



**District of Columbia Government  
Advisory Neighborhood Commission 6A  
Agenda for June 13, 2013**



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

7:00pm **Call to order, Approve May Meeting Minutes, Adopt Agenda**

7:03 **Community Comments** (2 minutes each)

**Community Presentations:**

7:08 Malia Salaam of DC Streetcar to announce June 27 public meeting

7:10 DC Mayor Vincent Gray to take questions from Commissioners and residents

8:00 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 28*

1. Approve Treasurer's Report

8:10 **Single Member District reports** (2 minutes each)

**Standing Committee Reports:**

8:25 **Community Outreach** *pg. 30*

1. Approve committee report
2. Next meeting - 7:30pm, June 17, 2013, 1235 C St. NE (3<sup>rd</sup> Monday)

8:30 **Alcohol Beverage Licensing** *pg. 32*

1. Next meeting - 7pm, June 18, 2013 (3<sup>rd</sup> Tuesday)

8:35 **Transportation and Public Space Committee** *pg. 33*

1. Approve committee report
2. **Recommendation:** ANC send a letter of support for Chupacabra's public space application proposing use of the space as a patio, but only so long as Chupacabra agrees to certain conditions (see meeting minutes for full set of conditions) to be set forth in a gentlemen's agreement between the owners and ANC 6A. In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.
3. **Recommendation:** ANC send a letter of support to DDOT regarding the petitions submitted by residents of the 900 block of L Street to extend residential parking permit (RPP) hours of enforcement and to implement resident only parking restrictions
4. Next meeting - 7pm, June 17, 2013 (3<sup>rd</sup> Monday)



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2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE  
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8:40 **Economic Development and Zoning** *pg. 39*

1. Approve committee report
2. **Recommendation:** ANC 6A support plans at 803 9th St (BZA 18571) for a roof or cover over existing carport
3. **Membership:** ANC elect Stephanie Frang-Zimny as member of the EDZ Committee
4. **Membership:** ANC elect Cody Rice as member of the EDZ Committee
5. Next meeting - 7pm, June 19, 2012 (3<sup>rd</sup> Wednesday)

8:45 **Unfinished Business**

8:50 **New Business** *pg. 42*

1. Letter to DDOT about the taking of public parks for private use (Alberti)
2. I move that we request that the Mayor speed the permitting process for the reconstruction of Frager's, a Capitol Hill institution for 90 years. Some 60 local residents work at Frager's and we are anxious to see them back at work as soon as possible. (Holmes)
3. Motion to send a letter to Chancellor Henderson that the Advisory Neighborhood Commission 6A requests that proximity preference be reinstated at the School Within A School. (Nauden)

8:55 **Community Comments Round II, time permitting (2 minutes each)**

9:00 **Adjourn**



# Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



## Advisory Neighborhood Commission 6A Minutes Miner Elementary School May 9, 2013

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

The meeting was convened at 7pm.

### 1. Minutes

The April 2013 minutes were approved by unanimous consent.

### 2. Agenda

The agenda was approved by unanimous consent.

### 3. Community Presentations

#### The Office of the People's Counsel

Cheryl Morse of the Office of the DC People's Counsel (OPC) presented information on her agency and several issues it is currently working on. She said that the Office is an agency within the District government that serves as an advocate for DC residents on utility rates and works to inform and educate the community about utilities and the issues surrounding them.

She presented OPC's new DC Utility Consumer Guide (available from OPC, (202) 727-3971) which contains useful information on understanding utility bills and outlines cases OPC is currently litigating. She discussed the new "smart meters" that are being installed across the District, saying that they had lost a case they brought before the Public Service Commission seeking an "opt out" possibility for consumers. She said that what was now left for consumers was to petition the ANCs and the City Council, urging the Council to take action. She also highlighted several other pending cases.

#### H Street Car Project

Ron Garraffa, Construction and Engineering Manager for the H Street Trolley Project, informed the Commission that the project is on schedule and they will be installing tracks at the western end by the end of the month. They are also installing light poles at the eastern end, which are similar to the existing poles, but taller and heavier in order to take the wires.

He reported that DDOT has gone to HPRB for permission to use the car barn at the eastern end as a training center, but there are still issues they are working on with the architecture of the building. He said they will start testing the cars for up to 90 days in order to get system safety certification as early as the end of the year.

He said that the midline substation design is being reviewed by the Commission on Fine Arts. It will be a self-contained unit next to the wall at Khan's. In answer to a question from Ms. Nauden,



## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



Mr. Garraffa responded that Khan's had been consulted about, and signed off on, the potential noise levels. Mr. Holmes added that he had spoken with Khan's, and they were fine with it. Mr. Holmes said he had offered him use of the surrounding, unused space.

### Lincoln Park

Dr. Joy Kinard, of the National Park Service, gave a status report on the renovation of Lincoln Park. She reported that there is good news and bad news. The bad news is that the construction deadline has been extended to July 1<sup>st</sup>: the construction has been stopped by drainage issues that require a solution. They are getting extra funds to get two new drains installed on the plaza, but they have new budgeting systems that are causing some delay in delivering the funds.

On the other hand, she said that the steps on the eastern side of the area should be poured by the following week, and the fences around the playground should be installed. She said she is getting pressure from the National Council of Negro Women to have the project completed in time for their annual recognition of Mary Jane McLeod Bethune on July 10.

## 4. Officers' Reports

### Chair

Mr. Holmes reported that Reyna Alorro said that the Deputy Mayor for Planning and Economic Development wants to present to the ANC the confirmation and request for support for the disposition of the surplus land at 1300 H Street NE. The developer—and plans—have already been selected, and the ANC's top choice has been picked, and the presentation will take place at the July meeting.

He also reported that he and Mr. Hysell went to speak with Scott Pearson, the Executive Director of the Public Charter School Board. He said that Options is the only school about which he receives regular public complaints. He will encourage the school to better handle the movement of students to and from the school. He pointed out that a number of the children are local, walking from various parts of 6A, 6B and 6C, as well as 5D, with a legitimate need to be on the street. There are, however, few living right around the school. He said he will look for another site to offer the school that is not surrounded by houses.

On another issue, he said he had attended the BZA hearing on 1350 Maryland Ave., and had gone thinking that a consensus had been reached among the community, Valor, DDOT, the Office of Planning and Mr. Hysell. Valor, however, added a request for an additional minor special exception (uniform height of the penthouse structure walls), which led the BZA Chair to postpone the hearing to June 13. He said it became obvious after the meeting that the alley neighbors are not reconciled to the decisions of DDOT and OP that there should be no curb cut in proximity to the intersection. There will be another meeting of the neighbors, Commissioners, Valor, and DDOT to see if a consensus can be reached. Mr. Holmes expressed his high hopes for a successful outcome.

He informed the Commissioners that Khan's had signed the Settlement Agreement, limiting the hours of the outdoor café. He said there is now only one establishment with later hours—Cusbah, located directly across the street from Khan's, whose hours were extended by the ANC to conform to Khan's for competitive reasons.



## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



Finally, Mr. Holmes urged Commissioners to attend Dr. Bear University at Children's Hospital when they are invited next year. He said it was interesting and educational, showing off the hospital, its research arm, and the network of children's medical facilities associated with the hospital, including all of their DCPS nurses. It was, he said, a grand all-day tour of the facility.

### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$12,890.52 and the savings account balance was \$13,715.52. There was an interest payment to the savings account of \$.23. There were disbursements of \$200 to Heather Schoell for the April 13 agenda package (Check #1597); \$180 to Roberta Weiner for transcription of the March '13 ANC minutes (Check #1598); and \$241.92 to FedEx Office for the April '13 statement (Check # 1599), leaving a balance of \$12,268.60 in the checking account, and \$13,715.75 in the savings account.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to accept the disbursements. The motion passed without objection.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to approve the Treasurer's Report. The motion passed without objection.

### 5. Single Member District Reports

**Mr. Ward** reported that there have been complaints about crime from residents of the area around 16<sup>th</sup>/17<sup>th</sup> and C Streets NE. and would like more attention from the police. He also said that people on 18<sup>th</sup> and C are anxious to have a permanent traffic camera. He mentioned that there was a liquor store robbery at 18<sup>th</sup> and E Street.

**Mrs. Phillips-Gilbert** reported on the successful ribbon-cutting for the Mamie "Peanut" Johnson playing field at the Rosedale Recreation Center.

**Mr. Mahmud** reported that he is trying to get DDOT to do more traffic calming measures on Florida Ave. He said he has a commitment on long-term measures, which are on their way, but such steps as modifying parking, and slowing traffic should happen now.

**Mr. Holmes** reported that the Capitol Hill Classic on Sunday, May 19 from about 8am to about 11am, will close the Stanton Park area to traffic, including C Street, Maryland and Massachusetts Avenues well as 4<sup>th</sup> and 6<sup>th</sup> Streets. To leave the area, drive west to the Mall and go south, or wait for police clearance to cross East Capitol. Streets from Kentucky Avenue east will clear about 10:30am.

He also reported that the Washington Area Bicyclist Association (WABA) will have Bike Parade on June 3 around Lincoln Park from approximately 11:10 to 11:45am. The event, which will feature strangely equipped bikes and riders, will start and end at The Yards Park.

**Ms. Nauden** expressed her pleasure that there was going to be a playground at the Sherwood Rec Center and that the School Within A School was going to be the partner in it.

**Mr. Alberti** said that he has received messages of concern about the landscaping of a public space by a homeowner. The land, a small triangle, adjoins the house, the owner of which seems to have



## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



appropriated. It is not a small project, but DDOT did not notify the ANC and it is not clear that the work has been properly permitted.

Mr. Williams said that he has become involved with tree planting in the area, and announced that there is a June 15 deadline for fall plantings.

### 6. Economic Development and Zoning Committee

The report of the Committee was accepted without objection.

#### 20 14<sup>th</sup> Street NE

This is a request for support of a Historic Preservation Review Board application. The applicant is proposing to raze an existing one-story garage structure, which includes seven covered parking spaces, and build a one-story garage structure with five covered parking spaces and several uncovered parking spaces. The building will be stuccoed concrete masonry. **Motion:** The committee moved/Mr. Hysell seconded a motion that the ANC support the proposed project to raze an existing one-story garage structure and build a one-story garage structure with five covered parking spaces and several uncovered parking spaces. **Amendment:** Mr. Holmes moved/Mr. Alberti seconded an amendment saying that the ANC will withhold approval until the developer of Square 1035, Lot 103 agrees to use permeable paving for the open air parking pads; agrees to repair broken curbs and entrance aprons on the margins of his private property; and until a special exception for a commercial parking lot in an R-4 district is obtained from the BZA or the Zoning Administrator.

Mr. Holmes said that if there is no objection the request will be postponed for one month, and then, if the ANC is satisfied with the applicant's answers, it can approve the request. Paul Geiser, representing the applicant, in answer to a question, said that the current use of the structure is storage. He said the plan is to sell individual lots to neighborhood residents. He also indicated that he has no problem with using permeable paving. The amendment, and the full motion, both passed 6-0-1, with Mrs. Phillips-Gilbert abstaining.

#### 1423-1425 North Carolina Avenue NE

This is a request for support of a BZA application to allow the construction of a two level raised deck at the rear of an existing one-family row dwelling in the R-4 district. The relief sought includes: special exception from lot occupancy; b: special exception from the rear yard requirements; and c. special exception from the non-conforming structure provision.

The existing structure has a rear yard setback of 8.42 feet (less than the required 20 feet) and 62% lot occupancy. The proposed project would increase the lot occupancy to 70% and would increase the setback to 11.58 feet. The current plan was presented as a result of previous opposition by the ANC to a similar plan submitted a year ago. Mr. Alberti expressed his concern that it had been pointed out at the earlier meeting that one of the decks was illegal and the applicant was asked to modify the plan. He said that he didn't see how they can be trusted because it's been over a year and hasn't been changed and said he would suggest returning to the ANC when serious changes have been made. **Motion:** Mr. Holmes moved/Mrs. Phillips-Gilbert seconded a motion to recommit the request for zoning relief for 1423-1425 North Carolina Avenue NE to the EDZ Committee. The motion passed unanimously, 7-0.



## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



### New Member

**Motion:** Mr. Holmes moved/Mr. Alberti seconded the nomination of Brian Carlson, an architect, to serve as a member of the EDZ Committee. The motion passed unanimously.

## 7. Alcoholic Beverage Licensing Committee

The report of the Committee was accepted without objection.

### Khan's -1125 H Street NE

Mr. Holmes explained that Khan's signed a new settlement agreement, incorporating the ANC's standard closing hours for patios—11pm for Sunday through Thursday, and midnight for Friday and Saturday. This is part of the Commission's efforts to enforce identical sidewalk café standards within its jurisdiction. Mr. Holmes also mentioned that the owner raised all the normal objections to XII, saying that the noise, rowdiness on the street, aggressive patrons at the entrance to both establishments and lack of outdoor cleanliness should not be laid at his door, and Mr. Holmes acknowledged that he had a point.

**Motion:** The committee moved/Mr. Williams seconded a motion to approve the signed settlement agreement with Khan's, 1125 H Street NE. The motion passed 6-0-1, with Mr. Alberti not voting.

## 8. Community Outreach Committee

The report of the Committee was accepted without objection.

### Eliot-Hine Middle School PTSA Grant

Committee Chair Elizabeth Nelson described the grant which would provide \$300 to Eliot Hine Middle School PTSA for the purchase of educational games which will be used for indoor recess, by teachers in the classroom to support instruction, for after school activities, or borrowed from the library for use at home. Labyrinth, the Capitol Hill game store, has offered the Eliot Hine PTSA a 35% discount on their purchase. Dorcus Lawrence represented the PTSA. **Motion:** The committee moved/Mr. Holmes seconded a motion to approve a grant of \$300 to Eliot Hine MS PTSA for educational games. The motion passed unanimously, 7-0.

## 9. Transportation and Public Space Committee

The report of the Committee was accepted without objection.

### Letter to DDOT re Florida Avenue NE Traffic Calming Measures

**Motion:** The committee moved/Mr. Mahmud seconded a motion that the ANC approve the Committee's request to send a letter to DDOT head Terry Bellamy requesting emergency implementation of traffic calming measures on Florida Ave. NE.

Mr. Holmes said that a letter from DDOT Administrator Bellamy outlining the traffic calming measures DDOT is undertaking on Florida Avenue, and to assure this plan moves forward expeditiously. These are the same measures that have been proposed for Maryland Ave. and for 17<sup>th</sup> Street. In this case, as with Maryland Ave., the changes are provisional and will be tested to make sure they work, don't have any unforeseen consequences, and the resulting traffic patterns are safe. Without approval from 5D and 6A, the protection of pedestrians and traffic calming will take much longer to start. The motion passed unanimously, 7-0.





## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



### 10. New Business

#### Authorization for Specific Actions by Officers

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion that during the period from May 9-October 13, 2013 the Chair is

- Authorized to object to the placement of items not considered by the ANC on the BZA, ZC, HPRB or ABC Board consent calendars, and that
- The Chairs of both the Commission and the ABL Committee be authorized separately or together, to evaluate and, if necessary, protest on behalf of the Commission any substantial change, renewal or new application filing if the full ANC would not otherwise be able to act before the petition date.

On the first item, Mr. Holmes said that a similar motion had been adopted in 2011 and 2012. There is limited time to respond to consent calendar items in particular. The Chair will simply register a request to push back the date of consideration by the agency until the ANC has had a chance to vote and receive its great weight.

On the second item, Mr. Holmes commented that the ABC Board proviso is again to protect the ANC against bad timing—a placarding that has a protest dated during a time the Commission is in recess or is timed so as to not allow timely sequential consideration by the ABL Committee and then the full ANC. With all of the Tavern permits about to be renewed, the ANC vote could possibly take place between the protest date and the hearing. The Chairs can invoke the standard legitimate reasons for opposition—litter, noise, traffic obstruction, parking, decrease in property values—and then the ANC can formalize its specific objections at its regular monthly meeting. Mr. Alberti added that there are no actions taken that can't easily be undone. At the least, this can be revisited in October. The motion passed unanimously, 7-0.

#### Cusbah - 1128 H Street NE

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion to protest a new license for Cusbah, 1128 H Street NE, in the absence of a Settlement Agreement that incorporates the ANC's standard closing hours for sidewalk cafes - 11pm Sunday - Thursday, and midnight on Friday and Saturday.

Mr. Holmes noted that Cusbah is the sole exception to the hours, which was granted solely to enable it to stay competitive with Khan's across the street. Even the Argonaut, he said, with its closest neighbors away across 15<sup>th</sup> and Florida, agrees that the hours should be consistent. The motion passed 6-0-1, with Mr. Alberti not voting.

#### Sol Mexican Grill -1251 H Street NE

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion to protest a new license for Sol Mexican Grill, 1251 H Street NE, in the absence of a signed Settlement Agreement before their protest date. If the Settlement Agreement is approved by the ANC, the ANC agrees to a stipulated license, subject to the hours and conditions of the signed Settlement Agreement.

Mr. Holmes noted that the owner originally failed to pay his license fees, resulting in the cancellation of his license. That, in turn, swept away a VA that had been negotiated with the Commission, without which no stipulated license can be issued. There is no reason for the ANC to oppose a new Settlement Agreement and also a stipulated license until the full license is issued by ABRA. The motion passed 6-0-1, with Mr. Alberti not voting.





## Advisory Neighborhood Commission 6A Meeting Minutes of May 9, 2013



### Playground at Sherwood Recreation Center

**Motion:** Ms. Nauden moved/Ms. Phillips-Gilbert seconded a motion to communicate with School Chancellor Kaya Henderson and Mayor Gray the support of the ANC and the urgency of the need, for a new children's playground at Sherwood Recreation Center, the use of which will be shared between School Within a School and the Recreation Center.

The reprogramming of the necessary funds is being asked to happen immediately. In previous resolutions adopted by the ANC, the request was made to DPR. The School Within A School (on the same square) wants a playground for its students, as much as the ANC wants one at Sherwood Recreation Center. The motion passed 6-0-1, with Mr. Mahmud not voting.

The meeting was adjourned at 8:50pm.



# Commission Letters of May 9, 2013 Meeting



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



May 12, 2013

The Honorable Vincent Gray  
Mayor  
1350 Pennsylvania Avenue NW  
Suite 316  
Washington, DC 20004

Dear Sir,

Advisory Neighborhood Commission 6A (ANC) requests that a children’s playground be established within the grounds of Sherwood Recreation Center to serve Rec Center patrons and the students of the School Within A School. The ANC adopted a resolution making that request at its regularly scheduled and publicly announced<sup>1</sup> meeting of May 9, 2013. The vote was 7-0-0, with five required for a quorum.

The school will urgently need playground equipment and the ANC has sought for several years to obtain a playground at Sherwood Recreation Center for small children. The ANC requests consultation with the community about the equipment to be installed. There should be good illumination for safety and translucent, transparent or otherwise see-through walls and tunnels should be installed to protect against lurking threats.

The facilities must be available to both the small neighborhood children and the school’s students.

This is a long sought goal for ANC 6A, ANC 6C, all of the surrounding community, and Sherwood Neighborhood Volunteers. Your assistance in reprogramming current year funds for this urgently needed school/recreation center playground will be greatly appreciated.

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



# Commission Letters of May 9, 2013 Meeting



Vincent C. Gray  
Mayor

## GOVERNMENT OF THE DISTRICT OF COLUMBIA Department of Parks and Recreation

Office of the Director



Jesús Aguirre  
Director

May 15, 2013

Mr. David Holmes, Chair  
Advisory Neighborhood Commission (ANC) 6A  
919 Massachusetts Avenue, NE  
Washington, DC 20002-6227

**Transmitted Via E-Mail**

Dear Commissioner Holmes,

The Department of Parks and Recreation (DPR) is pleased to provide a much-needed children's playground to serve the Sherwood Recreation Center patrons, the students of the School Within a School facility, and other community members.

Mayor Gray will be sending a reprogramming request to the Council within one week that includes \$1.5 million for this playground project. With an investment of \$1.5 million, DPR will be able to provide playground equipment that fits the needs of children not yet of school age, public school students, and the surrounding community. Our hope is to complete this project in time for the start of the 2013-2014 school year.

DPR will lead the project in collaboration with Department of General Services (DGS) and the District of Columbia Public Schools (DCPS). As you may know, Mayor Gray's Play DC initiative strives to improve the quality of life for District residents by providing access to state-of-the-art play spaces aimed at encouraging multi-generational outdoor activity. Of course, as we implement collaborative projects such as this, we work closely with our partners to ensure the safety and security of the play spaces, and will design this project with the goal of providing daily access to both students of the School Within a School and as well as to other members of the community.

We look forward to working with the community and your Commission on this project. Please do not hesitate to contact me with questions or concerns.

Sincerely,

Jesús Aguirre  
Director

cc: Brian Hanlon, Director, Department of General Services  
cc: Kaya Henderson, Chancellor, DC Public Schools

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1250 U Street, NW | Washington, D.C. 20009 | P: (202) 673-7647 | F: (202) 673-2087

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# Commission Letters of May 9, 2013 Meeting



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



May 12, 2013

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

Dear Director Bellamy,

Advisory Neighborhood Commission 6A (ANC) supports the temporary traffic calming measures for Florida Avenue NE proposed to be implemented by the District Department of Transportation (DDOT) while the recently contracted study of possible permanent solutions is undertaken.

Among the measures DDOT will carry out are the installation of a HAWK signal at 11th and Florida, allow parking in the curb lanes of Florida Avenue between 15th and 10th Streets, and the installation of speed cameras.

We understand that the changes are temporary, may be altered in response to perceived problems and opportunities, and may lead to permanent physical alterations to Florida Avenue and the streets that join and cross it. We will expect further consultation as permanent solutions are developed.

