1100, 1200 and 1300 blocks of H Street related to these businesses having contracts for trash removal with a commercial trash hauler.

Historic Stable at 1310 E. Capitol Street: David Holmes stated that an historic stable at 1310 E. Capitol Street is the subject of continued discussion related to a proposed raze. The ANC has previously opposed the raze of the stable. In 2010, the roof of the stable collapsed in a storm; the ANC still opposes the raze. David testified before the Mayor's Agent, who has not yet ruled on the case. The stable was built in 1908 and is one of the last stables on Capitol Hill.

Additional Community Comment

None.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, March 21, 2012
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**



Committee Reports Economic Development and Zoning (EDZ)



March XX, 2012

Mr. William Howland, Director
District Department of Public Works
2000 14th St NW, Sixth Floor
Washington, DC 20009

Re: Audit of businesses on the 1200, 1300 and 1100 blocks of H Street NE for commercial trash hauling contracts and location of trash dumpsters.

Dear Mr. Howland:

At our March 8, 2012 meeting, Advisory Commission 6A UNANIMOUSLY voted to request that your agency audit businesses on the 1200, 1300 and 1100 blocks of H Street NE to insure that they possess:

1. Current contracts with licensed trash haulers.
2. Trash storage on the owner's land, or an agreement to share trash storage facilities on a neighboring owner's land or trash storage on public space which has been permitted by DDOT's public space administration.

We are making this request because some businesses are putting commercial trash (e.g. large used containers of french fry oil) next to public trash receptacles and ruining the newly installed sidewalks. This is a particularly acute problem for the northeast corner of 12th and H St NE. To our knowledge, only the Argonaut Restaurant located at 1433 H St NE has obtained the necessary public space permits to store trash on public space.

We would greatly appreciate it if your agency would share the results of the audit with our ANC once it is completed.

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A



Committee Reports Economic Development and Zoning (EDZ)



March XX, 2012

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

Re: HPA #12-260 (1321-1323 Constitution Ave NE – concept review)

Dear Ms. Buell:

At our regularly scheduled and properly noticed meeting¹ on March 15, 2012, our Commission voted X-X-X (with five commissioners required for a quorum) to support the conceptual redevelopment plans for the above referenced application.

The applicant, Mr. Robert Bailey and his architect, Mr. Martin Ditto presented massing plans to redevelop 1321-1323 Constitution Ave NE at our Economic Development and Zoning Committee's February 15, 2012 meeting. The conceptual plans call for a second story addition at 1323 Constitution Ave and 3rd floor recessed additions to 1321 and 1323 Constitution Ave. The third floor additions will not be visible to a pedestrian on the opposite side of the street. In addition, the conceptual plans show the demolition of the garage at the rear of the property. The ANC believes that the presented plans adequately balance the developer's need to increase the property's floor area while minimizing the massing changes to the building's facades.

In addition, the Commission would like to note that it strongly prefers retaining the historic reading of the architectural elements of 1323 Constitution Avenue in the final plans.

Please be advised that Drew Ronneberg and Missy Boyette are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202.431.4305 or ronneberg6a02@gmail.com.

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A

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



New Business



Made this 8th day of March, 2012

by and between

DC Conscious Cafe (ABRA-088623)

1413 H Street NE
Washington DC 20002
and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer's Class DR 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

Voluntary Agreement between DC Conscious Cafe and ANC6A

Page 1 of 4



New Business



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

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked/sealed in accordance with Title 25-113(b)(5)(A)(B)(C) of the DC Municipal Code.
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
 - iii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iv. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - v. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the ANC or Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- j. After receiving complaints and/or observing problems with this establishment, ANC Commissioners and/or the ABL Committee chair may ask the D.C. Metropolitan Police Department (MPD) for records and data regarding calls for service or other necessary police presence around this establishment.

Voluntary Agreement between DC Conscious Cafe and ANC6A

Page 2 of 4



i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

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

l. 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.

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

3. Music / Dancing / Entertainment:

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

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

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

- 1) Applicant shall not offer any type of live or pre-recorded music on the patio.
- 2) A fence or other barrier will enclose the entire perimeter.
- 3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
- 4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
- 5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.

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

e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.

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

Voluntary Agreement between DC Conscious Cafe and ANC6A



New Business



- television, a radio, or other prerecorded music.
- g. All CT license holders with an entertainment endorsement must have an ABRA accepted security plan in place.
- h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

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

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

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

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. *PAMELA JOHNSON + Ahmadou Bache Diep*

Applicant:

By: *[Signature]* Date: *3/6/12*
[Signature] Date: *3/6/12*

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____



New Business



Advisory Neighborhood Commission 6A
Single Member Districts 6A-02
646 11th St NE
Washington, DC 20002



March 1, 2012

Terry Bellamy, Director
District Department of Transportation
55 M St. SE
Suite 400
Washington, DC 20003

RE: Location of the midline H St. Streetcar Substation

Dear Director Bellamy:

It has recently come to my attention that DDOT is considering changing the location of the midline H Street streetcar substation from the southwest corner of 12th and H adjacent to 1125 H St NE (Kahn's BBQ) to the southeast corner of 12th and H Street located next to the Autozone property. Unfortunately, there has been no discussion of this change at the public streetcars meetings, nor have I been informed by DDOT of the proposed change even though both of these locations are within my SMD.

