



District of Columbia Government  
Advisory Neighborhood Commission 6A  
**Agenda for September 9, 2010**



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

7:00 pm **Call to order, Adopt Agenda and Approve previous meeting's minutes. pg. 3**

7:02 **Community Presentation: Captain Paul Martin, DC National Guard Run**

7:10 **Community Comments (2 minutes each)**

7:20 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 22*

1. Approve treasurer's report and previous month's disbursements.
2. Approve monthly photocopying expenses.

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

**Standing Committee Reports:**

7:45 **Community Outreach pg. 24**

1. Approve committee report.
2. **Recommendation:** ANC 6A grant full funding (\$1,000) to the Sherwood Recreation Center Garden.
3. Next meeting - 7:30 pm, Sept. 20, 2010 (3<sup>rd</sup> Monday)

7:50 **Alcohol Beverage Licensing pg. 29**

1. Approve committee report.
2. Next meeting - 7:00 pm, Sept. 21, 2010 (3<sup>rd</sup> Tuesday)

7:55 **Transportation and Public Space Committee pg. 30**

1. Approve committee report.
2. **Recommendation:** ANC 6A send a letter to DDOT requesting that the Visitor Parking Permit Pilot be extended to ANC 6A.
3. **Membership:** ANC 6A accept the committee resignation of Lance Brown.
4. Next meeting - 7:00 pm, Sept. 20, 2010 (3<sup>rd</sup> Monday)



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8:00 **Economic Development and Zoning pg. 36**

1. Approve committee reports.
2. **Recommendation:** ANC 6A support the special exception for BZA case 18106 and support the HPRB applicant if the project meets the “flag test”. (Aug.)
3. **Recommendation:** ANC 6A approve plans as submitted and expanded upon by Mr. Bonome of 203 12<sup>th</sup> St NE. (Aug.)
4. **Recommendation:** ANC 6A support OP’s rezoning proposal for case 10-19 and that it should also ask the Zoning Commission to extend the H Street Overlay to commercially zoned lots in Square 1026 (Florida and 14<sup>th</sup> St NE) as well as alley-facing lots in Square 1027 (Linden Pl). (Aug.)
5. **Recommendation:** ANC 6A support the nomination of the Atlas Theater for listing on the National Register of Historic Places. (Aug.)
6. **Recommendation:** ANC 6A appeal 7-Eleven’s Certificate of Occupancy as a fast-food establishment if 7-Eleven does not sign a MOU that includes a ban on the sale of boned chicken wings by August 31<sup>st</sup>. (July)
7. **Recommendation:** ANC 6A support the proposed height and use zoning regulations (ZC #08-06) and recommend that the Zoning Commission strike language from the proposed regulations, which allows building heights to be determined from arbitrary measuring points. (July)
8. Next meeting - 7:00 pm, Sept. 15, 2010 (3<sup>rd</sup> Wednesday)

8:05 **Unfinished Business**

8:10 **New Business** pg. 49

1. H Street Connection PUD (Ronneberg)
2. Appeal of 7-11 CofO and agreement with Rappaport (Ronneberg)

8:15 **Community Comments Round II, time permitting** (2 minutes each)

8:20 **Adjourn**



# Advisory Neighborhood Commission 6A Meeting Minutes of July 8, 2010



## Advisory Neighborhood Commission 6A Minutes Miner Elementary School July 8, 2010

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

### 1. Approval of Agenda

Ms. Beatty asked to have a discussion of Kahn's Barbeque added to the ABL Committee agenda; and also the nomination of Adam Healy to serve on the committee.

Mr. Robinson asked to have Josh Hopkins added to the beginning of the meeting.

Mr. Alberti asked to have a discussion of the Quarterly Report for the 3<sup>rd</sup> Quarter of FY 10 added to the Treasurer's Report.

The agenda, as amended, was approved without objection.

### 2. Approval of Minutes

The minutes were presented; Mr. Alberti raised a concern about a statement in the section of the minutes about the ABL Committee discussion about Taylor Gourmet and Sticky Rice. Mr. Alberti said that the minutes reported that the two establishments were guilty of significant things that in truth were not significant and well within bounds, and the minutes should be modified to reflect that. Mr. Robinson said the items had been referred to the ABL Committee because there was a suggestion that some action should be taken for the future. He said the record should stand. Mr. Alberti said he had made an inaccurate statement and would hate for his action, relying on his memory, to scar the licensee. Ms. Beatty suggested that the statement attributed to Mr. Alberti be asterisked with a sentence indicating that Mr. Alberti had withdrawn the sentence. Mr. Alberti said he was fine with that and that Taylor Gourmet had not stayed open after hours, but had sold to minors. The amendment to the minutes was accepted without objection.

Mr. Holmes asked whether Ms. Mack wished to clarify her remarks about disparate treatment of establishment owners. Ms. Mack responded that it was not inaccurate and it was what she had said.

The minutes, as amended, were accepted without objection.

### 3. Community Presentation

#### Update on Sale of H Street Properties

Josh Hopkins, now of the office of the Deputy Mayor for Planning and Economic Development, reported that the District was moving on the disposition of two surplus parcels of land it owns on H Street – 1113-1117 H Street. It will require legislative action by the Council, and there will have to be a public announcement and an official community meeting prior to the Council action.



## Advisory Neighborhood Commission 6A Meeting Minutes of July 8, 2010



Mr. Marshall asked whether there were only two parcels included and was told that this process was for only the two. Mr. Holmes asked how those two properties were surplus. He was told that the Land Disposition Agreement (LDA) had not been completed when the NCRC was disbanded. The LDA process is retroactive and doesn't materially affect development. He added that the community meeting will be important because they want to work with the community. Mr. Alberti asked whether the community will have input into further development. Mr. Hopkins said the LDA had never been completed, and if development is to move forward it has to be.

Mr. Robinson said that the government has to get itself organized because of the location of the power station on Wylie Place. He said that when he left the recent Wylie Street meeting it was his understanding that the District was to come back with a list of other properties they own, and he asked what the rationale is behind why particular properties should be surplus. Mr. Marshall added that 1251 Wylie should be included. Mr. Hopkins said that it is not one of the properties included in this particular process. Mr. Robinson added that Wylie Street is determined that it is not surplus because there's a public use for it. The Wylie Street people may have something to say about it. Mr. Hopkins repeated that it is not in the DC surplus property portfolio and it could be used by a private developer. Mr. Holmes pointed out that at the last meeting on Wylie Street no one was present from the office of the Deputy Mayor for Planning and Economic Development.

#### 4. SMD Reports

**Ms. Beatty** reported that she and Mr. Holmes had worked to get stop signs at 12<sup>th</sup> and C Streets NE and that Councilmember Wells' office was involved. She said that DDOT is exploring what other steps can be taken.

She also reported that there was meeting with the principal of the Options School, and there had been a complaint from a parent. They have come up with plans for a community day for students and the surrounding community.

She also reported that Richard Sundberg, who had been a member of the ABL Committee and active in the community, had passed away.

**Mr. Alberti** reported that dead trees in his SMD had been marked but not removed.

**Mr. Schultheiss** reported that DCHA reported that 1337 Emerald Street NE has been sold. He also reported that DCHA is doing outreach to homeless people who have been hanging out at 1400 Maryland Ave. NE.

**Dr. Ronneberg** reported that a transformer blew at AutoZone and that Pepco is working on it. He also said that he had hoped to bring back the Memorandum of Understanding (MOU) on the 7-11 but it's not ready. He also reported that the petition process for Residential Permit Parking (RPP) is going on, and he said there is a website that lists all the streets with RPP parking.

**Mr. Holmes** reported that a pocket park at 9<sup>th</sup> and A Streets and Massachusetts Avenue had been dedicated in memory of Nola Beaver, a longtime nearby resident. He also said he had testified at the City Council about the street cars. Finally, he reported that HPRB had approved the construction at 1222 Constitution Ave. NE.



## Advisory Neighborhood Commission 6A Meeting Minutes of July 8, 2010



Mr. Marshall reported that there had been a meeting with DDOT at the Atlas Theatre, but that no one with any information had showed up. Derek Woody said he wanted to work on the Wylie Street transformer issue, but wants to wait until things are further along.

He said that during the power outage, Sherwood had served as a cooling center, but no pets were allowed by the City, so the Humane Society came and picked them up.

He said that 70 kids from the Mayor's Youth Conservation Task Force had been assigned to Sherwood, but they need things to do. He reported that Damon Harvey of DDoT, who's working on Residential Parking Permits, had said that after the construction was completed the RPP signs would go up. It has been three weeks and the signs haven't gone up.

He said that on Father's Day a man had gotten shot in the chest, and the next night a house at 919 I Street got shot up. He complained at the PSA and sent an e-mail to Lt. Parker. It turns out the guy who was shot was staying at the house, and the police were there.

Finally, he reported the opening of Rita's Ices on H Street.

Mr. Robinson reported that the sign at Mt. Moriah church is back after the ANC had dealt with the issue in March and June of 2007. They received permits at that time, but did not engage the community. They will have a community meeting now prior to the installation of a sign. Mr. Alberti said that in 2007, according to DCRA, there had been questions about the sign meeting necessary conditions.

### 5. Officer Reports

#### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$21,980.85 and the savings account balance was \$4,201.06. There was an interest payment to the savings account of \$0.36. There were disbursements of \$200 to Heather Schoell for the agenda package (Check #1466); \$135 to Roberta Weiner for the June 2010 minutes (Check #1466); and \$192 to FedEx Office for copying expenses for May (check #1468), leaving a balance of \$21,453.85 in the checking account and \$4,201.42 in the savings account. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

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

Mr. Alberti said that he was presenting the Quarterly Report for the 3<sup>rd</sup> Quarter of FY10 early because there was no meeting in August. He said there is a check listed that is an electronic debit to Walmart that came in the June statement, and it has been taken care of, but the bank will not say what the error was. He also mentioned that the 3<sup>rd</sup> Quarter disbursement has been released.

**Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the Quarterly Report for the 3<sup>rd</sup> Quarter of FY10. The motion passed without objection.



## Advisory Neighborhood Commission 6A Meeting Minutes of July 8, 2010



### 6. Committee Reports

#### Alcoholic Beverage and Licensing

##### The Atlas Room - 1015 H Street NE

Ms. Beatty reported that Matt Cordes, the owner, was taking over the space vacated by Napa and is planning an up-scale modern American restaurant with a changing menu and both a wine-by-the-glass and creative cocktail program. He is applying for a CT license and is not carrying over the Napa license. He is renovating the space and plans 35 seats in the restaurant and 20 in the bar. There is no outdoor space, and there will be only recorded music. Mr. Cordes is applying for a stipulated license. The committee recommended unanimously that the ANC not oppose the stipulated license. Ms. Beatty said that clarification is needed from ABRA on whether it is a new license or a substantial change from the Napa license. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion to accept the committee's recommendation that the ANC support the temporary stipulated license of the Atlas Room. The motion passed 7-0-1 with Mr. Alberti not voting. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion to accept the committee's recommendation to protest the license application of the Atlas Room unless there is a signed, approved voluntary agreement with the applicant prior to the petition date of August 2<sup>nd</sup>. The underlying motion passed as amended 7-0-1 with Mr. Alberti not voting.