Our ANC desires your speediest action to help prevent further accidents, injuries and, particularly, deaths like that of Ms. Ruby Whitfield.

This letter is pursuant to a motion adopted 7-0-0 at the meeting of ANC 6A, held on May 9, 2013. This was our regularly scheduled and publicly announced<sup>1</sup> monthly meeting. A quorum of the Commission is five.

Commissioner Omar Mahmud and myself are authorized to act on behalf of ANC 6A in this matter. Commissioner Mahmud can be reached at mahmud6a01@gmail.com.

On behalf of the Commission,

Sincerely,

David Holmes, Chair

<sup>1</sup> ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the *Hill Rag*.



## Commission Letters of May 9, 2013 Meeting



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



May 14, 2013

Mr. Fred Moosally  
Director  
ABRA  
2000 14th Street, NW, Suite 400S  
Washington, DC 20009

Dear Sir:

Attached is a signed PDF of an Settlement Agreement dated May 2, 2013 between Advisory Neighborhood Commission 6A (ANC) and Khan's Barbeque (1125 H Street NE). Khan's has agreed to conform to our standard closing hours for sidewalk cafes - 11pm from Sunday through Thursday and 12 midnight on Friday and Saturday. We are grateful for Mr. Lee's agreement as we seek to enforce consistent, standard sidewalk hours along the length of H Street and Benning Road.

His signature on this new agreement with the ANC, when ratified by the ABC Board, should sweep other older voluntary agreements aside.

This Settlement Agreement, signed by both parties on May 2, was accepted at the ANC meeting of May 9, 2013 by a vote of 6-0-1. Commissioner Nick Alberti left the Commission meeting room during the discussion and abstained on the vote. This was a publicly announced and regularly scheduled monthly meeting of the ANC. All meetings of the ANC are advertised in the *Hill Rag*, publicized on the Commission's website, blasted to the Commission's announcement distribution list, and distributed to the principal Hill email lists - ANC6A and NewHillEast yahoogroups.

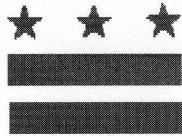
For the Commission,

David Holmes  
Chair





# Commission Letters of May 9, 2013 Meeting



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



**Made this 2nd day of May, 2013  
by and between  
Khan's Barbeque  
1125 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 Settlement Agreement shall be presented to all Class *CK* 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 Settlement 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 *CK* 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.





## Commission Letters of May 9, 2013 Meeting



- 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. Settlement Agreement between [Name of Business] and ANC6A
- e. Assisting in maintenance of the curb in front of the establishment to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
- h. Requiring the owner and employees not to park on public space between the building and the curb.
- i. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.

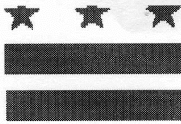
### 2. Business Operations and Practices:

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





## Commission Letters of May 9, 2013 Meeting



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. Upon request of the Board, applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
  - j. Applicant shall not support the installation of pay phones outside of the establishment on their property.
  - k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
  - l. Applicant shall provide valet parking services only with valet parking companies as defined licensed and in compliance with Title 24 DCMR Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
3. Music / Dancing / Entertainment:
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
  - b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
  - c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:
    - 1) Applicant shall not offer any type of live or pre-recorded music on the patio.
    - 2) A fence or other barrier will enclose the entire perimeter.
    - 3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.
    - 4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
    - 5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.
  - e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including five 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.



# Commission Letters of May 9, 2013 Meeting



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 shall
- 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: David Holmes, Chair     Date: May 2, 2013

Signature: *David Holmes*

Advisory Neighborhood Commission 6A Representative:

By: *James Lee*     Date: *5/2/13*

Signature: *[Signature]*

Revised SA form of 2/14/13





# Commission Letters of May 9, 2013 Meeting



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



May 15, 2013

**By Email**

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

Re: Sol Mexican Grill (1251 H Street NE)

Dear Mr. Moosally:

At its regularly-scheduled and publicly-announced monthly meeting of May 9, 2013, Advisory Neighborhood Commission 6A (“the ANC”) voted to approve the attached signed Settlement Agreement for Sol Mexican Grill (ABRA # 092192) at 1251 H Street, NE. Further, the ANC voted to support a stipulated license for this application. The motion carried 6-0-1, with one Commissioner absent. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion. ANC 6A meetings are advertised electronically on the anc6a-announce, ANC-6A and NewHillEast listserves, on the Commission’s website, and through print advertisements in the *Hill Rag*.

Should you have any questions, please contact me (the current chair of the ANC’s Alcoholic Beverage Licensing Committee) at [williamsanc6a05@gmail.com](mailto:williamsanc6a05@gmail.com) or 202.906.0657. In addition to me, Commissioner David Holmes (Chair of ANC 6A) is authorized to represent the ANC in this matter.

On behalf of the Commission,

Jay Williams  
Commissioner, ANC 6A05  
Chair, ANC 6A ABL Committee



# Commission Letters of May 9, 2013 Meeting



Made this 10th day of May, 2013

by and between

**Sol Mexican Grill**  
1251 H Street, NE  
Washington DC 20002

and

**Advisory Neighborhood Commission 6A**

## Preamble

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

Applicant agrees to work regularly with 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 Settlement 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 Settlement 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,

Settlement Agreement between Sol Mexican Grill and ANC6A  
Page 1 of 4



## 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 and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
  - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing 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 curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying 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 brings 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 DC Code § 25-113(b)(5).
  - 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 in person by Applicant 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 that states:
    - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
    - ii. It is illegal to sell alcohol to anyone under age 21;
    - iii. Patrons are requested not to 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; and
    - v. The establishment requests that customers do not contribute to panhandlers.
  - h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
    - i. Asking loiterers to move on whenever they are observed outside the establishment;
    - ii. Calling the Metropolitan Police Department if illegal activity is observed;
    - iii. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance; and





## Commission Letters of May 9, 2013 Meeting



- iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the 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. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.
  - j. Applicant shall not support the installation of pay phones outside of the establishment on its property.
  - k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
  - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 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 soundproofing.
  - 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 Code § 25-725.
  - c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:
    - i. Applicant shall not offer any type of live or pre-recorded music on the patio;
    - ii. A fence or other barrier will enclose the entire perimeter;
    - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
    - vi. No more than 10 people may be on the patio at one time.
  - d. The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.
  - e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
  - g. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
  - h. The kitchens for all CR license holders shall remain open and operational up until at least one hour



prior to closing.

- 4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this 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 SMDs are adjacent to the location of the establishment.
- 5. **Modifications.** This Agreement may 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, 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 change(s) at a full public meeting.
- 6. **Miscellaneous.**
  - a. Applicant shall post a copy of this Settlement 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 Applicant is in violation of this Agreement, written notice specifying the alleged violation shall be delivered to Applicant and 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 ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
  - c. This Settlement Agreement is binding on 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: SOL MEXICAN GRILL Date: 05-10-13

Signature: [Handwritten Signature]

**Advisory Neighborhood Commission 6A Representative:**

By: DAVID HOLMES, CHAIR Date: 5-13-13

Signature: David Holmes



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



June 10, 2013

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

Re: SJ Enterprises, LLC, dba Cusbah (1128 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced<sup>1</sup> monthly meeting of May 9, 2013, Advisory Neighborhood Commission 6A (ANC) voted to protest the renewal of a Class CR license for SJ Enterprises, LLC, dba Cusbah (1128 H Street, NE). The motion carried 6-0-1. 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. This is the only licensee on the H Street corridor, within ANC 6A, that will not conform to our standard closing hours for sidewalk cafes. Noise is a primary concern for our local residents.

