



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for October 10, 2013**



Oct. Location: Eliot-Hine Middle School, 1830 Constitution Ave, NE
Public Meeting - All Are Welcome to Attend - 2nd Thursdays at 7pm

7:00pm **The Chair will offer a motion that the Commission stand adjourned at 8:45 pm as determined by the Chair's cellphone clock**

Community Comments and Commissioner Reports will be postponed until the end of business

Call to order, Approve September Meeting Minutes, Adopt Agenda pg. 4

7:05 **Community Presentations:**

1. Andrew Solberg, Fifth District Commander, to address policing issues (5 min)
2. Pursuant to Article 5, Section 10, of the ANC Bylaws, Commissioner Phillips-Gilbert has placed Kelvin Robinson of the DC Healthcare Alliance on the Commission agenda (5 min)

7:15 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 35*

1. Approve Treasurer's Report
2. Approve 4th Quarter Financial Report
3. Budget Proposal for SY14 to be voted on in Nov.

Standing Committee Reports:

7:25 **Community Outreach pg. 40**

1. Approve committee report
2. **Recommendation:** ANC 6A send a letter: 1/. of thanks to Options for removing the fence, if completed, and advising them to include the ANC in advance of future projects; 2/. of thanks to DPR for their assistance in helping get the fence removed, noting our opposition to any restriction on access to this basketball court; OR, if the fence is not removed by the October ANC meeting, send a letter: 3/. to Options requesting its immediate removal from public space and advising them to include the ANC in advance of future projects; and 4/. requesting the assistance of DPR and the Council in expediting the removal of the fence, and noting our opposition to any restriction on access to this basketball court.
3. **Recommendation:** ANC 6A move the COC meetings to another location, such as the Sherwood Recreation Center or Rosedale Recreation Center/Library, and that the meetings begin at 7pm.
4. Next meeting - 7:30 pm, October 21, 2013 (3rd Monday) at 1235 C St. NE



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7:30 **Alcohol Beverage Licensing** *pg. 43*

1. Approve committee report
2. **Recommendation:** ANC take no action regarding the CT license renewal for The Queen Vic at 1206 H Street NE (License Number ABRA-083930)
3. **Recommendation:** ANC take no action regarding the CT license renewal for Atlas Arcade/Church and State at 1236 H Street NE (License Number ABRA-083822)
4. **Recommendation:** ANC formally protest the CR license of Ben's Chili Bowl/Ben's Upstairs at 1001 H Street NE (License Number ABRA-093103) unless a signed Settlement Agreement is submitted to the ANC prior to the protest date
5. **Recommendation:** ANC formally protest the CT license renewal of Twelve (XII) Restaurant and Lounge at 1123-1125 H Street NE (License Number ABRA-076366)
6. Next meeting - 7pm, October 15, 2013 (3rd Tuesday)

7:35 **Transportation and Public Space Committee** *pg. 48*

1. Approve committee report
2. **Recommendation:** ANC send a letter re: H Street/Benning Road streetcar line to Terry Bellamy indicating support for quiet work during the night hours as proposed by the DDOT team, provided they take all measures to mitigate noise and light pollution and address neighborhood concerns
3. **Recommendation:** ANC send a letter of support for the petition of residents in the 1200 block of Wylie Street NE to extend hours and days for residential permit parking enforcement
4. Next meeting - 7pm, October 21, 2013 (3rd Monday)

7:40 **Economic Development and Zoning** *pg. 51*

1. Approve committee report
2. **Recommendation:** ANC support the request for a variance at 800 11th Street, NE (BZA Case 18662), on the condition that the applicant agree to notify the ANC of any future changes to its child pick-up and drop-off plan
3. **Recommendation:** ANC oppose the application of AT&T to install cellular telephone antennae, a generator, and a screen atop the church at 1301 North Carolina Avenue, NE, absent a showing by the Applicant to the ANC of necessity for the installation to occur at this location and a demonstration that other sites were considered but were not feasible (HPA Case 13-545)
4. **Recommendation:** ANC write a letter to the Zoning Administrator advising of what appears to be a zoning violation (expansion of the structure beyond the permitted lot occupancy) at 1316 Corbin Place, NE
5. Next meeting - 7pm, October 16, 2013 (3rd Wednesday)



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- 7:45 **Unfinished Business**
- 7:50 **New Business**
- 7:55 **Single Member District reports (2 minutes each)**
- 8:10 **Community Comments (2 minutes each)**
- 8:15 **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of September 12, 2013



Advisory Neighborhood Commission 6A Minutes Miner Elementary School September 12, 2013

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

The meeting was convened at 7pm.