##### Desperado Pizza - 1387 H Street NE

This is a new license for a brick oven pizzeria, which will have 30 seats in one of two rooms with a brick pizza oven. There is no entertainment endorsement requested and there will be no bar, just wine and beer served with food. They will be open for lunch. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion to accept the committee's recommendation that the ANC protest the application of Desperado Pizza unless there is a signed approved VA prior to the petition date of July 26<sup>th</sup>. The motion passed 7-0-1 with Mr. Alberti not voting.

##### Sticky Rice - 1224 H Street NE

Sticky Rice is renting space in the adjacent building—1222 H Street NE. It's a three-story building and will open a larger back patio area and install a larger dumpster. The second and third floors will be for an additional dining room and for an additional sushi bar, but there will not be any additional bar space. They will also expand the deck space in the rear. The space will add another 40 or so seats inside and another 10 outside. The committee unanimously recommended that the substantial change application of Sticky Rice unless the ANC receives a signed, approved addendum to their VA by July 26<sup>th</sup>. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion to accept the committee's recommendation that the ANC protest the substantial change application of Sticky Rice unless the ANC receives signed approved addendum relating to noise in the outdoor space by the petition date of July 26<sup>th</sup>. The motion passed 7-0-1 with Mr. Alberti not voting.

##### The Pug - 1234 H Street NE

The Pug is planning to expand upstairs, adding a noodle and dumpling kitchen and 25 seats. They will open for lunch. It will go under the existing VA and will retain the same hours. No petition date has yet been set. The committee unanimously recommended that the ANC support the substantial change requested by the Pug. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion that the



## Advisory Neighborhood Commission 6A Meeting Minutes of July 8, 2010



ANC accept the committee's recommendation to not protest the substantial change application of the Pug for a space expansion. The motion passed 7-0-1 with Mr. Alberti not voting.

The Committee's report was accepted without objection.

The Community Outreach, Public Safety, Transportation and Public Space, Economic Development and Zoning Committees did not meet. Their reports were each accepted without objection.

### 7. New Business

#### Reconsideration of 100 Extra Parking Spaces for the H Street Connection

Dr. Ronneberg said that he had heard from Derek Woody, who told him that the 100 additional parking spaces for the H Street Connection will not be considered without ANC support, and Mr. Woody really wants the ANC to take a position one way or another. **Motion:** Dr. Ronneberg moved/Ms. Mack seconded a motion to support the inclusion of 100 additional public parking spaces in the H Street Connection development.

Mr. Schultheiss said that including the parking spaces will increase the debt burden of the project, as it goes to tax financing—TIF funding. Mr. Marshall asked wasn't the trolley meant to discourage parking, so why build a new parking structure? Dr. Ronneberg responded that some people will continue to drive. It will cost \$35 million for 100 people to park. Mr. Holmes said he has ambivalent feelings—he hates the idea of spending money to bringing cars into the area, but he keeps hearing that there's no place to park.

Ms. Beatty said she can't support additional parking spaces—the recommendation from the Transportation Committee opposed it and that weighed heavily for her, and now, in addition she hears it's taxpayer funds that will pay for it. Mr. Mahmud said that everyone understands the need for parking for H Street business, but this way is shortsighted. The developers have already proposed 65 spaces for retail (plus 300 for residential), and it's already a massive suburban parking structure. And people will park on the street, rather than pay for a commercial parking space. The City is moving away from massive parking and TIF funding can be put to much better use. Elizabeth Nelson said that if retail is to do well, consideration has to be made for people with mini-vans. A community member added that he appreciates that people need a place to park, but this is a short sighted solution. Anwar Saleem said that most traffic will be coming from Anacostia and there is need for more parking to bring people to H Street and keep it from becoming like Adams Morgan or Barracks Row—if you eliminate parking, you eliminate retail.

Dr. Ronneberg reiterated that there will be 65 spaces just for use by that building and the 100 spaces are for the greater community. Mr. Mahmud said there will be a mix of parking and public transit, and the 65 spaces can be used for the neighborhood. This is counter to the H Street plan—parking should be spread out, not concentrated in one location. Mr. Schultheiss said that he is sensitive to the issues, and that the plan called for shared spaces. He said the buildings have private parking and no agreements for sharing. He said he was going to hold his nose and vote for it because he's looking for balance. Finally, he said, metered parking could push people into a garage. The motion passed 5-2-1, with Mr. Alberti and Ms. Beatty in opposition, and Mr. Marshall abstaining.



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### 8. Community Comment

Mr. Alberti announced that the ANC's finances would have a regular audit.

Ms. Mack announced that she had testified in support of naming the Rosedale baseball field in honor of Mamie "Peanut" Johnson.

Anwar Saleem asked for a letter of support of an exemption for the signature requirements for the H Street Festival. **Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion for a letter of support from the ANC for Mr. Saleem. The motion passed without objection.

Mr. Mahmud inquired as to the process for reconsidering the issue of the parking spaces. Mr. Alberti added that he hates being the fall guy. If the ANC doesn't approve it, the City will come up with a decision on its own - he said he didn't like being in that position.

### 9. Adjournment

The meeting was adjourned at 8:50 p.m.





## Commission Letters from July 8, 2010 Meeting



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



July 12, 2010

Mr. Fred Moosally  
Executive Director  
Alcoholic Beverages Regulation Administration  
Government of the District of Columbia  
1250 U Street, NW  
Washington, D.C. 20009

RE: ANC 6A Support for stipulated license of Atlas Room, located at 1015 H Street NE

Dear Mr. Moosally:

Please be advised that ANC 6A, with a quorum present, voted 6-0-1 to support the stipulated license of the Atlas Room, located at 1015 H Street NE.

The Commission has affirmatively taken this action because we understand that the establishment may complete renovations and be ready to open prior to granting of the full license. We further believe that this establishment will be of benefit to the neighborhood, and we will therefore will not protest their request for licensure.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Commissioner Mary Beatty, Chair, ANC ABL Committee



## Commission Letters from July 8, 2010 Meeting



Made this \_\_\_\_\_ day of July, 2010  
by and between the  
Atlas Room  
1015 H Street, NE  
and  
Advisory Neighborhood Commission 6A

### Preamble

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

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

Further, ANC 6A acknowledges that this Cooperative Agreement shall be presented to all Class 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 Cooperative Agreement that will unfairly benefit or, conversely, cause competitive disadvantage to, any individual applicant or establishment within the ANC, unless such change is required by the District of Columbia government, other authorized governmental bodies, or rule of law.

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

### Witnesseth

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

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

### The Parties Agree As Follows:



## Commission Letters from July 8, 2010 Meeting



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

- a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
- b. Maintaining regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean.
- c. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curb in front of the establishment to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- e. Promptly removing or painting over any graffiti written on the exterior walls of the property.

**2. Business Operations and Practices:**

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated. A person of intemperate habits shall be defined as:
  - i. Any person convicted of alcohol offences or alcohol-related crimes three times or more in any one year; and
  - ii. Who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees that the only alcoholic beverage that can be brought into the establishment is an unopened bottle of wine, which must be opened by an employee of the establishment. The only beverage which can be removed by a patron is one unopened or partially consumed bottle of wine which should 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 by the applicant in person or a board licensed manager.
- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:



## Commission Letters from July 8, 2010 Meeting



- i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
          - ii. Prohibition against selling alcohol to minors.
          - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
          - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
          - v. Request that customers do not contribute to panhandlers.
        - h. Applicant shall make reasonable efforts to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
          - i. Asking loiterers to move on whenever they are observed outside the establishment,
          - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
          - iii. Calling the Metropolitan Police Department if illegal activity is observed,
          - iv. Keeping a written record of dates and times (i.e. log) when the MPD was called for assistance.
        - i. Applicant's log shall be provided to the Board and, for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license.
        - j. Applicant shall not support of the installation of pay phones outside of the establishment on their property.
        - k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
        - l. Applicant shall provide valet parking services only with valet parking services as defined licensed and in compliance with Title 24 DCMR Chapter 16.
3. Music / Dancing / Entertainment:
  - a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
  - b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
  - e. Applicant shall obtain an entertainment endorsement to have a cover charge. For purposes of this clause, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single-Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.



## Commission Letters from July 8, 2010 Meeting



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

6. Miscellaneous:

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

7. Enforcement:


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

**In Witness Whereof**

The parties have affixed hereto their hands and seals.

**Applicant:**

By: Matt Cordes

Signature:  Date: 7/8/2010

**Advisory Neighborhood Council 6A Representative:**

By: ANC Chairman Kelvin Robinson

Signature:  Date: 7/8/10



## Commission Letters from July 8, 2010 Meeting



### Addendum to Voluntary Agreement between

Sticky Rice  
1224 H Street, NE  
Washington DC 20002  
And

ANC6A

Whereas Joe Belcher, owner of Sticky Rice, (ABRA CR License # 072783 formerly Beehive) has applied for a substantial change that will add seating indoors and on an upstairs patio, and whereas Mr. Belcher and ANC6A agree that measures should be taken to mitigate noise emanating from the seating on the patio, the parties agree that:

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

Upon signature by both parties, this agreement will become a part of the applicant's existing VA with ANC6A.

Agreed to this 30<sup>th</sup> day of June, 2010.

  
\_\_\_\_\_  
Joe Belcher, on behalf of ~~Langston Bar and Grill~~ Sticky Rice

  
\_\_\_\_\_  
Kelvin Robinson, Chair ANC6A, on behalf of ANC6A



## Commission Letters from July 8, 2010 Meeting



Made this \_\_\_\_\_ day of June, 2010

by and between

Desperado Pizza

1387 H Street, NE

and

Advisory Neighborhood Commission 6A

### Preamble

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

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

Further, ANC 6A acknowledges that this Cooperative Agreement shall be presented to all Class 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 Cooperative Agreement that will unfairly benefit or, conversely, cause competitive disadvantage to, any individual applicant or establishment within the ANC, unless such change is required by the District of Columbia government, other authorized governmental bodies, or rule of law.

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

### Witnesseth

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

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

### The Parties Agree As Follows:



## Commission Letters from July 8, 2010 Meeting



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

- a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
- b. Maintaining regular trash garbage removal service, regularly remove trash from the trash and dumpster area, and see that the trash and dumpster area remain clean.
- c. Applicant shall deposit trash and garbage only in rodent-proof dumpsters, and shall see that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curb in front of the establishment to keep them free of trash and to remove snow and ice from the sidewalk and comply with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- e. Promptly removing or painting over any graffiti written on the exterior walls of the property.

### 2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person, or to any person of intemperate habits, or to any person who appears to be intoxicated. A person of intemperate habits shall be defined as:
  - i. Any person convicted of alcohol offences or alcohol-related crimes three times or more in any one year; and
  - ii. Who has been so identified to the licensee by the Metropolitan Police Department by giving a photo and name to the licensee.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring alcohol into the establishment from outside sources, and at no time exits the establishment with alcoholic beverages.
- d. Applicant will not provide or sell alcoholic beverages “to go.” Applicant agrees not to promote or participate in bar or pub “crawls” or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees of the applicant, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
  - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID’s will be checked at all times prior to serving alcoholic beverages to patrons).
  - ii. Prohibition against selling alcohol to minors.