Should you have any questions, please contact Commissioner Jay Williams, chair of the ANC's Alcohol Beverage Licensing Committee at [WilliamsANC6a05@gmail.com](mailto:WilliamsANC6a05@gmail.com) or 202 906-0657. Commissioners Williams, Omar Mahmud, and myself are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes  
Chair

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





**THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

<b>In the Matter of:</b>	)
	)
Maketto, LLC	)
t/a Maketto	)
	)
Applicant for a New	)
Retailer's Class CR License	)
	)
at premises	)
1351 H Street, N.E.	)
Washington, D.C. 20002	)
	)

License No. ABRA-090445  
Order No. 2013-241

Maketto, LLC, t/a Maketto (Applicant)

David Holmes, Chairperson, Advisory Neighborhood Commission (ANC) 6A

**BEFORE:** Ruthanne Miller, Chairperson  
Nick Alberti, Member  
Donald Brooks, Member  
Herman Jones, Member  
Mike Silverstein, Member

**ORDER ON AMENDMENT TO SETTLEMENT AGREEMENT**

The official records of the Alcoholic Beverage Control Board (Board) reflect that Maketto, LLC, t/a Maketto, (Licensee), and ANC 6A entered into a Settlement Agreement (Agreement), dated October 11, 2012, that governs the operation of the Licensee's establishment. This matter comes now before the Board to consider the Parties' Amendment to Settlement Agreement (Amendment), dated April 26, 2013, in accordance with D.C. Official Code § 25-446 (2001).

The Amendment has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson David Holmes, on behalf of ANC 6A, are signatories to the Agreement.



**Maketto, LLC**  
**t/a Maketto**  
**License No. ABRA-090445**  
**Page 2**

Accordingly, it is this 22nd day of May, 2013, **ORDERED** that:

1. The above-referenced Amendment to Settlement Agreement, dated April 26, 2013, submitted by the Parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order;
2. All terms and conditions of the original Agreement, not amended by the Amendment, shall remain in full force and effect; and
3. Copies of this Order shall be sent to the Licensee and ANC 6A.



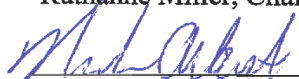
## Commission Letters of May 9, 2013 Meeting

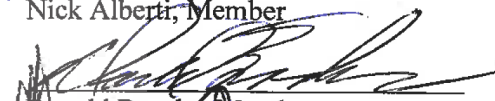


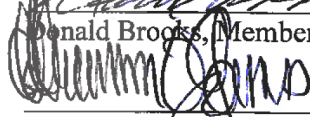
**Maketto, LLC**  
**t/a Maketto**  
**License No. ABRA-090445**  
**Page 3**

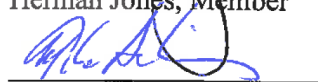
District of Columbia  
Alcoholic Beverage Control Board

\_\_\_\_\_  
Ruthanne Miller, Chairperson

  
\_\_\_\_\_  
Nick Alberti, Member

  
\_\_\_\_\_  
Donald Brooks, Member

  
\_\_\_\_\_  
Herman Jones, Member

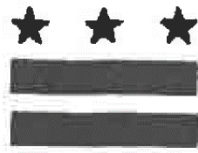
  
\_\_\_\_\_  
Mike Silverstein, Member

Pursuant to D.C. Official Code § 25-433, any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, D.C. 20009.





Commission Letters of May 9, 2013 Meeting



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



April 26, 2013

Director Fred Moosally  
ABRA  
2000 14th Street, NW, Suite 400S  
Washington, DC 20009

Dear Sir:

ANC 6A has agreed to modify our Settlement Agreement with Maketto (1351 H Street NE) to delete Section 3(d). This court is enclosed within the building's walls and, we believe, should not be treated as an exterior patio, court or deck. With this internal location we feel that the hours of operations should be those of the rest of the establishment, and not be restricted to those of a outside patio. The restaurant will have a "summer garden" inside the restaurant.

The Commission agreed to this modification by a vote of 7-0-1, with Commissioner Alberti not participating and not voting. The entire Commission membership was present at this regular monthly meeting. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoogroups. on the Commission's website, and through print advertisements in the *Hill Rag*.

For the Commission,

David Holmes  
Chair

This accurately states the modification to the Settlement Agreement between Maketto and ANC 6A and, by my signature, I agree to this change.

Erik Bruner-Yang  
Maketto  
April 27, 2013



# Officer Reports - Treasurer



## ANC 6A Treasurer's Report May 2013

Period Covered 05/01/13 - 05/31/13

### Checking Account:

Balance Forwarded		\$	12,268.60
Receipts:			
District Allotments: 2nd Quarter FY13		\$	4,607.82
Transfers from Saving Account		\$	-
Other:		\$	-
Total Receipts		\$	4,607.82
Total Funds Available		\$	16,876.42

### Disbursements:

FedEx Office (May 1, 2013 Statement)	Ck #1600	\$	166.08
Heather Schoell ( Agenda Package May 2013)	Ck #1601	\$	200.00
Roberta Weiner (Minutes Apr. 2013)	Ck #1602	\$	180.00
Labyrinth (Grant Elliot-Hine MS PTSA)	Ck #1603	\$	296.99
Total Disbursements		\$	843.07

Ending Balance		\$	16,033.35
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### Savings Account:

Balance Forwarded		\$	13,715.75
Receipts:			
Interest	05/31/13		0.23
Deposit -			
Transfers from Checking Account			
Total Receipts		\$	0.23
Total Funds Available		\$	13,715.98
Disbursements		\$	-
Ending Balance		\$	13,715.98

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Prepared June 3, 2013



## Officer Reports - Treasurer



### PETTY CASH SUMMARY

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

Prepared June 3, 2013



## Committee Reports

### Community Outreach Committee (COC)



#### ANC6A Community Outreach Committee

May 20, 2013 Minutes

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

Meeting called to order at 7:40pm

Committee members present: Elizabeth Nelson (Chair), Louis Barbash, Maurice Cook, Gladys Mack (quorum)

Committee members absent: Jean Kohanek, Rose Williams, Pat Joseph

Commissioners present: Sondra Phillips-Gilbert

#### I. Agenda

Adopted.

#### II. Discussion of summer meeting schedule

There's no reason to meet in both July and August since the ANC won't meet until September 12. Because any grant applications for the fiscal year must be received a week prior to the last COC meeting before the September ANC meeting, it would be advantageous to potential applicants if it is scheduled as late in August as is feasible. Ms. Nelson will poll the committee members and see which of two dates, August 12 and 19, will allow the best attendance. She will publicize the ending of the grant cycle on the website, listservs, in the Buzz and in the ANC ad in the Hill Rag. She will request that it also be posted in the community calendar section of the Hill Rag.

#### III. Report on ANC/COC activities

The grant application from the Eliot-Hine MS PTSA was approved by the Commission. A list of toys/games will be final shortly and the invoice delivered to Commissioner Alberti. He will cut a check payable to Labyrinth, take it to the store, collect the toys/games and deliver to the school. This should happen within the next few days - good news as the children will have an opportunity to use them before the end of the year. Mr. Cook offered to assist with the delivery.