I was heavily involved in the discussions that lead to DDOT's original decision to temporarily site the midline substation next to Kahn's BBQ and then permanently site it in the parking garage of a redeveloped Autozone site. This was a consensus decision reached by DDOT, myself, Councilmember Wells's office, the H Street Community Development Corporation and the new owners of the Autozone site. Mr. Lee, the owner of Kahn's BBQ also participated in these discussions and revised his application for outdoor seating to not include the area of the proposed substation. The process was inclusive and transparent, and the decision did the best job of balancing the interests of the community and multiple property owners.

Needless to say, I am greatly disappointed that DDOT seems to be reconsidering its original decision without engaging the community leaders or property owners. In addition, I don't believe the current leadership of the Streetcar Program fully understands why the decision to locate the temporary substation on the southwest corner of 12th and H St NE was made in the first place. It was made because locating the temporary substation next to the Autozone site would hinder the redevelopment efforts of this underutilized property. Potential lessees of the Autozone site cannot be certain that DDOT will move the temporary substation once the site is redeveloped and it would understandingly make them reluctant lease store frontage that would be blocked by the substation. In addition, locating the temporary substation next to 1125 H St provides a sound buffer between the outdoor patio at Khan's and the residential neighborhood that abuts the property.

Locating the temporary substation at the southeast corner of 12th and H is an unreasonable burden on the owners of the Autozone site, especially when a much better location exists next to



New Business



Advisory Neighborhood Commission 6A
Single Member Districts 6A-02
646 11th St NE
Washington, DC 20002



1125 H St NE. I am strongly opposed to a change in location of the temporary substation and extremely displeased that I didn't hear about these changes from DDOT itself.

I intend to raise this matter at the full meeting of ANC 6A on March 8, and would appreciate being contacted by Mr. Carl Jackson before that date. He can reach me at 202.431.4305 or ronneberg6a02@gmail.com.

Best regards,

Drew Ronneberg
Commissioner, ANC 6A02



New Business



The refusal to accept the extraordinarily bad route for the National Marathon this year has made real gains for the ANC. Homeland Security vetoed the idea of clearing the race course of parked vehicles. One reason was the simple question 'where do we put all the towed cars?' Next year should have a much better route.

Deputy Mayor Paul Quander responded to a letter from Councilmember Wells regarding the problems we have been having with the National Marathon.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of the Mayor

Paul A. Quander, Jr.
Deputy Mayor for Public Safety & Justice

February 29, 2012

The Honorable Tommy Wells
Councilmember, Ward 6
The John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Dear Councilmember Wells:

Thank you for your letter dated February 17, 2012, concerning the Rock and Roll Marathon. Prior to your correspondence, this administration was aware of the issues and working to resolve those concerns raised by ANC 6A and 6C. In an effort to address those matters, I had the Mayor's Special Event Task Group (MSETG) convene a meeting, on February 21 between the aforementioned ANCs, members of the Mayor's task group, and the Rock and Roll Marathon organizers. The following concerns were addressed:

Traffic Congestion/Changes to the Route

Due to impending March 17th marathon date, the task group was unable to accommodate the ANCs on immediate changes to the marathon route. The identification and coordination required in crafting a route that meets the needs of emergency response and traffic management is very extensive. Therefore, at this late date, the task group and public safety agencies decided to maintain the current route as it has already been vetted and approved.

In an effort to mitigate traffic related concerns, the event organizers have promised to develop an online interactive map that will direct constituents to the most feasible ways of travel around the marathon route. With the assistance of DDOT, the organizers will develop traffic advisories. Additionally, the organizers will work with MPD in crafting a Race Operations Guide which will assist the posted MPD Officers in helping the public to navigate around the impacted areas. Finally, the organizers will hold an after-action meeting, within 30 days, with ANC 6A and 6C to begin the development of a new route through the area.

Event Notification

Along with traffic advisories issued by DDOT through the use of Variable Message Boards, the organizers will continue going door to door, engaging in media campaigns, and issuing press releases. In addition, Alert DC will begin, over the upcoming weeks, to notify the public of the upcoming event and potential traffic delays.



New Business



Music Performances

All entertainment in residential areas will be unamplified. DCRA's noise control inspectors and the organizers sound engineers will work to ensure decibel output does not exceed a reasonable level. The ANCs have been provided with points of contact on the day of the event, should they feel the sound has become obtrusive.

Sanitation

The organizers have developed an enhanced sanitation plan to ensure public space is returned to the condition in which it was prior to the commencement of the race. The enhanced cleaning plan incorporates:

- Deployment of DPW street sweepers and dump trucks
- Coordination with two local non-profits to collect discarded clothing from the route, with one being designated to clear areas inaccessible to the street sweepers
- Final Neighborhood Quality Assurance Sign-Off

Additional changes to the plan include staging sanitation crews throughout the route and prohibiting the distribution of thermal blankets and gloves to participants, which should result in a significant decrease of debris left along the route.