1. Minutes

The minutes for July 2013 were approved by unanimous consent.

2. Agenda

Mr. Holmes said that Joe Englert would like to remove the request by H Street Country Club, Vendetta and the Rock & Roll Hotel to extend their rooftop deck hours. This was dealt with somewhat briefly at the last ABL meeting, and the Committee chose to take no action because a/ the ANC has been imposing strict hour restrictions on rooftop decks, just the same as public space patios, and b/ there is going to be a larger discussion of this in the future, covering all of 6A, and the committee didn't want to deal with this on a case by case basis at the moment. He asked whether any Commissioner wished to add this to tonight's agenda? If not, consideration of this issue will be had soon in the ABL Committee. He said there is a need for coherence and consistency in an approach to the roof deck and patio hours, and about the sound mitigation measures the Commission may wish to require. No one spoke to add it. Two other issues were, however added: the Rock & Roll Hotel was added to the establishments looking for limited exemptions for the H Street Festival; and the Argonaut is seeking support for the construction of a cover for its outdoor patio. The items were added by unanimous consent.

3. Community Presentations

National Guard Annual Run - Saturday, September 12

The commanding officer of the local National Guard came before the ANC to seek support for the annual National Guard run on Saturday, September 12 at 8am. This is the same run they do every year, down East Capitol Street from the Armory to Lincoln Park and back again. There will be no trash, and no debris, and the only noise will be from their call cadence. The officer was apologetic for coming so late to the Commission, but she is new and didn't realize that she needed the Commission's approval. **Motion:** Mr. Mahmud moved/Mr. Alberti seconded a motion to send a letter to the Emergency Management Task Force approving the September 12 race. The motion passed unanimously, 6-0.

Ben's Chili Bowl - 1001 H Street NE

Nisan Ali, Tony Marshall, and Frank White of the new Ben's Chili Bowl at 1001 H Street, gave a construction update to the ANC, saying they wanted to open lines of communication to the community. Frank White, the head of communication, said that a traffic plan for the construction was approved, with trucks confined to their staging area, so they won't interfere with traffic. They are working within noise limits, with a noise meter. They also reported this is a solidly One City project, and they will be hiring for at least 15 construction jobs. They said if there are any concerns to be in



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touch with them, and they will come back again to the Commission because they want to be great neighbors.

Options School

Simon Earle, the new principal of Options School introduced himself. He said he is new to the DC area and getting to know the community. He said that if there are any questions, he can be reached at 547-1028, ext. 250. He said there will be a community open house planned at the school on September 19 to meet the teachers and showcase their students, and on October 5 they are having an Octoberfest.

Mr. Alberti asked Dr. Earle about the fence recently installed around a public basketball court that is heavily used by the community. Dr. Earle said there had been a July 25 meeting at which it had been discussed. He said they had been in touch with DPR and they had signed off on it. He said he is trying to be sensitive to the community.

Mr. Alberti asked if he could back in touch with the ANC and let them know with whom at DPR they had spoken. He said that Dr. Vincent had been dealing with DPR. Mr. Alberti said that he wanted to know the status of the gate, and what Options is going to do going forward, but that no one has contacted the ANC to be included in discussions. Mr. Hysell said he was at a second meeting of the Community Task Force the school has established, but not at the meeting in May where the subject of the gate was broached. Mr. Alberti said that it is always best to engage the ANC—they are elected officials and when something as drastic as a fence is happening, the Commission should be aware and involved. He said his concern is that during the day there's lots of stuff going on as well as after school. He asked whether Options School could be invited to the next Public Space and Transportation Committee. Ms. Nelson added that people need to have access to the basketball court area even during the day. Chair Holmes assigned the matter to the COC.