#### IV. Discussion of ANC outreach activities

1. The COC considered various possibilities for outreach activities to increase the visibility of the ANC. Ms. Nelson pointed out that serving as a commissioner is very time-consuming and that commissioners have, in the past, been unable to even establish a presence at events planned by others (such as the H Street Festival). So, she suggested that, if there is strong interest on the part of the commissioners, they join such a function or partner with another group as their first attempt.
2. The attendees then brain-stormed several possibilities and discussed their advantages and disadvantages.
  - a. H Street Festival - expenditures would be limited to booth rental. Rest facilities, street-closing, security would be provided. Food carts and water stations would mean that we wouldn't have to worry about food. But Ward 6 residents are a small percentage of attendees.
  - b. Bluegrass Festival - same as above except we wouldn't have to pay for booth rental but Ward 6 residents are a minority at this event also.



## Committee Reports

### Community Outreach Committee (COC)



- c. Ward 6 Family Day - same as Bluegrass Festival but the location this year is too far from ANC 6A. Might be a good idea if it's back at Rosedale next year (as it has often been in the past).
  - d. Clean-up day - very low cost and is clearly a public service. Would either have to stage several in various SMDs or perhaps do a street-cleaning/flower-planting on "shared" space - for example H Street. Would not require a tremendous amount of setup but would be hard work for the commissioners and would require a lot of effort and publicity to recruit sufficient volunteers.
  - e. Partnering with the Capitol Hill Restoration Society (CHRS) to do one or more walking tours as was done a few years back in Rosedale. CHRS is interested in doing this and it would be no-cost and easy to arrange.
  - f. Holiday service project - for example a children's party at a Recreation Center or serving holiday meals at a soup kitchen or senior housing. This would make a good impression on the recipients but it could cause the appearance of conflict of interest if we solicit from local businesses on behalf of ANC 6A. It would work better in partnership with some other organization which would do the fundraising while the ANC organized the volunteers.
3. Mr. Cook pointed out that someone, probably (but not necessarily) a commissioner would need to assume a leadership role and have a concrete plan before proceeding. Ms. Phillips-Gilbert noted that if the decision is to do something associated with the holidays, planning would need to begin very soon. The attendees developed the following proposal: Any ANC 6A Commissioner or Committee Member (any committee) who wishes to do so, should present a draft plan for consideration (of feasibility and appropriateness) by the COC at their June 17 meeting. Plans should be submitted a few days in advance and will include the following:
- a. Commissioner participation (will a reasonable number of commissioners be available and able to participate at date/time/venue/activity)
  - b. Venue (incl. rest facilities, security, street closing, rain plan, etc. as appropriate)
  - c. Organization (leadership, recruitment of volunteers, materials/equipment needed, and publicity)
  - d. Funding/budget (keeping in mind limited resources, how ANC funds may be spent, and impropriety of the ANC approaching businesses who may later require ANC approval)
  - e. Partnership agreements (would help with items c & d).
- V. Confirmation of next meeting date.  
**The next meeting will be held June 17, 7:30pm at 1235 C St. NE.**
- VI. Meeting adjourned at 8:40pm



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



No Report





## Committee Reports

### Transportation and Public Space (TPS)



#### ANC 6A Transportation & Public Space Committee Meeting Minutes Sherwood Recreation Center (10<sup>th</sup> Street and G Street NE) May 20, 2013 at 7pm

- I. Call meeting to order at 7pm
- II. Introductions
  - a. In attendance were committee members Christine Ennis, Lara Levison, Benjamin Rosset, Todd Sloves, and J. Omar Mahmud (Chair and ANC 6A Commissioner); ANC 6A Chairman David Holmes, and ANC 6A Commissioners Nick Alberti and Sondra Phillips-Gilbert; owners of the Chupacabra restaurant, Kevin Bombardier and Jason Martin; as well as several members of the ANC 6A community, including at least five neighbors identifying themselves as residents of the 800 block of 9<sup>th</sup> Street NE.
- III. Community Comment
  - a. Chairman Holmes reported that there is an effort underway to improve conditions for the alley behind the Atlas Theater and that the owners of the Maya condominium development are considering a community benefits package to mitigate traffic concerns in the alley. Councilmember Tommy Wells, DDOT and our ANC have proposed that the owners do some alley repaving to improve conditions. Chairman Holmes will keep the ANC updated as discussions progress.
- IV. Announcements - Commissioner Mahmud made the following announcements:
  - a. DDOT to host second round of moveDC public workshops in June to discuss the future of transportation in the District. A session will be held at Union Station on June 11, 2013 (more details to follow). Other dates and locations for June workshops are available at [wemoveDC.org](http://wemoveDC.org).
  - b. DDOT has installed new Capital Bikeshare stations in our ANC at 15th and E. Capitol Street, 8th and E. Capitol Street and 8th and F Street.
- V. Old Business
  - a. Review of proposed public space patio/sidewalk café for Chupacabra Restaurant located near the corner of 9th Street NE and H Street NE
    - i. Commissioner Mahmud thanked the owners for attending the meeting and invited them to provide additional information to the community about their proposed plans, which were distributed to attendees, as a follow up to their last committee appearance back in January.
    - ii. The owners submitted a public space application to DDOT on May 2<sup>nd</sup> ahead of their scheduled June 27 DDOT public space committee hearing. The ANC is considering what comment to provide DDOT regarding use of the patio space, if any.
    - iii. The restaurant has recently opened, but it has not used the public space yet given the application with DDOT is under review.



## Committee Reports

### Transportation and Public Space (TPS)



- iv. The owners indicated they have collected 250 signatures on a petition they indicate is in support of their public space use, 95% of which they indicate are from ANC 6A. The owners indicated they would provide the ANC copies of the petition as well as an electronic version.
- v. The owners detailed improvements to the surrounding neighborhood the restaurant should be credited with providing, including increased MPD patrols and clean-up of the adjacent alley that runs alongside the restaurant property from 9<sup>th</sup> Street to 8<sup>th</sup> Street NE. An 8<sup>th</sup> Street neighbor in attendance who claimed he drives through the alley regularly confirmed the restaurant's alley cleanup efforts and indicated he greatly appreciates the restaurant's cleanup efforts.
- vi. Mr. Mahmud asked whether the fencing surrounding the patio would have horizontal bars or planks down to the ground so that trash can be more effectively contained within the property. The owners indicated installing such a fence should not present a problem.
- vii. The owners gave some details about a proposed trash plan that will ensure restaurant trash is collected and stored behind the DTLR shoe store across the street adjacent to the alley behind the store on 9<sup>th</sup> Street NE. The owners claim lighting has been added to the proposed trash storage area behind DTLR and that they are putting up an eight-foot high wooden fence as well to enclose the trash bins, which will be stored on a platform area to be built.
  1. Commissioner Mahmud asked that the owners provide more details regarding the trash plan (e.g. collection times) and pictures showing the materials to be used for the fencing. The owners indicated the fence should be built by the time of the ANC meeting in June so they can bring pictures to that meeting.
- viii. The owners indicated there would be no music or live entertainment allowed on the patio space and that they will have an awning cover over part of the patio, which should help contain noise from patrons. Mr. Bombardier claimed to have done research on decibel levels emanating from voice conversations and that his analysis indicates there will be no noise issues in the neighborhood. Commissioner Mahmud as well as others questioned his ability to predict this outcome and questioned the conclusions of his analysis of the noise issue. Mr. Bombardier also claimed he will have server regulated seating to ensure patrons are first required to sit at the end of the patio furthest from homes in the neighborhood. Mr. Mahmud and others in attendance questioned the feasibility of implementing such a plan for a restaurant given patrons will seek to sit where they like.
- ix. The owners indicated the restaurant is currently open 11am to 11pm during the week and until 2am on the weekends. They hope to stay open until 3am and ultimately to stay open as late as business will allow going forward. Commissioner Mahmud expressed his concern about the proposed patio hours of operation, which