In closing, ANCs 6A and 6C have been assured that, in the future, an alternative route for the marathon will be developed to lessen the impact on their residential communities. Unlike in past administrations, the City will uphold its commitment to the ANCs that an alternative route will be developed that takes their expressed concerns into account.

Sincerely,
Paul Quander, Jr.



New Business



February 10, 2012

Ms. Tanya Mitchell
HSEMA
2720 Martin Luther King, Jr. Avenue, SE
Washington, DC 20032

Dear Ms. Mitchell,

Advisory Neighborhood Commission 6A has voted not to support the Rock ‘n’ Roll Marathon scheduled to take place on March 17, 2012. This vote took place at a regularly scheduled and publicly announced meeting with a quorum present. Five commissioners are required for a quorum. The vote was 4-1-0.

For years, the Marathon has presented problems for the community served by this ANC. The principal difficulty has been caused by running the course twice down East Capitol, preventing north-south passage for 3½ to 5 hours. The other major reason for opposition has been the enclosure of large parts of our ANC. This year we are encircled by a route that closes off 13th Street NE on the east; East Capitol to the south; Second Street/and the railroad tracks on the west; and K and H Streets NE on the north. The only exit will be the Hopscotch Bridge.

Public notification efforts have also fallen short. Last year the ANC 6A portion of the course (as posted on the website and presented on door-hangars) was changed within a day or so of the race so most residents were unaware of the actual route until it was too late.

This year brings the planned removal of residents’ parked vehicles from the race course. For many in our community, on-street parking is all that’s available to them.

Each year requests have been made of the sponsors to lighten the burden on 6A by reducing the time East Capitol is closed – by only sending runners down the street from RFK Stadium once. Last year’s race was a particular mess as trash, including hundreds of discarded garments from runners warming from a cold start, was abandoned along Constitution, North Carolina, 13th, and East Capitol. After the passage of the street sweeping vehicles, abandoned clothing, running gloves, warm-up mylar sheets, and watering cups were strewn along the sides of our streets and the sidewalks. With the help of neighbors, I picked up five 32 gallon trash bags of clothing, mylar, and cups. While clothing was given to a local PTA for resale, the burden was placed on the residents for cleanup.

The Race has been helpful by providing bump-cross-routes, though that has been generally ineffective over the years. Many times, maybe most times, officers in the early hours fail to understand that they can allow passage when no runners are approaching. By the time the message finally gets through, the window of opportunity has closed. Realistically, not very long after the slowest runners pass through an intersection, the fastest runners are approaching for the second run down North Carolina Avenue and East Capitol Street.

The ANC will be happy to work with the Greater Washington Sports Alliance and Competitor Group, Inc. for a Marathon next year – one that has significant route changes. Currently the course places a particular burden on our Ward, with almost half the course run through Ward Six, and approximately six of those miles by running a second time along North Carolina Avenue NE, East Capitol, Second Street NE, Massachusetts Avenue NE, E Street NW, and Constitution Avenue NW.



New Business



The Greater Washington Sports Alliance should have seen this coming. They have been told every year about the course problems, and yet came back this year with a route that compounded the problems in our community.

For the Commission,

David Holmes
Chair

cc: Tommy Wells
Ward 6 ANC Chairs



New Business



Proposed letter:

Deputy Mayor Paul Quander
Executive Office of the Mayor, 6th Floor
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

Director Terry Bellamy
Department of Transportation, Suite 400
55 M Street, SE
Washington, D.C. 20003

Gentlemen,

In planning for the 2013 National Marathon, the Advisory Neighborhood Commissions of Ward 6 will be happy to support a course that:

1. avoids running twice through the same residential areas (on the same or nearby streets);
2. does not encircle our community for hours;
3. avoids the disruption of our neighborhoods through the closure of principal streets and arteries for hours at a time; and
4. does not ban parking along residential streets with rare sharply defined exceptions.

It is very important that the organizers of the National Marathon and the City agencies work with the affected ANCs about 8 months in advance to ensure that major problems have been anticipated.

It is long past time to put an end to the continuing problems the Marathon has caused our community. We want to work with the City's security and transportation agencies and with the organizers to avoid these problems in the future.

Respectfully,

Jared Critchfield
Advisory Neighborhood Commission 6B

Karen Wirt
Advisory Neighborhood Commission 6C

Andy Litsky, ANC 6D
Advisory Neighborhood Commission 6D

David Holmes 6A
Advisory Neighborhood Commission 6A

cc: Tommy Wells, DC Council Ward 6
Kwame Brown, Chair, DC Council
Phil Mendelson, DC Council At-Large
David Catania, DC Council At-Large
Michael Brown, DC Council At-Large
Mary Cheh, DC Council, Transportation Committee Chair
Cathy Lanier, Chief, MPD