## Commission Letters from July 8, 2010 Meeting



- iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
  - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
  - v. Request that customers do not contribute to panhandlers.
  - h. Applicant shall make reasonable efforts to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
    - i. Asking loiterers to move on whenever they are observed outside the establishment,
    - ii. Calling the Metropolitan Police Department (MPD) to remove loiterers if they refuse Applicant's request to move on,
    - iii. Calling the Metropolitan Police Department if illegal activity is observed,
    - iv. Keeping a written record of dates and times (i.e. log) when the MPD was called for assistance.
  - i. Applicant's log shall be provided to the Board and, for good cause shown to the Board, to any valid protestant during hearings involving future renewals or contested proceedings involving the Applicant's license.
  - j. Applicant shall not support of the installation of pay phones outside of the establishment on their property.
  - k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
  - l. Applicant shall provide valet parking services only with valet parking services as defined licensed and in compliance with Title 24 DCMR Chapter 16.
3. Music / Dancing / Entertainment:
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.
  - b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.
  - e. Applicant shall obtain an entertainment endorsement to have a cover charge. For purposes of this clause, a cover charge is a fee required by an establishment to be paid by patrons for admission that is not directly applied to the purchase of food or drink.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single-Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.
5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board. In the case of ANC6A, if applicant desires to modify the



## Commission Letters from July 8, 2010 Meeting



terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

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

7. Enforcement:

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

**In Witness Whereof**

The parties have affixed hereto their hands and seals.

**Applicant:**

By: Musa Wilson Date: July 11

Signature: [Handwritten Signature]

**Advisory Neighborhood Council 6A Representative:**

By: Kevin S. Robinson Date: 7/8/10

Signature: [Handwritten Signature]

**ABC Board-Licensed Manager:**

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

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



## Commission Letters from July 8, 2010 Meeting



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



July 12, 2010

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

RE: ANC 6A Support for the 100 City-Owned Parking Spaces in the H Street Connection Redevelopment

Dear Mayor Fenty,

At a regularly scheduled and properly noticed meeting on July 8, 2010, our ANC voted to support Deputy Mayor for Planning and Economic Development's proposal to have the City to finance the construction and operation of 100 parking spaces in the H Street Connection redevelopment located between 8<sup>th</sup> and 10<sup>th</sup> St NE.

As you know, the H Street Corridor has made tremendous strides toward economic revitalization in recent years, and has brought many new people to the Corridor to H Street's widely known restaurants, bars and performing arts venues. Because of H Street's very limited on-street parking and the fact that there are no public parking lots on H Street, the result has been a significant increase parking pressures on the surrounding neighborhoods.

Although the new streetcar will give patrons an alternative mode of traveling to the Corridor, many people will still come by car. The ANC believes that without adequate public parking to service H Street growing number of businesses, patrons will choose other neighborhoods to meet their needs.

Having 100 City owned parking spaces hosted by the H Street Connection redevelopment project will bring much needed commercial parking to H Street and will insure the Corridor's continued economic redevelopment.

Thank you for your consideration of this request. Should you require additional information, please feel free to contact me or Commissioner Drew Ronneberg at 202 431-4305, who serves as Chair of the ANC Committee on Economic Development and Zoning.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Neil Albert, City Administrator  
Harriet Tregoning, Office of Planning Director  
Derrick Woody, DMPED  
Tommy Wells, Councilmember, Ward 6  
Karen Wirt, ANC 6C Chair



## Commission Letters from July 8, 2010 Meeting



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



August 23, 2010

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

RE: ANC 6A Support for the H Street Festival and Request to Waive the Signature Requirement

Dear Mayor Fenty:

Please be advised that the Commission, at its regularly scheduled meeting held on July 8, 2010, with a quorum present, voted unanimously to support the Annual H Street Festival and to request that the District waive its normal signature requirements to allow the Festival to move forward without delay.

As you know, the H Street Festival is an annual street festival designed to showcase the unique and vibrant qualities of the entire H Street NE corridor. During this past year, this festival attracted over 15,000 thousand attendees and is part of H Street Main Street's (HSMS) revitalization strategy to showcase many of the H Street community businesses, bringing attention to the developing arts and entertainment district at the eastern end and ultimately the entire H Street NE corridor as a whole. This festival is not only a mainstay and an established community event for residents and businesses, but also provides economic stimulus for many of its businesses which in years past have experienced their best gross receipts for the entire year on the day of the H Street Festival.

It is for this reason, along with the fact that there have been many challenges experienced by local businesses and patrons due to the construction along the corridor making it very difficult to gather the manpower normally used to collect signatures, that the ANC voted unanimously to request that a waiver of the signature requirement for the H Street Festival be granted.

We could not be in more need of an event that spurs economic growth than this year and believe that it is within the public good for the H Street Festival to proceed without issue or delay.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Neil Albert, City Administrator  
Tommy Wells, Councilmember, Ward 6



# Commission Letters from July 8, 2010 Meeting



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



July 12, 2010

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

RE: ZA Case 10-03 - ANC 6A Support for the 100 City-Owned Parking Spaces (900 H Street NE - H Street Connection Redevelopment)

Dear Ms. Schellin:

At a regularly scheduled and properly noticed meeting on July 8, 2010, our ANC voted 5-2-1 (with 5 Commissioners required for a quorum) to support the inclusion of 100 additional City owned parking spaces as part of the PUD for the H Street Connection redevelopment. We strongly urge the Commission to grant the applicant flexibility to include these additional parking spaces if the Deputy Mayor for Planning and Economic Development secures the necessary financing.

The H Street Corridor has made tremendous strides toward economic revitalization in recent years, and has brought many new people to the Corridor to H Street's widely known restaurants, bars and performing arts venues. Because of H Street's very limited on-street parking and the fact that there are no public parking lots on H Street, the result has been a significant increase parking pressures on the surrounding neighborhoods.

Although the new streetcar will give patrons an alternative mode of traveling to the Corridor, many people will still come by car. This is especially true of retail establishments, where a car is often the only practical way to transport goods from a retail establishment to one's house. The ANC believes that without adequate public parking to service H Street businesses, patrons will choose other neighborhoods to meet their needs and retail will fail to develop on the Corridor. Having 100 City owned parking spaces hosted by the H Street Connection redevelopment project will bring much needed commercial parking to H Street and will insure the Corridor's continued economic redevelopment.

Thank you for your consideration of this request. Should you require additional information, please feel free to contact me or Commissioner Drew Ronneberg at 202 431-4305, who serves as Chair of the ANC Committee on Economic Development and Zoning.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Karen Wirt, ANC 6C Chair



# Officer Reports - Treasurer



## ANC 6A Treasurer's Report July - August 2010

**Period Covered:** 07/01/10 - 08/31/10

### Checking Account:

Balance Forwarded \$ 21,453.85

### Receipts:

District Allotments: 2nd Quarter FY10	\$ 5,555.40
Refund from Voice of the Hill (Newspaper Ad)	\$ 1,444.00
Transfers from Saving Account	\$ -

Total Receipts \$ 6,999.40

Total Funds Available \$ 28,453.25

### Disbursements:

Heather Schoell (July '10 Agenda Package)	Ck #1469	\$ 200.00
Roberta Weiner (June '10 Minutes)	Ck #1470	\$ 135.00
FedEx Office ( June '10 Statement)	Ck #1471	\$ 145.40
Game Wear (Rosedale Youth Inst. Grant)	Ck #1472	\$ 350.00
Game Wear (Rosedale Youth Inst. Grant)	Ck #1473	\$ 813.00
Marlo Sports (Rosedale Youth Inst. Grant)	Ck #1474	\$ 200.50
Anaconda Sports (Rosedale Youth Inst. Grant)	Ck #1475	\$ 2,000.00
Marlo Sports (Rosedale Youth Inst. Grant)	Ck #1476	\$ 500.00
FedEx Office ( July '10 Statement)	Ck #1477	\$ 25.96

Total Disbursements \$ 4,369.86

Ending Balance ----- \$ 24,083.39

### Savings Account:

Balance Forwarded \$ 4,201.42

### Receipts:

Interest (06/30/10)	\$ 0.35
Interest (07/20/10)	\$ 0.36
Transfers from Checking Account	

Total Receipts \$ 0.71

Total Funds Available \$ 4,202.13

Disbursements \$ -

Ending Balance ----- \$ 4,202.13



**Committee Reports**  
Public Safety



No report.



## Committee Reports

### Community Outreach Committee (COC)



ANC6A Community Outreach Committee

August 23, 2010 Minutes

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

Meeting called to order at 7:35 p.m.

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

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

Commissioners present: Drew Ronneberg 6A02, Nick Alberti 6A04

Community members present: Ednajane Truax, Phil Toomajian (both Sherwood Recreation Center Garden)

- I. Agenda
  1. Adopted.
- II. Discussion of grant proposal by Sherwood Recreation Center Garden:
  1. Ms. Truax and Mr. Toomajian presented a grant request from the Sherwood Recreation Center Garden (SRCG), under the auspices of the Capitol Hill Garden Club (CHGC). They provided a history of their recent gardening activities at the Center and also described their plans to improve and expand the existing gardens. They have been gardening at the Center for over a year and have successfully planted and maintained gardens at the front of the property. Bulbs from the CHGC have also been planted around the perimeter, a practice they intend to continue each fall.
  2. Commissioner Alberti observed that the applicants had put a lot of thought into the budget. He was pleased to see that the applicants had a good working relationship with the Center and that the applicants had made arrangements to store the equipment they would purchase on site at the Center. He said that the gardens would “garner good will” among the neighbors by increasing its curb appeal. He expressed some concerns about possible maintenance issues but was satisfied with the applicants’ response - that they had many interested neighbors helping them, plantings are low maintenance and they have ready access to water. Volunteers include several USDA certified Master Gardeners. While there are a few annuals for color, most plants are perennials and have been chosen not to need much care, including water. In fact, by reducing the amount of lawn, overall maintenance (and carbon footprint) will be reduced.
  3. Ms. Williams asked if DPR has plans to develop the garden. The answer is “no”, although the Urban Forestry Administration (UFA) will partner with the SRCG to remove and replace trees that are dead and dying. Ms. Williams also asked if the gardens could withstand the foot traffic at the Center. Ms. Truax said that the existing gardens had suffered very little damage (only the loss of a few tulips), in part because plantings were arranged, and plants chosen, to accommodate heavy use.





## Committee Reports

### Community Outreach Committee (COC)



4. Ms. Williams also asked what outreach had been done with the neighborhood. Whenever there is a gardening activity day, the surrounding households are flyered, requesting volunteers. More of this is planned, if the necessary funding is received to expand the program. Eventually, it is hoped that gardening can be incorporated into the Center's programs and possibly food can be grown and shared with both growers and the needy.
  5. Commissioner Ronneberg said that the improvements in the gardens were very visible and encouraged neighbors to have a positive impression of the Center. They also encourage neighbors to become involved in volunteer efforts at the facility. He further observed that there had not been significant ANC 6A grant activity at the Center and that the project would be worth funding.
  6. Ms. Nelson said that she was satisfied that all the grant requirements had been met. The CHGC has agreed to administer the funds, if received, and they have successfully fulfilled their responsibilities to ANC 6A in the past. She also observed that the SRGC might be interested in taking on more of a "friends of" relationship with the Center and that would facilitate the establishment of gardening as a program within the Center.
  7. **Motion: Commissioner Ronneberg moved that the COC recommend full funding (\$1,000) of the grant request made by the Sherwood Recreation Center Garden. Seconded by Ms. Williams. Vote 4 in favor (incl. both commissioners), none opposed.**
- III. Discussion of revised ANC 6A flyer:
1. Ms. Nelson noted that the flyer as it appears on the website is up-to-date but that the hard-copies were all printed shortly before Commissioner Fengler's resignation and that there is no budget, currently, to print new ones.
  2. Commissioners Alberti and Ronneberg suggested that the COC not revisit this issue until after the first of the year as there may be new commissioners and different officers.
- IV. Discussion public notification of grant availability:
1. Ms. Nelson has been running notice in The Buzz of both ANC 6A grant opportunities and availability of ANC 6A sponsored bulbs through the CHGC. Notices have also run in the Hill Rag. Links to the ANC 6A grant application and related materials are posted on the ANC 6A website, [www.anc6a.org](http://www.anc6a.org), as is a link to the CHGC bulb application.
- V. **The next meeting of the COC will take place Monday, September 20, at 7:30 p.m. and 1235 C St. NE**

Meeting adjourned at 8:35 p.m.