## Committee Reports

### Transportation and Public Space (TPS)



he indicated should be limited. Commissioner Mahmud reminded the owners he expressed this concern to them in the past. Others in attendance shared similar concerns about the restaurant enjoying potentially unlimited patio hours of operation. Commissioner Mahmud proposed that the hours be limited to the same hours that the ANC asks of all businesses with outdoor customer space along H Street, which is until 11pm Sunday through Thursday and until midnight on Friday and Saturday. These are the hours of outdoor patio space operation expressed in the ANC 6A voluntary agreement. The owners indicated their patio use should be allowed for longer hours because noise has not been an issue thus far for businesses along H Street. Commissioner Mahmud pointed out that is more likely the case because the ANC enforces limited patio hours of operation for these businesses in the voluntary agreement and that the noise issue may become a complaint worthy concern if we did not restrict patio hours to midnight on the weekends.

Commissioner Mahmud also pointed out that, unlike this proposed patio space use, which extends fairly deep into the 9<sup>th</sup> Street residential neighborhood, other patios in the area front more along H Street or other streets that are more commercial. The owners again expressed an interest in not having any restrictions on the patio hours.

- x. Commissioner Alberti asked how many customers the application indicates will occupy the patio space. Mr. Bombardier indicated they have asked for 95 people.
- xi. Chairman Holmes asked whether the owners are taking over the Stan's clothing building, the main building for the property where the restaurant is located (the restaurant is in a converted garage or carriage house at the back of the property), as the site plan suggests. The owners indicated the rendering incorrectly labels that space as restaurant space and that they currently have no plan in place to take over the Stan's space.
- xii. Chairman Holmes asked about noise abatement on the end of the patio that fronts homes along 9<sup>th</sup> Street given the plans presented at the January meeting showed construction of a wall to mitigate noise. The owners indicated DDOT would not let them build anything on the patio that can't be taken down in 24 hours so it was decided not to build a wall. The current plan is to place an awning over this end of the patio with a thick canvas that can roll down as a temporary wall, particularly at night.
- xiii. One of the 9<sup>th</sup> Street residents provided the committee handouts with pictures of the proposed sites and site measurements. He expressed concern about the measurements on the owners' site plans and the width of the sidewalk post patio construction. The owners responded that the proposed site plans comply with sidewalk width regulations imposed by the District and asserted the measurements on their site plans are accurate. Commissioner Mahmud and members of the committee reviewed all materials and concluded there was no reason to believe the owners' site plan measurements were inaccurate.



## Committee Reports

### Transportation and Public Space (TPS)



- xiv. One of the 9<sup>th</sup> Street residents expressed concern about noise from the patio space and trash originating at the business. The owners again expressed interest in having a trash plan that works for nearby residents and indicated the current plan is to have trash picked up every day. Following up on the trash discussion, Commissioner Alberti suggested recyclables only be dropped in the recycling bin in the trash area during early hours in the day given late night bottles clanging as they drop into the recycling bin will become a noise nuisance for nearby neighbors. The owners agreed.
- xv. Commissioner Mahmud asked whether it would be possible to limit seating on the patio space to the area north of the building entrance, in an effort to reduce noise levels filtering into nearby residences. The area to the south of the restaurant entrance (which currently shows two benches in the site plan distributed at the meeting) could then be reserved for non-customer uses like a staging area for servers. The owners indicated this is something they could agree to. Ideas were also proposed regarding the placement of bushes or other large plants in this area, to block the area from customer use and block noise from the patio, but the owners balked at this idea.
- xvi. Chairman Holmes asked about the storage of used cooking oil given our ANC experiences problems with this issue now, especially with businesses that do not dispose of the oil properly. The owners confirmed all oil would be stored behind DTLR in the trash area until picked up for proper disposal.
- xvii. Commissioner Alberti expressed additional concern about the width of the sidewalk given he wants to ensure the sidewalk conforms to the sidewalk along the rest of the street (in front of residences). The owners indicated their proposed sidewalk width conforms to the sidewalk along the rest of the 800 block of 9<sup>th</sup> Street, but indicated a willingness to ensure the width of the sidewalk conforms to the rest of the street if it does not.
- xviii. Following up on the petition of support the owners mentioned earlier in the meeting, one of the 9<sup>th</sup> Street residents asked Mr. Bombardier how many of those signing the petition were residents from the same block as the restaurant, the 800 block of 8<sup>th</sup> Street NE. Mr. Bombardier responded that he thought there were about 20 signatures from residents along that block. The resident asked to look at the petition to confirm this number and later reported to the committee during the meeting that there were only seven residents from the block who had signed the petition. Mr. Mahmud also pointed out that the petition was for general support and not necessarily in support of particular plans put forward by the owners, including hours of operation for the patio until 2-3am or later on the weekends.
- xix. Discussion ensued regarding the nighttime hours when the owners should be required to lower the canvas flaps along the portions of the patio that face nearby residences. Commissioner Mahmud suggested 10pm during the week and 11pm on weekends, but the owners seemed hesitant about this proposal given they wanted the freedom to keep the canvas flaps up later if they deemed it necessary.



## Committee Reports

### Transportation and Public Space (TPS)



- xx. A resident of the 800 block expressed concern about the aesthetics of the proposed awning roll down facing her home and the smell of food from the kitchen, which is near resident homes given the location of the restaurant.
- xxi. ***Commissioner Mahmud made a motion that the ANC send a letter of support for Chupacabra's public space application proposing use of the space as a patio, but only so long as Chupacabra agrees to the following conditions (to be set forth in a gentlemen's agreement between the owners and ANC 6A):***
- 1. Install fencing around the perimeter of the public space patio designed to contain trash and other items, particularly by eliminating large gaps at the bottom of the fencing;***
  - 2. Regularly maintain the tree box and keep all areas in front of the business clean, including the adjacent alley, sidewalk and street gutter;***
  - 3. Adjust the patio public space site plans, if necessary, to ensure the sidewalk area adjacent to the patio is at least the same width as the sidewalk along the rest of the west side of the 800 block of 9<sup>th</sup> Street NE;***
  - 4. Implement a detailed trash plan for the site, which shall be presented for review and approval to ANC 6A;***
  - 5. Limit the hours of use of all outdoor patio space to the same hours contained in the ANC 6A ABL Voluntary Use Agreement, which are currently Sunday to Thursday until 11pm and Friday to Saturday until midnight;***
  - 6. Not place tables in the patio area north of the front door entrance (as shown on the plans) or utilize this area for any other use that will encourage customer use of the area; and***
  - 7. Take steps to mitigate customer noise, particularly at the north and northeast end of the public space patio at all times, including the closure of an overhang wall or window flaps after 10pm each night, or at some other time as reasonably agreed to by the owners and the ANC.***

***In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.***

***Ms. Ennis seconded the motion, which passed unanimously without objection.***

- b. Discuss C Street NE traffic camera (evaluate plan for follow-up concerning an earlier ANC 6A request) - Given the meeting ran over on time, Commissioner Mahmud briefly informed the committee that he believes this issue can be tabled pending the outcome of recent MPD promises he has received to evaluate the location and possibly install the traffic camera in the near term. If the camera is installed by the meeting next June, there will be no need to revisit this item during that meeting.