4. Community Comment

Gladys Mack announced a health fair on October 15 at Pilgrim Church.

A resident said she was frustrated at not getting any assistance with crime and traffic problems on 16th and 17th Streets at C Street NE in the alley. She said she was recently attacked, and the garbage on 17th Street doesn't get much attention. Mr. Ward pointed out that they had been in contact via email, and he will get together with her soon.

Denise Harrison said there is a house at the corner of Gales and 15th Street that has problems with noise and drugs. Mrs. Phillips-Gilbert suggested taking the issue to the US Attorney's Office, but do it with neighbors, not alone because it could get dangerous if you become visible.

Dana Wyckoff of the Friends of the Rosedale Library announced that Sunday, October 6 is the first Sunday the library will be open. She announced that the late hours on certain days will also be changed.

5. Officers' Reports

Chair

Mr. Holmes gave a report from the Benning Road Power Plant demolition and waterside research project. He warned the ANC not to ever eat out of the river, no matter how big the fish, turtle or frog



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legs, because of the trash, and PCBs that might have flowed from the Navy Yard, Kenilworth, and the Benning facility.

He also reported the schedule for waterline flushing. October: Running northbound and southbound from F Street NE to SE Freeway and from 8th Street to 13th Street. November: Running northbound and southbound from F Street NE to Southeast Freeway and from 13th Street to 19th Street.

He said that he's getting training in TOPS, a new on-line program that enables Commissioners by simply registering a password to access the schedule and disposition of Public Space applications and activities.

He reported that Councilmember David Catania, Chairman of the DC Council Committee on Education, is interested in having an opportunity to dialogue with the community within the ANC footprint about education in the District, and he asked if commissioners could let him know if that's feasible. He would come during a regular meeting or for a special meeting if that would work better. He asked for the will of the Commission and a special meeting for the community was decided on.

He reported that there was no opportunity for ANC comment on the new DDOT proposal for visitor parking before the comment period closed. Four 6A commissioners joined four 6C commissioners in opposing the new pass distribution plan.

Finally, the FRESHFARM Market permit to stay at their 13th and H location was valid during the H Street Festival unless they wished to move.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$15,653.35, and the savings account balance was \$13,716.21. There were two interest payments of \$.23 and \$.23 to the savings account, a payment from the District of Columbia of \$4,607.82, and a refund from Kinko's of \$241.02 leaving an opening total of \$20,503.09. There were disbursements of \$200 to Heather Schoell for the June '13 agenda package (Check #1606); \$342.56 to FedEx Office for the July '13 statement (Check #1607); and \$180 to Roberta Weiner for transcription of the June '13 ANC minutes (Check #1608), leaving a balance of \$19,780.83 in the checking account, and \$13,716.21 in the savings account.

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

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

6. Single Member District Reports

Mr. Hysell reported there had been some complaints about Valor Construction on their Maryland Avenue projects.

Mr. Ward said that crime was an issue in his area, and it's ignored when it comes to law enforcement. He also pointed out a special problem on 19th Street, where his elderly constituents would like to have speed bumps. He said too that he was working with Respect DC on the City Council Living Wage legislation.

Mr. Alberti pointed out that new communication antennas on top of the Lincoln Park UM Church are proposed.