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



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

**1. DATE OF APPLICATION**

07/28 /2010

**2. DATE OF PROJECT OR ACTIVITY**

ongoing

**3. APPLICANT ORGANIZATION NAME AND ADDRESS**

Sherwood Recreation Center Garden – The Capitol Hill Garden Club will administer the funds  
10<sup>th</sup> & G Sts. NE

**4. CONTACT NAME**

**5. TITLE**

Ednajane Truax      Director of the garden (it is a volunteer position)  
Phil Toomajan

**6. ADDRESS (IF DIFFERENT FROM ABOVE)**

634 9th St., NE, WDC 20002

**7. TELEPHONE**

**8. FAX**

(202) 546-7638      HOME    PHONE    WORK PHONE

**9. E-MAIL ADDRESS**

Truax1934@verizon.net

**10. BRIEF DESCRIPTION OF PROPOSED PROJECT/ACTIVITY**

Purchase additional plants and gardening equipment to expand and maintain the Recreation Center gardens. See attached plan for planting details.

**11. PROJECTED TOTAL COST**

\$1,000

**12. AMOUNT REQUESTED**

\$1,000

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

Capitol Hill Community Foundation, Fragers Hardware (discounts), Home Depot (discounts for pavers), Fragers “Just Ask” Rentals (loaned equipment, no charge), Gingco Gardens (fertilizer donation), Whole Food (soil), direct donations from community members. A tree planning in conjunction with Casey Trees is planned for Spring.

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

The Recreation Center provides both physical and educational programs for children and adults. The expanded garden will beautify the Center and reduce the carbon footprint of the grounds. The plantings replace grass, reducing the need to maintain a lawn. The Center is located in ANC 6A and heavily used by ANC 6A residents. The gardens will provide enjoyment to the many residents who participate in Sherwood’s activities and also those passing by the Center.



## Committee Reports

### Community Outreach Committee (COC)



The Sherwood Recreation Center Neighborhood Gardeners team have been developing the gardens at the Center over the past year. Initially we dug out old clay and trash and turned the soil and planted bulbs and other small perennials along the entryway. Now we are preparing to expand the gardens by adding woody perennials including rosebushes, hibiscus, and mahonia, dwarf conifers and grasses. We are seeking ANC 6A funding to pay for the additional plants and the equipment necessary to create and maintain the additional garden space. Such improvements are outside the scope of the Center's grounds-keeping plan and are not included in the Center's budget.

Budget for ANC 6A funding:

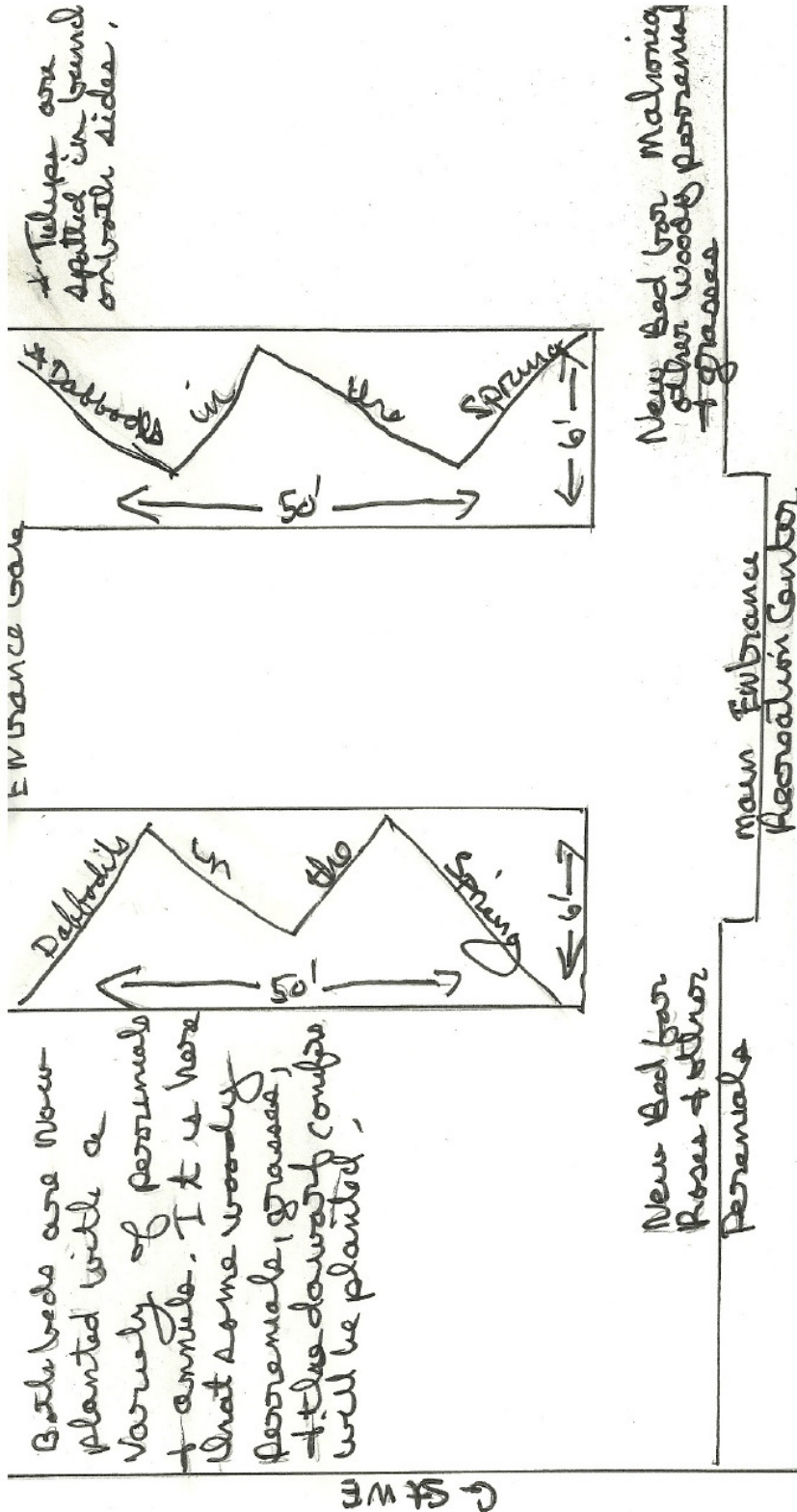
These (or similar) items, costs approx.

Wheelbarrow :	\$ 100
Hose (150ft)	\$ 90
Sprinkler	\$ 25
Garden tools, incl. rakes/hoes	\$ 140
Small trees (2)	\$ 70
Rose bushes (4)	\$ 90
Topsoil	\$ 30
Other bushes & plants	\$ 455
Total	\$1,000

Durable items will be stored in the Center's storage room.



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



Both beds are now planted with a variety of perennials & annuals. It is here that some woody perennials, grasses, & the dwarf conifers will be planted.

We are also planting the Daffodils outside the fence. In a couple of years the entire area will be bordered in yellow each spring.



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



No report.



## Committee Reports

### Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes  
Capitol Hill Towers (900 G Street NE)  
July 19, 2010

I. Call meeting to order at 7:05 pm

II. Community Comment

- A. Sondra Gilbert informed the committee she was glad this meeting is being held and that it is her belief that her community does not want the ANC taking the lead on discussing the conversion of 17<sup>th</sup> Street NE to two-way traffic and that her community wants input on the DDOT “tool bag”.
- B. Michael Harmon informed the committee there are two giant dumpsters behind Maury Elementary School which he alleges have been stored on the sidewalk for years. Mr. Harmon believes this situation poses a safety issue because they block the sidewalk. Mr. Harmon believes the dumpsters belong to Maury Elementary School and he indicated he has reached out to the school and DDOT, but he has not received a response yet.
- i. ANC 6A Commissioner Nick Alberti informed the committee the principal of the school is aware of this situation, but that she does not seem to have the “sway” to do anything about it.
  - ii. DDOT acknowledged that this issue was identified in the Safe Routes to School program and that it is an issue DDOT is looking to get resolved as well.
  - iii. Mr. Harmon reiterated that the dumpsters have been stored on the sidewalk for years with nothing being done. He is now interested in having the committee and/or the ANC do something about this issue.
  - iv. Mr. Mahmud promised to reach out to the school and work with DDOT to find a solution. If none could be found by the next committee meeting, the committee would then know what proposed action to take to the ANC.
- C. Will Moring, the new Ward 6 representative from the Mayor’s office, introduced himself to the committee and the residents in attendance.
- D. Frazer Walter, President of the Kingman Park Civic Association (now in Ward 7, but previously was in Ward 6), alleged DDOT outreach regarding the Capitol Hill Transportation Study (CHTS) did not include representatives from his ward.

III. Announcements

- A. Mr. Mahmud informed the committee he now has a comprehensive set of streetcar plans for the H Street/Benning Road line. Anyone interested in viewing the plans may do so at a committee meeting or by making arrangements with Mr. Mahmud directly.



## Committee Reports

### Transportation and Public Space (TPS)



#### IV. Old Business

- A. Discussion with Terry Bellamy of DDOT and other DDOT representatives regarding the Capitol Hill Transportation Study and proposed conversions of 17<sup>th</sup> Street NE and 19<sup>th</sup> Street NE to two-way traffic.
  - i. Mr. Mahmud explained that DDOT was invited to clarify statements made at the special committee meeting held March 15, 2010 and a community meeting held March 18, 2010 regarding the consideration of future development when developing the initial CHTS recommendations, including conversion of 17<sup>th</sup> and 19<sup>th</sup> Streets to two-way traffic. Mr. Mahmud further explained that at the March 15 meeting DDOT seemed to indicate future development was considered in developing recommendations for the CHTS while at the March 18 meeting DDOT seemed to indicate future development had yet to be considered and that the study would have to be reevaluated in light of future development.
  - ii. Mr. Mahmud introduced Mr. Bellamy and the other DDOT representatives, thanked them for attending the meeting, and invited Mr. Bellamy to address the committee and residents.
  - iii. Mr. Bellamy explained the following to the committee:
    1. Mr. Bellamy sent a letter to the ANC on May 5 clarifying DDOT's position on the CHTS. Since the study was prepared in 2006, DDOT must go back and figure out whether the information relied on in preparing the study's recommendations is still relevant. Recommendations made in the study had short and medium range recommendations, but a full assessment had not been done at that point. DDOT is now looking closer at pieces from the study to determine if the assumptions behind them are still valid.
    2. DDOT is now seeing that the neighborhood development projects taking place have changed travel conditions in impacted neighborhoods, which requires DDOT to reevaluate the study's recommendations.
    3. People get accustomed to streets being one way and there is usually outrage when you propose a change. The change must be implemented slowly over time.
    4. The goal of the CHTS and actions taken as a result of the study are to improve safety, reduce vehicle speeds and accommodate projected growth.
    5. DDOT is now going into full planning of the CHTS based on the old plan from 2006, but DDOT is committed to having all impacted neighborhoods' participation in the CHTS once DDOT-led workshops begin this fall. DDOT wants to keep all stakeholders involved in the process.
      - a. Committee member Lance Brown asked whether DDOT has yet to come up with a schedule for these fall workshops/meetings. Mr.