## Committee Reports

### Transportation and Public Space (TPS)



- c. Update regarding roll out of G Street NE and I Street NE bicycle infrastructure proposals - Given the lack of available time this meeting, Commissioner Mahmud recommended Ms. Ennis provide her report on this matter at the June committee meeting. Ms. Ennis agreed to this proposal.

#### VI. New Business

- a. Consider letter of approval for petitions by residents in the 900 block of L Street NE to extend residential parking permit (RPP) hours of enforcement and to implement resident only parking restrictions.
  - i. Mr. Rosset expressed concern about the spillover affect on other blocks if this block is allowed to implement stricter parking restrictions. Commissioner Mahmud agreed this was a concern, but indicated he is inclined to support the petition anyhow given (a) it has been our past practice to support petitions supported by residents such as this and (b) that the ANC is looking to implement ANC-wide (or at least SMD-wide) parking restrictions similar to those proposed here, which will eliminate the spillover problem in our ANC.
  - ii. ***Commissioner Mahmud made a motion that the ANC send a letter of support to DDOT regarding the petitions submitted by residents of the 900 block of L Street to extend residential parking permit (RPP) hours of enforcement and to implement resident only parking restrictions. The motion was seconded, and passed without objection.***

VII. Additional Community Comment - None

VIII. Meeting adjourned at 9pm



## Report of the Economic Development and Zoning Committee of ANC 6A May 15, 2013 Meeting

### Present:

Members - Missy Boyette, Brian Carlson, Laura Gentile, Charmaine Josiah, Michael Hoenig, Justin Thornton

Commissioners - David Holmes

Laura Gentile chaired the meeting.

### Call to Order

### Community Comment

### Status Reports

Resolution of Previously Heard BZA/HPRB Cases: Manny and Olgas request for zoning relief was approved. Valor Development requested an additional special exception and will return to the BZA next month to present new drawings.

Vacant Properties: No report.

Zoning Regulations Rewrite: No report

H Street Business Liaison Report: No report.

### Other:

#### Old Business

None

#### New Business

#### 803 9th St, NE (BZA 18571 - Flood residence):

Jamie Flood is the owner. Presented by Jennifer Fowler. The owner purchased the property and the developer had an open carport and now the owner would like to put a roof or cover. This would increase the property lot coverage to 69.5 percent and it would be at less than 12 feet from the centerline of the alley. The owners want to keep the posts and the structure but also want to protect the garage components.

Missy Boyette asked for clarification of the side walls. There will not be any cover on the sides.

Question from Laura Gentile. Have the neighbors on each side been informed? Neighbors on both sides are trying to sell their properties and have been difficult to reach. The committee requested some documentation to confirm their attempts to contact the owners. The applicant said they would send the plans to each neighbor by certified mail.

The committee voted unanimously to recommend that the ANC support the project.



### 1102 H St, NE (Bank of America):

Application for the bank to use the front portion of a retail building to house two ATM machines. As per the lease, the bank is required to use the entire space. With this requirement the space is considered a bank even though the space will be unmanned and only house two ATM machines. The usable area that will house the ATMs is 19.49% which is a little less than the 20% maximum specified by the zoning regulations.

Main concerns raised -- there will be minimal foot traffic and the facility will be used only occasionally. The committee had concerns that this proposed use would not utilize the property at the highest and best use of the space (versus retail, for example). Questions were raised regarding lighting, signage, security, and lease terms.

Committee requested that the applicant return with more information on the terms of the lease and the building in general. Applicant has not applied for BZA relief yet.

### 1255 H St, NE (BZA 18591 - Troy Williams):

Adolfo Briceno presented on behalf of the applicant. The applicant expressed that they can move forward now because they have a building permit now for by-right development. This facility will be used to train new chefs during the day, and will be open to the public in the evening for dining. Applicant is requesting to use roof deck for extra seating. The restaurant would be closed to the public during the day for training. Applicant has received their alcohol license.

The applicant has a BZA hearing scheduled for July 23, 2013. Requesting relief from the following provisions of zoning requirements: FAR, parking requirements, and loading.

The committee had concerns about the look and feel of the new windows to be placed at the building. Members voiced concerns that the windows do not seem to be consistent with others on the street. Owner has already purchased the windows and a few have been installed. The committee will take time to view the windows and discuss at the next meeting.

Questions: What about signage?

Applicant suggested to table the motion.

### 1365 H St, NE (Yes Organic):

This property is a historic site to be used as a mid-sized grocery store. The applicant is requesting a second level to be built on top of this property. The addition will be set back and should not be visible from the other side of the street.

Questions:

Loading: Key drop (materials and supplies will be primarily dropped while the business is closed (early in the morning). Smaller deliveries while the trolley is running would be dropped in the rear of the building.

Concerns regarding the alley way. Near the location of Valor Development's garage entrance.

Loading and unloading blocking the alley? Roof access may need to change. Board has concerns about the residences behind this property affected by the extra height.



## Economic Development and Zoning Committee



Concerns about the size of the sign over the entry. The committee plans to comment after we review revised plans.

Additional Community Comment

Substation near Autozone - David Holmes will send an email regarding the updates on this project.

8:50 - Adjourn

Next Scheduled ED&Z Committee Meeting:

Wednesday, June 19, 2013  
7-9 PM



## New Business



June 14, 2013

Kaya Henderson, Chancellor  
DC Public Schools  
1200 First Street, NE  
Washington, DC 20002

Dear Chancellor Henderson,

Advisory Neighborhood Commission 6A (ANC) requests that you reinstate proximity preference at the School Within A School (SWS). The ANC adopted a resolution making that request at its regularly scheduled and publicly announced meeting of June 13, 2013. The vote was 7-0-1, with five required for a quorum.

SWS's move to the Goding building at 920 F Street, NE, is a welcome development for the Capitol Hill community and ANC6A. SWS has always had strong ties in our community and its attendees are predominantly drawn from our neighborhood -- currently, it has the highest percentage of neighborhood children of any school on Capitol Hill. The ANC would like to see those ties to SWS's immediate community continue.

Unfortunately, the children who live closest to the school who sought admission to it in this year's lottery were not afforded the opportunity to attend. As our neighborhood continues to add elementary aged children at the fastest rate in the city, the community's need for early education slots in schools like SWS also grows. While we do not quibble with DCPS's decision to drop boundaries from admission to SWS and to make it a citywide school, we strongly urge that neighborhood proximity preference be reinstated.

Such a preference will allow neighborhood families to play an important role in the school that is closest to their home and will aid the school by having strong support from its neighboring community. It will also support the emphasis that SWS's Reggio Emilia curriculum places on local community and parental involvement by connecting the school to its immediate neighbors.

Thank you for your consideration of our request to reinstate a proximity preference at SWS. Should you have any questions regarding this matter, please contact me or ANC6A-02 Commissioner Gloria Nauden (202 528-9005, [gnauden@gmail.com](mailto:gnauden@gmail.com)) regarding this matter.

For the Commission,

David Holmes  
Chair

cc: Vincent C. Gray, Mayor  
Abigail Smith, Deputy Mayor for Education  
Phi Mendelson, Council Chair  
Tommy Wells, Councilmember  
David Catania, Councilmember