## Committee Reports

### Transportation and Public Space (TPS)



Bellamy indicated the first workshop is planned for early to mid September. The workshops will include visual aids so people can see how all proposed changes will look.

- b. A resident asked how many workshops/meetings are planned. Mr. Bellamy estimated five or so meetings would be held.
  - c. Ms. Gilbert most graciously offered to host all meetings concerning the CHTS at the Pilgrim AME Church in Rosedale.
  - d. Mr. Walter asked why Mr. Bellamy stands by the results of the 2006 version of the CHTS in his May 5 letter. Mr. Bellamy indicated that the 2006 study contained medium to long term recommendations which may still be implemented, including the conversion of streets to two-way traffic.
- iv. Rob Stephens of the Rosedale Citizens Alliance proposed residents have a separate meeting outside of the DDOT workshops where differences over the study's proposals could be hashed out. Mr. Bellamy indicated this is what typically happens in communities. Mr. Mahmud pointed out that the ANC has provided this sort of forum in the past both for the CHTS and other city proposals.
  - v. Ms. Gilbert reiterated that she does not want her community left out of the process and gave an indication she believes the committee is not part of the community. Mr. Mahmud reminded Ms. Gilbert the committee is made up of volunteers from the ANC 6A community, not paid employees from DDOT or any other city agency.
  - vi. A resident suggested DDOT consider implementing other short term recommendations from the CHTS while the remaining recommendations are being evaluated. Solutions in the short term would include signal timing to deal with traffic. Mr. Bellamy indicated DDOT has looked at implementing signal timing along the corridor and will make some initial changes soon. Signal timing locations will be sent out soon.
  - vii. Veronica Ragler, ANC Commissioner for ANC 7D01, explained that she doesn't understand why Ward 7 is not part of the study outreach. She indicated she did not receive word from DDOT that there was a meeting impacting her neighborhood. She would like to know what official notification is being proposed for initiatives like this going forward. Mr. Bellamy indicated that DDOT typically notifies impacted ANCs when evaluating proposals impacting their communities. Ms. Ragler indicated she wants more information on the C Street project prior to the next project workshop.
  - viii. Mr. Stephens indicated he understands why she would want to be involved in the C Street project process. He also indicated there needs to be a way to have all concerned residents come together to have a discussion about how to make traffic conditions safer for impacted neighborhoods. He wants to have a third





## Committee Reports

### Transportation and Public Space (TPS)



party bring impacted residents come together. Mr. Mahmud again indicated the ANC has served that role in the past.

- ix. Committee member Sean Lovitt informed attendees that he lives on 17<sup>th</sup> Street NE and that he is extremely concerned about vehicle volume and speed along 17<sup>th</sup> Street. This condition makes it unsafe for pedestrians to cross the street now. He wants to know what DDOT can do to alleviate this problem in the short term. Mr. Bellamy responded that a safety team is looking at this issue now in order to come up with short term solutions. Mr. Bellamy anticipates the team will present recommendations to deal with this issue in the next several weeks, including solutions from the DDOT “tool box”. Mr. Lovitt stressed that motorists speed even more excessively late at night.
- x. Mr. Alberti asked whether residents in ANC 6B, the area south of E. Capital, would be included in the CHTS outreach effort. Mr. Bellamy indicated DDOT will reach out to all affected ANCs and give residents a way to provide feedback on all proposals. Mr. Alberti encouraged DDOT to let residents in other ANCs know the workshops are upcoming.
- xi. A resident indicated there is a lack of trust in the room because of the presentation given by city officials.
- xii. Ms. Gilbert alleged that Mr. Alberti indicated at the last committee meeting that 17<sup>th</sup> Street would have to be converted to two-way traffic before the C Street project could move forward and that he’s trying to pull in people from outside her community to impact her community’s decisions. Mr. Alberti denied these allegations.
- xiii. ANC 6A Commissioner Gladys Mack asked whether mobile MPD speed camera vans could be used to slow down traffic along 17<sup>th</sup> Street. She also indicated that parked cars on both sides of the street would slow traffic down as well, which would make removing parking restrictions sensible.
- xiv. Ms. Ragler asked a question about a livability study. She indicated that far northeast across the river be included in the northeast livability study and that her single member district should be included as well. Mr. Bellamy indicated that DDOT studies are not tied to wards, they are tied to transportation networks, which often span across wards. He encouraged Ms. Ragler to find out where her area falls in the livability study zone, which is on the web.
- xv. A resident asked where the proposed conversion of 17<sup>th</sup> Street would span from. Jamie Henson of DDOT indicated it would run from Benning Road to Potomac Avenue. The resident opined that this will cause a lot of traffic along that route.
- xvi. Ms. Gilbert again asserted that the 17<sup>th</sup> Street conversion must take place for the C Street project to move forward. DDOT indicated that is not the case.
- xvii. A resident stressed that vehicle speeds must be slowed down now since it is a matter of “life and death.”



## Committee Reports

### Transportation and Public Space (TPS)



- xviii. Mr. Stephens indicated there is no link between the C Street project and the proposed 17<sup>th</sup> Street conversion. Ms. Mack alleged the proposed conversion is in the options presented in the C Street project plans. Mr. Stephens indicated all parties are interested in reducing speed and that all should come together to have a process where there is an objective discussion of the facts.
  - xix. Mr. Frazier indicated he believes the main problem is that the DDOT does not include MPD in the discussions. Without enforcement there can be no real change. Mayor's office needs to include police dept.
  - xx. A resident indicated data showing how many tickets are being issued is not available. The city needs to improve communication going forward.
  - xxi. ANC 6A Chairman Kelvin Robinson asked DDOT whether it has presupposed what the solution is and is now just designing around it. Mr. Bellamy responded that this is not the case, and that DDOT is chiefly concerned with safety. Mr. Robinson then asked for a commitment from DDOT for immediate recommendations to address safety issues. Mr. Bellamy promised to return to the September committee meeting with immediate recommendations.
  - xxii. Ms. Mack asked that a list be circulated so residents could sign up for notification of future meetings held by DDOT. A list was circulated, which was retained by DDOT.
  - xxiii. A business owner on Benning Road informed the committee that a business associate of his was murdered a few days ago. He believes the perpetrators left the scene of the shooting via Benning Road where the lights are synchronized. He is concerned that nobody has mentioned the excessive speed on Benning Road since there are terrible accidents on that road as well. It was pointed out to the gentleman that this meeting concerned the CHTS, which does not cover Benning Road.
  - xxiv. Mr. Mahmud wrapped up this discussion topic, thanked DDOT for attending the meeting and thanked all in attendance for their participation and for taking an active role in the process.
- B. Request for residential parking permit (RPP) restrictions on G Street NE and 9<sup>th</sup> Street NE adjacent to Sherwood Recreation Center.
- i. Mr. Mahmud asked DDOT for an update on this matter. James Cheeks of DDOT indicated that the community may need to circulate a petition to impacted residents. Mr. Bellamy suggested dealing with Damon Harvey on this issue. Mr. Henson indicated he has already brought this matter to Mr. Harvey's attention. Mr. Mahmud reminded DDOT that these blocks have already been designated for RPP and that the signs just have not gone up yet. Mr. Henson promised to get back to the committee on this issue



## Committee Reports

Transportation and Public Space (TPS)



### V. New Business

#### A. Consider requesting that DDOT extend Visitor Parking Permit Pilot to ANC 6A.

- i. Mr. Mahmud explained that DDOT has launched a visitor parking permit pilot in parts of the city that allows residents to give visitors a temporary parking permit without having to obtain one from MPD each time a guest is expected. He would like DDOT to explore extending this opportunity to residents in ANC 6A as well.
- ii. Chairman Robinson indicated Damon Harvey supports including our community in the program and said he would include Ward 6 in the pilot program going forward.
- iii. Mr. Henson indicated the program works pretty well, generally speaking.
- iv. Mr. Mahmud indicated the ANC should indicate whether it supports including the program in 6A.
- v. *Mr. Mahmud made a motion that the committee recommend the ANC send a letter to DDOT asking that ANC 6A be included in the Visitor Parking Permit Pilot. Mr. Robinson seconded the motion, which passed without objection. Mr. Mahmud offered to draft the letter.*

### VI. Additional Community Comment - None

### VII. Adjourn meeting at 8:55



## Committee Reports

### Economic Development and Zoning (EDZ)



ANC6A Economic Development and Zoning Committee  
MINUTES  
Wednesday July 19, 2010, 7 - 9 p.m.  
Sherwood Recreation Center (640 10<sup>th</sup> St. NE)  
2<sup>nd</sup> Floor Community Room

**Commissioners:** Drew Ronneberg (6A02)—Committee Chairperson; David Holmes (6A03), Raphael Marshall (6A01).

**Committee Members:** Barbara Halleck, Sharee Lawler, Arkan Haile, Charmaine Josiah

Call to order: 7 p.m. by Chairperson Drew Ronneberg

Community comments: None

#### Ongoing Status Reports

1. H Street Connection Redevelopment (Drew Ronneberg). Had zoning commission hearing on Monday to decide if this project goes forward. There was a last minute reconfiguration of the entrance to the garage from the street to the alley—at the request of DDOT. Traffic will impact the nearest neighbor. Another hearing will be held in September. Overall, the zoning commission thinks it's a worthwhile project, although one commissioner noted that he thought the amenities package was light. Issue of 100 extra parking spaces—one of two opportunities to have public parking spaces on H Street; this was supported by the ANC. We have asked that the developer give additional consideration to add parking spaces if the city pays for the construction.
2. Vacant Properties: No update.

#### New Business

1. **BZA #18106 (243 8<sup>th</sup> St NE).** The owner/applicant requests a special exception under Section 223 of the DC Zoning Code to construct a third floor addition with a roof deck. The existing structure exceeds 60% lot occupancy and requires a special exception to expand the building's envelope. We will also be considering any historic preservation for HPRB.

Mike Fowler/architect - infill a nonconforming dogleg and add a third story. HPRB's main concern is that the addition not be visible from the street. They have built a mock-up and are working with the contractor to make the addition completely non-visible from the street. Addition is a bedroom and a den to the rear of the house, and a bathroom. The addition would be set back 20'. The applicant might have to lower the roofline somewhat so it is not visible. HPRB requested the owner differentiate between the old materials and new.

Retaining a rear entrance to the basement.

Drew Ronneberg said that he believes this meets the standard for a special exception and that the addition was consistent with the HPO standards.

Motion Halleck/Ronneberg: support the special exception for BZA case 18106 and support the HPRB applicant if the project meets the "flag test". Passed unanimously.



## Committee Reports

### Economic Development and Zoning (EDZ)



2. Bonome/203 12<sup>th</sup> St NE: Mr. Bonome co-owns the property with his parents, who will be moving in to the ground floor in-law suite. The parents have problems traversing stairs and the applicant want to provide access (from the sidewalk) to the in law suite and keep the existing stairs by cutting a flat path into the basement from the street. The current stairs will remain. In addition, the applicant wants to “sink” part of the front yard in order to allow access to the windows and more light into the in-law suite.

Building is a “non contributing building” in the historic district so has a lesser standard for meeting HPRB requirements.

Will be mirroring the same look and feel, using the same materials as currently in use.

Motion Holmes/Lawler: move that we approve plans as submitted and expanded upon by Mr. Bonome. Passed unanimously.

3. DC’s switch to new electric meters.

Meter boxes are getting bigger and are often sited on public space. This is probably a problem regarding permits being issued without public space permits. Front yards are public space—belonging to the city.

PEPCO doesn’t do anything that the district doesn’t approve. Generally if PEPCO knows the siting is on public space, they try to notify the owner to get a permit. PEPCO doesn’t generally follow up to see if the permit was obtained.

Holmes: The house may have a valid electric permit but that doesn’t also include a public space permit.

Ronneberg: PEPCO should not site equipment without a public space permit; however, DC will not issue a public space permit for siting equipment on public space. This means, in the end, that meter boxes should never be installed on public space.

Smart meters: does that mean everyone is moving from a small electrical box to larger boxes to accommodate the new meters?

Gary Neckorcuk (PEPCO): Small sockets we show in our pictures (from Drew) went away years ago when power needs were much lower. Demand for current has increased, also codes have changed. The size of the meter box is determined by UL, ASTM, NEMA, etc.— based on standards and current operating requirements. Larger boxes allow more clearance. The new boxes have a disconnect within the stack, then meter sockets on the other side. Tap section is also included—allows for larger cables. Also cable is much larger and heavier—it cannot bend/transition in small spaces. As far as permitting, he can bring back to his division the need to stress with customers that they cannot site the meter boxes on public space without permits. Boxes can be placed inside as well; it is not 100% required to be outside but this requires fire department permission/meet fire standards. Denise Johnson (HPRB?) has been engaged by the district to develop standards for placement of electric boxes.

Drew: Are there smaller boxes that could be used?



## Committee Reports

### Economic Development and Zoning (EDZ)



Gary: The boxes in use were selected based on standards and safety requirements. Often the larger boxes are used on houses that are being divided into multiple units. On single family homes, the boxes are probably smaller.

Marcus Beal (project manager for smart meters). Allows wireless two way communication between the meter and the substations. Allows PEPCO to get detailed information about usage and also monitor outages. They get “last gasp” from the meters, meter is out. Also developing online portals so customers can see detailed information on their own usage. May also be used for time of day pricing.

New devices will replace existing sockets. Partnering with Silver Spring Networks. For urban environments, access points and repeaters will be attached to streetlights.

Holmes: With time of day charges, do you have to sign up for it, or can you stay on the old system? Elderly tend to be at home during the day; and need air conditioning all the time and will be using more electricity during the day.

Marcus Beal: Altering usage somewhat could help.

Gary: You could request that it can be moved but that depends on the available space, clearance, etc. Lots of buildings have limited space to hang the box due to doors and windows. Contractor buys and installs the box, then PEPCO brings the service into the box. PEPCO will advise the contractor regarding the siting, if there is a code violation. PEPCO’s concerns are primarily functionality and access.

4. Discussion of the framework for the ED&Z committee should use in considering zoning and HPRB cases. This item was not discussed and will be brought up at a future meeting.



## Committee Reports

### Economic Development and Zoning (EDZ)



#### ANC 6A ECONOMIC DEVELOPMENT AND ZONING COMMITTEE

##### Minutes

##### August 18, 2010

Members Present: Dan Golden, Sharee Lawler, Arkan Haile, Charmaine Josiah, Jedediah Bodger, Drew Ronneberg

Drew Ronneberg chaired the meeting.

#### Community Comments

None.

#### Status Reports

**H Street Connection Redevelopment:** Drew Ronneberg reported that the Zoning Commission plans to decide the case at its September 27<sup>th</sup> public meeting. The applicant will file supplementary materials by Friday, Sept 3<sup>rd</sup> and the ANC will file its response by Friday, Sept 10<sup>th</sup>.

**Vacant Properties:** Phil Toomajian submitted the following update: Many vacant properties on H St. are included in the tax auction of properties that are delinquent on their property taxes.

#### ZC #10-19 - Map Amendment to Rezone Portions of Squares 1027, 1049, 1050 and 4509

In response to the ANC 6A request to rezone these Squares (see Letter to Office of Planning, <http://anc6a.org/HStNEZoningUpdRqst.pdf>), OP had proposed a less aggressive rezoning to extend the boundaries of the H Street Overlay to include these Squares. This proposal was included in the agenda package available at <http://anc6a.org/agendas/EDZA0810.pdf>. Commissioner Ronneberg said that including these commercial lots in the Overlay would make them subject to the design requirements and design guidelines and prohibit uses like gas stations and drive-through restaurants. He said that ANC 6A had also asked for properties north of H Street and properties in the alley of Square 1027 to also be included within the Overlay, but they weren't included in the OP's proposed amendments.

There was some discussion about whether the ED&Z should recommend that these properties be included in this rezoning action or it whether it should take up the issue at a later time. Commissioner Ronneberg said that he thought it would be more difficult to raise this issue in the future and thought that if the committee felt that these areas should be included, this case would be the most appropriate vehicle.

**Recommendation:** The committee unanimously recommends that the ANC support OP's rezoning proposal for case 10-19 and that it should also ask the Zoning Commission to extend the H Street Overlay to commercially zoned lots in Square 1026 (Florida and 14<sup>th</sup> St NE) as well as alley-facing lots in Square 1027 (Linden Pl).

#### Nomination of the Atlas Theater for the National Register of Historic Places

HPRB will consider the nomination of the Atlas Theater for listing on the National register of Historic Places at its September 23<sup>rd</sup> meeting. Drew Ronneberg said that he spoke to Eric James of the Atlas Performing Arts Center and that the organization was supportive of the nomination.



## Committee Reports

### Economic Development and Zoning (EDZ)



**Recommendation:** The committee unanimously recommends that the ANC support the nomination of the Atlas Theater for listing on the National Register of Historic Places.

#### MOU with 7-Eleven and the Rappaport Companies

Drew Ronneberg said that he met with William Washington of 7-Eleven and Bob Martz (future franchisee of the H Street store) on September 13<sup>th</sup>. He said that during the process of negotiation, the ANC dropped its requests to limit store hours, limit the amount of floor space for prepared food, and install a physical barrier to limit the pedestrian traffic from 10<sup>th</sup> St in exchange for not selling mini cigars, flavored cigars and chicken wings in the store. 7-Eleven agreed not to sell single cigars or other tobacco products, and agreed to sell *boneless* chicken wings when they were widely available (2-3 months). However, 7-Eleven insisted that they wanted to continue to sell boned chicken wings in the meantime. Commissioner Ronneberg said his constituents were very vocal that they did not want boned chicken wings to be sold for any period of time and that he would recommend that the ANC not sign a MOU with 7-Eleven that did not include a ban on the sale of boned chicken wings.

ED&Z committee members thought it was important to include a ban on boned chicken wings as a part of the agreement because of discarded chicken wing bones are especially problematic for littering and attracting vermin, such as squirrels and rats, and also causing neighborhood dogs to choke.

**Recommendation:** The committee unanimously recommends that the ANC appeal 7-Eleven's Certificate of Occupancy as a fast-food establishment if 7-Eleven does not sign a MOU that includes a ban on the sale of boned chicken wings by August 31<sup>st</sup>.

#### ZC #08-06: Comprehensive Zoning Rewrite Regarding Uses and Heights

The Zoning Commission is starting to adopt new regulations promulgated from the zoning rewrite process. The committee considered the proposed regulations regarding uses and heights and was in favor of the changes with the exception of Subsection 402.4. Subsection 402.4 establishes how the zero height measuring point should be measured. The committee also identified a few typos in the regulations that should be brought to the attention of the Zoning Commission.

**Recommendation:** The committee unanimously recommends that the ANC support the proposed height and use zoning regulations and recommend that the Zoning Commission strike language from the proposed regulations, which allows building heights to be determined from arbitrary measuring points.

**Next Scheduled ED&Z Committee Meeting:**  
Wednesday, September 15, 2010  
7-9 PM  
642 10th St NE  
Sherwood Recreation Center, 2<sup>nd</sup> Floor





## Committee Reports

### Economic Development and Zoning (EDZ)



September XX, 2010

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

RE: ZA Case 08-06 –ANC 6A Comments on Proposed Zoning Chapters B-2 and B-4.

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted X-X-X (with 5 Commissioners required for a quorum) to support the adoption of Chapters B-2 and B-4 of the Zoning Regulations Rewrite with recommended changes to Subsection 402.4.

Our ANC believes that the new zoning code will make the Zoning Regulations more accessible by consolidating regulations applicable to a single zone in a single chapter and eliminating the need to read all the regulations for a less dense zone to understand the rules for a denser zone. This simplification should also result in less confusion by applicants for zoning relief and fewer errors by the Office of the Zoning Administrator.

While the Zoning Regulations Rewrite accomplished many of the goals of simplification and standardization, our ANC does have significant concerns that Subsection 402.4 of Subtitle B is far too permissive in allowing the determination of the zero point for measuring height. While Paragraphs 402.4(a) and 402.4(b) provide objective standards for uniformly measuring height, Paragraphs 402.4(c) and 402.4(d) allow the designation of arbitrary and capricious zero height measuring points. For example, Paragraph 402.4(c) permits 20-year-old zero height measuring point determinations by the Zoning Administrator developed under obsolete zoning regulations to be used in place of the uniform standards contained in Paragraphs (a) and (b). In addition, Paragraph 402.4(d) allows each zone to arbitrarily set its own zero height measuring point.

Our ANC strongly believes that fundamental concepts like building height measurement should be determined by a uniform objective standard rather than balkanized by dozens of incompatible standards allowed by Paragraphs 402.4(c) and 402.4(d). Moreover, the proposed regulations do not state which Paragraph would take precedence when the provisions conflict. For example, if a 20-year-old zero height measuring point determination of the Zoning Administrator is 60 feet higher than what is obtained from applying Paragraph 402.4(a), which standard should be used? The current regulations offer no guidance as to the order of precedence of these Paragraphs.

It is our ANC's belief that the City would be much better served by striking 402.4(c) and 402.4(d), which would leave a single uniform standard for setting the zero height measuring point and thereby promote OP's stated objectives of "removing conflicts between policy objectives which do not necessarily work in conjunction with one another" and "avoiding regulatory contradiction."



## Committee Reports

### Economic Development and Zoning (EDZ)



Finally, there are two technical errors in the proposed regulations. First, Subsection 406.2 currently states, “A *structure* listed under § 403.1...” but should state “A *structure* listed under § 406.1...” In addition, Subsection 406.2 currently states, “*Structures* listed under § 403.1...” but should state “*Structures* listed under § 406.1...”

Please be advised that Commissioner Drew Ronneberg, Commissioner David Holmes or any member of the ANC 6A Economic Development and Zoning Committee are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Jennifer Steingasser, Office of Planning  
Karen Wirt, ANC 6C Chair



## Committee Reports

### Economic Development and Zoning (EDZ)



September XX, 2010

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

RE: ZA Case 10-19 - ANC 6A Support for Rezoning Square 1050 and Portions of Square 1027, 1049 and 4509.

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted X-X-X (with 5 Commissioners required for a quorum) to support the rezoning of Square 1050 and portions of Square 1027, 1049 and 4509. In addition, we ask the Zoning Commission to modestly expand the rezoned area to incorporate other commercially zoned property at the Eastern end of H St Corridor within the H Street NE Zoning Overlay.

Our ANC believes that the proposed rezoning accomplishes three goals:

1. Downzoning the commercial lots south of H Street from C-3-A to C-2-A will make future commercial development more compatible in height and massing with surrounding R-4 zoned residential neighborhood.
2. Expanding the boundaries of the H Street Overlay will extend the Overlay's protections to properties that currently not subject to the Overlay. In particular, our ANC is pleased that the Overlay's design requirements and guidelines will guide any future development of these commercial properties. The Overlay's design standards have improved the quality of buildings proposals on H Street and will insure that new construction in the proposed rezoned area will follow good urban design principles (e.g. 14 foot ground floor ceiling height for retail, street frontage requirements) and be architecturally compatible with the existing building stock.
3. Rezoning portions of Square 2409 from commercial to residential zoning better reflects current development and the intent of the Comprehensive Plan.

In addition to rezoning the Squares proposed by the Office of Planning, our ANC asks that the map amendment and associated text amendment be modestly expanded to also rezone C-3-A lots on Square 1026 to C-2-A and extend the boundaries of Overlay to all commercially zoned lots in this Square. This change would only affect 11 lots in Square 1026 (including interior lots which do not front a street) and would be consistent with the rezoning proposed for Squares 1027 and 1049. In addition, we request that C-2-A zoned alley-facing lots in Square 1027 be incorporated into the H Street Overlay. We believe that these two changes are consistent with intent of OP's rezoning proposal and will insure that future development of the lots currently outside of the Overlay's boundaries will be consistent with the rest of the H Street Corridor.



## Committee Reports

Economic Development and Zoning (EDZ)



Please be advised that Commissioner Drew Ronneberg, Commissioner Bill Schultheiss and Andrew Hysell are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com).

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director  
Karen Wirt, ANC 6C Chair



**Committee Reports**  
Economic Development and Zoning (EDZ)



September XX, 2010

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

RE: BZA Case 18106 (243 8<sup>th</sup> St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the request for special exception from Section 223 (lot occupancy requirements in an R-4 zone) in the above referenced application.

The Commission supports the request for a special exception because the proposed addition will not have a substantial adverse impact on use and enjoyment of the abutting properties, and recognizes that the two abutting neighbors have written letters of support for the project.

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

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A



## Committee Reports

### Economic Development and Zoning (EDZ)



September XX, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: National Register of Historic Places Application #00-02 (Atlas Theater and Shops)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on September 9th, 2010, our Commission voted X-X-X to support listing the Atlas Theater, located at 1313-1333 H St NE, on the National Register of Historic Places.

The Springer-Lang Foundation has beautifully restored the Atlas Theater, which hosts a Performing Arts Center for dance, cinema and theater. In addition, the restored Atlas Theater has helped catalyze the economic redevelopment of the Eastern End of the H Street Corridor (*i.e.* the “Atlas District”).

Our ANC recognizes the Springer-Lang Foundation’s significant investment in our community at a time when H Street NE was a city-wide symbol of economic disinvestment and wholeheartedly supports listing the Atlas Theater on the National Register of Historic Places.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc. Patrick Stewart, Director, Atlas Theater



**Committee Reports**  
Economic Development and Zoning (EDZ)



September XX, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: HPA #10-354 (203 12<sup>th</sup> St NE)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on June 10, 2010, our Commission voted X-X-X to support the above referenced application.

The applicant presented plans to construct a sidewalk level entrance to the ground floor apartment and lower a portion of the front yard to allow emergency egress through the ground floor windows at the July 21<sup>st</sup>, 2010 meeting of ANC 6A's Economic Development and Zoning Committee. In addition, both adjacent neighbors wrote letters of support for the project.

Given the fact that the building is a non-contributing structure, the modifications are modest and necessary to accommodate Mr. Bonome's elderly parents, and the project is supported by the adjacent landowners, the Commission support this application.

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

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A



## Committee Reports

### Economic Development and Zoning (EDZ)



September XX, 2010

Ms. Catherine Buell, Chair  
District of Columbia Historic Preservation Review Board  
801 North Capitol Street, NE, 3rd Floor  
Washington, DC 20002

RE: HPA #10-358 (243 8<sup>th</sup> St NE)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on June 10, 2010, our Commission voted X-X-X to support the above referenced application.

The applicant's architect, Mr. Mike Fowler, presented plans to the ANC 6A Economic Development and Zoning Committee on July 21<sup>st</sup> regarding the rooftop addition and alterations to the rear of the structure. Mr. Flower stated that the third floor addition would not be visible from the street (*i.e.* passes the "flag test").

Given that the project will not adversely affect the air light of the neighboring properties, is supported by the adjacent landowners, and abides by the historic guidelines set forth by HPRB, the Commission supports the application.

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

On behalf of the Commission,

Kelvin Robinson  
Chair, Advisory Neighborhood Commission 6A

Cc: Mrs. Nancy Metzger, CHRS  
Mr. David Maloney, HPO





## New Business



September 9, 2010

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

RE: ZA Case 10-03 - ANC 6A Support for Changes to Proposed PUD (901 H Street NE - H Street Connection Redevelopment)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our ANC voted X-X-X (with 5 Commissioners required for a quorum) to support the proposed changes to PUD application in response to concerns raised by DDOT and the Zoning Commission at its July 19<sup>th</sup> public hearing. These changes include:

1. Increasing the separation between the proposed building and 719 8<sup>th</sup> St NE from 22 feet to 25 feet, as well as installing a 5' green buffer and that is protected by a 6" curb and 4 3'-6" bollards. These changes will protect the residence at 719 8<sup>th</sup> St NE from traffic in the development's private alley.
2. Reconfiguring access off 8th Street to be one way in on the western ramp and building a new ramp east of the loading berths for one way out circulation. This change will reduce the amount of traffic adjacent to 719 8<sup>th</sup> St NE.
3. Redesigning the trellis at the corner of 10<sup>th</sup> and H Street NE to be more architecturally consistent with the rest of the building.

In addition, our ANC reiterates its support for:

1. The proposed design for penthouse structures, which minimizes their size and visual impact.
2. The proposed community amenities package which our ANC views as substantial. This package was the result of many months of negotiations between the developer and the community.

We believe this development will accelerate the development of H Street as a vibrant retail corridor and strongly urge the Zoning Commission to approve the project at its September 27<sup>th</sup>, 2010 meeting.

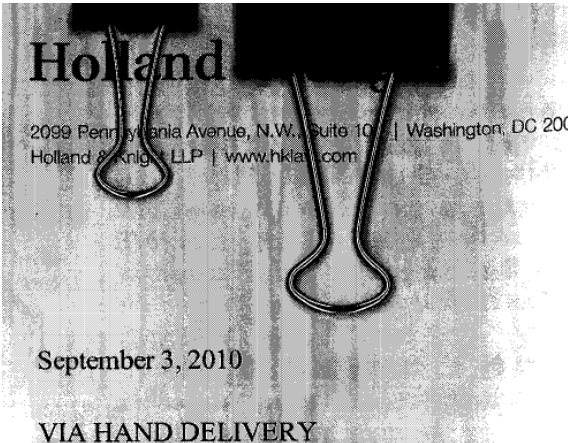
On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director



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**NORMAN M. GLASGOW, JR.**  
202-419-2460  
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**KYRUS L. FREEMAN**  
202-862-5978  
kyrus.freeman@hkllaw.com

September 3, 2010

VIA HAND DELIVERY

D.C. Zoning Commission  
441 4<sup>th</sup> Street, N.W., Suite 210  
Washington, DC 20001

Re: Post-Hearing Submission for Z.C. Case No. 10-03 - Parcel Seven Associates, LLC - Consolidated PUD @ Square 912

Members of the Commission:

On behalf of Parcel Seven Associates, LLC, owner of the property included in this application (the "Applicant"), we hereby submit the following responses and materials requested by the Zoning Commission during the public hearing on July 19, 2010 to consider Zoning Commission Case No. 10-03:

- **Revised Ground Floor Plan & Concerns Raised by the Neighbors to the South on 8<sup>th</sup> Street** - The Applicant has met with and has had a number of conversations with the adjacent property owners in an attempt to address their concerns. Specifically, the Brandts expressed concern regarding the amount of separation between their home and the southwest portion of the proposed new building. The Brandts also expressed concern regarding potential damage to their home resulting from vehicles from the development potentially hitting the northern wall of their property. The Applicant has developed a number of solutions to these concerns, as follows:

Option 1

As shown on Sheet A01 included with the revised Architectural Plan sheets attached hereto as Exhibit A, the Applicant has revised the garage layout to include a separate parking garage entrance and a separate exit for the retail patrons in Phase I of the development. Thus, there is now a one-way circulation pattern and the garage entry ramp has been significantly narrowed. This new proposed layout is labeled as "Proposed Design - Option One" on Sheet A01. The garage entrance is located in the same place as presented during the public hearing. However, the exit ramp has been located at approximately the mid-point of the building, and now connects to the service drive east of the Brandts' house, across from a parking lot to the south of the subject property. Sheet A01 also includes red arrows which indicate the flow of vehicles in the private alley area.



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In addition, as shown on Sheet A07, Option 1 includes installing a 5-foot green buffer adjacent to the Brandts' home, installing a 6-inch curb at the edge of the green buffer, and installing 4 bollards along the curb of the proposed green buffer. The proposed bollards will be concrete-filled, with steel pipes, and will have a 6-inch diameter and measure 3'-6" in height. The bollards will be spaced evenly apart along the property line adjacent to the buffer. Moreover, the overall distance between the building's southern façade to the property line adjacent to the Brandts' home has been increased from 22 feet to 25 feet. (See Sheets A01, A07 and A09). Option 1 also improves truck turn movements by increasing the existing curb cut width to 24 feet and increasing the curb-to-curb distance in the private alley from the existing 15'-2" to 18'-6". (See Sheet A07). These changes result in significant improvements to truck turn movements into the private alley as shown on the insert prepared by Gorove/Slade Associates, Inc. and included on Sheet A07.

The Applicant understands that DDOT supports Option 1 and finds it superior to the layout submitted at the public hearing. The Applicant further understands that although the Brandts' view Option 1 as an improvement from what was submitted at the public hearing, they strongly oppose this plan because it does not solve their concern regarding automobile traffic adjacent to their house.

### Option 2

The Applicant has also developed an alternative plan, identified as "Option 2" on Sheets A02 and A07. As shown on these sheets, Option 2 provides for a retail/residential entrance accessed from a 10-foot entrance, and a separate entrance for service trucks accessed from an 18'-6" entrance. Both of these entrances would be accessed from 8<sup>th</sup> Street, N.E. The entrances will be separated by a 6-foot safety island which will be flush to the sidewalk. A curb cut having an overall width of 34'-6" would be necessary to accommodate the separate entrances, while also providing adequate space to allow for truck turn movements into the private alley. Option 2 also improves truck turn movements into the private alley, as compared to the existing condition shown on Sheet A06. (Compare Sheets A06 and A07). Option 2 also maintains the proposed separate entrance and exit for the retail parking ramp. In addition, this option includes creating the same 5-foot green buffer adjacent to the Brandts' home, installing a 6-inch curb at the edge of the green buffer, and installing 4 bollards along the curb of the proposed green buffer. Option 2 also increases the distance between the building's southern façade to the property line adjacent to the Brandts' home from 22 feet to 25 feet, and increases the existing curb-to-curb distance in the private alley from the existing 15'-2" to 18'-6".

Revised garage level plans showing the new parking ramp locations are included as Sheets A03 through A05 of the revised Architectural Plan sheets, and these plans are the same for both options.

The Applicant believes that both Option 1 and Option 2 address the concerns raised by the Zoning Commission at the public hearing and the Applicant is prepared to proceed with either scheme. The Applicant understands that the Brandts find that Option 2 is a significantly better solution than Option 1 since it eliminates cars entering the garage near their home and provides a green space buffer, but that they strongly oppose Option 1. However, the Applicant understands that DDOT supports Option 1, but not Option 2.



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Therefore, the Applicant respectfully requests that the Zoning Commission either approve both options, or approve one of the alternative schemes submitted.

- **Scale of the Building Adjacent to Rowhomes on 8<sup>th</sup> Street** – The project architect has designed the building to include a number of elements designed to serve as buffers, including landscaping, height stepdowns and set backs, and other architectural and site planning measures that avoid potential conflicts. As shown on Sheets A08 and A09 of the revised Architectural Plan sheets, the Applicant has made additional changes to the design of the building to address the comments raised at the Zoning Commission hearing. Specifically, as discussed above, the Applicant has pulled the building's southern façade back an additional 3 feet from the property line, thus increasing the distance between the building's southern façade and the Brandts' home from 22 feet to 25 feet. Moreover, as shown on the perspectives included as Sheet A08, the architect has employed a series of bays in order to create a building rhythm along the 8<sup>th</sup> Street façade that mimics the rhythm of the existing homes along 8<sup>th</sup> Street. In addition, the architect has provided an additional 6 foot setback at the southwest corner of the building, above the first floor level, which reduces the massing and provides additional separation between the buildings.
- **Phasing of PUD** – The Applicant has asked for flexibility to construct the proposed building in up to two phases in order to respond to market conditions. If the building is phased, the first phase would include the western portion of the building and the second phase would include the eastern portion of the building. Thus, the Applicant is requesting that the Zoning Commission approve the following proposed condition as part of any PUD order issued for this application:

The Applicant is permitted the flexibility to construct the approved building in up to 2 phases. An application must be filed for a building permit for the first phase of the development within two years from the effective date of this Order as specified in 11 DCMR § 2409.1. Construction of the first phase shall begin within three years of the effective date of this Order. An application must be filed for a building permit for the second phase of the development within two years after the completion of the first phase of the building as evidenced by the issuance of the certificate of occupancy for the residential portion of the building. Construction of the second phase shall begin within one year after the building permit is issued.

Approval of the proposed condition will enable the Applicant to move forward with the project as expeditiously as possible, while also providing flexibility given current market conditions for residential developments.

- **Amenities Package** – The Zoning Commission asked for additional information regarding the Applicant's proposed amenities package. A chart entitled *Comparison of H Street NE PUD Amenities and Benefits* is attached hereto as Exhibit B. The chart compares the amenities and benefits of the subject PUD with three other PUDs approved along the H Street corridor: Senate Square on the north side of H Street, between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; Capitol Place, on the south side of H Street between 2<sup>nd</sup> and 3<sup>rd</sup> Streets; and 3rd and H Streets, on the north side of H Street between 3<sup>rd</sup> and 4<sup>th</sup> Streets. The PUDs are all similar in that they are all basically apartment houses with ground floor retail. The charts show the amount of extra density which each project received, as well as other



## New Business



development flexibility which the Commission granted (or is requested, in the case of the subject PUD).

As shown on the chart, the four projects provide amenities and benefits in the same general categories: Housing and affordable housing across the board, sustainable design elements and LEED compliance and urban design and architecture are in all four, retail in three out of the four, transportation features in three out four, historic preservation in one.

The amount of net additional floor area, which in all cases was additional residential floor area, varied among the three projects. The subject PUD requested the second lowest increase in gross floor, with the two higher being substantially higher. The Capitol Place project, which got the highest increase in gross floor area, had the biggest overall amenity and benefit package, with a lot of those features being directed to the enhancement of the Square in which the project is located.

When analyzed in the context of §2403.8 ("the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case"), the Applicant submits that the benefits and amenities which will result from the subject application will be comparable in proportion to the other approved PUDs in the immediate vicinity.

- **Design of Roof Structures** - As shown on Sheet A12 of the revised Architectural Plan sheets, the Applicant has revised the design on the roof structures to have a more unified design. All of the penthouses have similar horizontal banding and detailing which allows them to both respect the design of the elevation in which they are located above as well as each other. The three larger penthouses in the center of the block are all the same blond brick to further unify these structures. The two end penthouses (far east and west) are the same color as the elevation below them so that they look appropriate for the rare instance they can be seen from the ground. Brick detailing and metal louvers add further architectural interest to the penthouse design.
- **Design of Trellis at corner of 10th and H Streets** - As shown on Sheet A13 of the revised Architectural Plan sheets, the Applicant has revised the trellis element at the corner to 10<sup>th</sup> and H Street, N.E. The trellis has been simplified from a rather complex lattice structure to a more clear and traditional post and lintel design. The horizontals and verticals have been strengthened and respond more appropriately to the style of the rest of the building. This element succeeds in accenting the corner without drawing undue attention from the rest of the project.

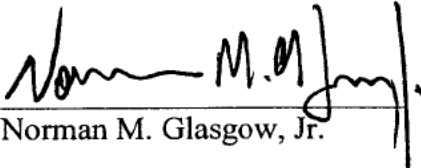


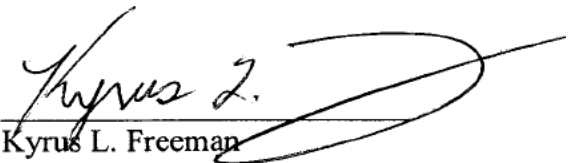
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We believe this submission fully responds to the specific questions of the Zoning Commission identified at the conclusion of the July 19<sup>th</sup> public hearing on this case. We look forward to the Zoning Commission's favorable consideration of this application.

Respectfully submitted,

By:   
Norman M. Glasgow, Jr.

By:   
Kyrus L. Freeman

### Attachments

cc: Advisory Neighborhood Commission 6A and 6C (with attachments, Via UPS)  
Drew Ronneberg, (with attachments, Via UPS)  
Karen Thomas, D.C. Office of Planning (with attachments, Via Hand)  
Randall & Gretchen Brandt 719 8<sup>th</sup> Street, N.E., Washington, D.C. 20002 (with attachments, Via Hand and UPS)

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## New Business



September XX, 2010

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

RE: Letter of BZA Appeal Authorization for 957 H St NE

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September 9<sup>th</sup>, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to appeal the administrative decision of the Department of Consumer and Regulatory Affairs Zoning Administrator to approve Certificate of Occupancy #XXXXXX at 957 H St NE.

Please be advised that Commissioner Drew Ronneberg and Phil Toomajian are authorized to act on behalf of ANC 6A for the purposes of this appeal. Dr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On behalf of the Commission,

Kelvin J. Robinson  
Chair, Advisory Neighborhood Commission 6A



# New Business



*Before the*

## DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT

APPEAL OF: )  
Advisory Neighborhood Commission 6A for the )  
Administrative Decision of DCRA on )  
Certificate of Occupancy #XXXXXX

### Statement of the Applicant

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Certificate of Occupancy #XXXXXX at 957 H St NE and in support of its appeal states:

### SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant Certificate of Occupancy #XXXXXX as a “”. The property which is subject to this appeal is located at 957 H St. NE, zoned C-2-B and located within the boundaries of the H Street NE Neighborhood Commercial Overlay District and ANC 6A. The requested reason is because its current use meets the definition for a “fast-food establishment” which is only permitted by special exception for all properties within the H Street NE NC Overlay (11 DCMR Section 1320.4(a)).

### DISCUSSION

Certificate of Occupancy #XXXXXX states that the applicant is permitted “to .” However, the establishment sells fast-food items like chicken wings and hot dogs for immediate off-premise consumption. This use cannot be classified as a “prepared food shop” because these item are cooked with roller grills and heat lamps rather than “microwaves” or “toasters” (11 DCMR 199).

In addition, the establishment meets two of the conditions to be designated as a fast food establishment. First, the layout of the store has a service counter and no seating and customers must pay for their food before it is consumed. Second, the place uses disposable tableware and does not possess an on premise dishwasher.

The last issue is whether the use of as a fast-food establishment is “clearly subordinate to its principal use.” In a BZA case #18027, the Zoning Administrator used the standard that an accessory use must be 15% or less of the primary use in order for it to be subordinate.





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Based on the ANC's observations of items sold by the establishment and the in-store marketing materials, it is clear that the sale of fast food item is not less than 15% of the currently permitted use as a grocery store. As such, the establishment meets the definition as a fast-food establishment and should be required to seek a Certificate of Occupancy for this use.

### REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to revoke Certificate of Occupancy #XXXXXX, because the establishment meets the definition of a fast-food establishment.



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AGREEMENT  
BETWEEN ANC 6A AND PARCEL SEVEN ASSOCIATES, LLC (PARCEL SEVEN)  
REGARDING THE SEVEN ELEVEN OPERATION  
AT 957 H STREET, N.E., WASHINGTON, D.C. 20002

September XX, 2010

Parcel Seven agrees with ANC 6A as follows:

1. Parcel Seven has established a procedure for barring people from the property who have been found to loiter, sell bootleg products or cause any issues which have been deemed to be harmful to patrons or tenants of the H Street Connection. Enforcement of the procedure involves the Metropolitan Police Department (MPD) as the police fill out the paper work and a representative from Parcel Seven must physically be present to sign the barring notice. Once the person has been issued the barring notice, MPD has authority to arrest that person for trespassing upon the next violation. Parcel Seven agrees to keep an updated log of violators. MPD is responsible for enforcement concerning those who have been found to be trespassing.
2. Parcel Seven agrees to continue at the cost of up to a maximum of \$200 a month, extended porter service for spot pick-up of trash along both sides of 10<sup>th</sup> Street south from H Street to the intersection with G Street, N.E.
3. This MOU shall be in effect only for so long as Seven Eleven is an occupant of the H Street Connection at premises 957 H Street, N.E.

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Kelvin Robinson, ANC 6A Chair

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Parcel Seven Associates, LLC  
By Gary D. Rappaport,  
Managing Member

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