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Mrs. Phillips-Gilbert read the following statement:

The ANC needs new guidelines and procedures for the application process to distribute grants from the 6A Commission in addition to Statutory Guidelines from the Auditor for the Community Outreach Committee (COC) to implement. We need to provide transparency by doing more community outreach by advertising through various media, newspaper, website and posting throughout the various 6A communities, and public buildings. This way we can draw in more community members for consideration of these grants. The COC should not have the authority to make motions to submit to the ANC, to review and provide us with each applicants request so that we can make the final decision after our inquiries have been satisfied to approve and grant. We need to ensure that there are ethical standards and transparency when we make a determination on a grant request. There should be no endorsement or advertisement on behalf of any applicant while their request is pending for approval from ANC Commissioners (i.e. email sent on 8/18/13 titled FUN EVENT BRING THE KIDS) to all ANC Commissioners from a member of the COC committee supporting the event being given by a pending applicant, who is also member of the COC. I have serious concern when it gives the appearance of preferential treatment, while the other applicants were not given the same treatment? Why was this not done for the other pending applicants. We need to ensure that procedures are put in place for the COC committee members, who are requesting grants, as well as COC members who have close ties, or affiliation, with groups or individuals who are seeking funding from the Commission. We need to determine and stipulate how long funds can be held that was provided to san applicant. There are current funds in our budget that have been on hold for over five months. These funds could have been made available to applicants that have met all qualifications for their request. We need to bring the COC in compliance with the other Standing Committees of the 6A Commission which held their meetings at a public location such as Sherwood and Rosedale Community Centers. The current location for the COC, prohibits easy access to the community and due to the loud noise coming from multiple appliances in the faculty, it is extremely hard to hear what is being said. Another good reason for relocating the committee is to alleviate the COC from meeting on National Public Holidays. This past January 2013, the committee refused to reschedule their meeting during the Presidential inauguration and MLK holiday. In spite of numerous request to reschedule from the ANC, the committee conducted meeting without any consideration given to the Public, ANC Commissioners. This was extremely disrespectful and insensitive to disregard our request. We must ensure that all applicants who request funding from ANC 6A Commission properly notify the Commissioner of that Single Member District of the services they intend to provide to that community. This is common courtesy to give proper respect to the elected representative of that community. This should be done prior to the COC reviewing applicant's request, and would allow the Commissioner of that community the opportunity to address any concerns they have prior to the submission of the grant request, and to ensure that people in the community are informed as well.

Mr. Holmes said that Ms. Phillips-Gilbert was out of order because it was not germane to the agenda item. He suggested that she speak with him about scheduling agenda time if she wanted it discussed at a meeting.

7. Community Outreach Committee

The report of the Committee was accepted without objection.

Motion: The Committee moved/Mr. Mahmud seconded a motion to send thank you notes to the same organizations that received them last year. Ms. Nelson pointed out that these were organizations like



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Gallaudet, who hosts the Commission's web site and Miner Elementary School, which hosts the ANC's meetings. The motion passed unanimously, 6-0.

Grants

Ms. Nelson said there were three grants on the agenda: \$2,758 from Serve Your City, for a rowing and tennis program; \$950 from the Sherwood Neighborhood Volunteers (SNV) for a toddler program; and \$500 from Capitol Hill Village toward a seminar on healthy aging. She introduced Terry Washington, Phil Toomajian and Vira Sisolak representing the organizations, respectively. She noted that there were insufficient funds in the grants budget to fund all in full and that the recommended apportionment was a compromise worked out by the Community Outreach Committee (COC) members who had differing opinions as to which should have priority. She noted that COC members Maurice Cook and Jean Kohanek had recused themselves and did not participate in the discussion of the grant applications or vote on them.

Motion: The Committee moved/Mr. Mahmud seconded a motion to approve three ANC grants: \$2,720 to Serve Your City, for a rowing and tennis program; \$900 to the Sherwood Neighborhood Volunteers (SNV) for a toddler program; and \$250 to Capitol Hill Village toward a seminar on healthy aging.

Ms. Nelson expressed her concern that Capitol Hill Village did not meet the criteria established for ANC grants: that it serve the residents of 6A. She said that while she was a big supporter of CHV, there was no evidence indicating that substantial membership or conference attendees live in 6A. Mr. Holmes offered an amendment to the motion, moving that the proposed grant to Capitol Hill Village be referred back to the committee until the benefit to 6A is clarified. What benefits, such as hosting meetings in 6A, membership located in 6A, attendance of 6A residents at the conference. It's a demographic we want to support, but CHV must meet the ANC's criteria. Mr. Alberti said he very much supported CHV, which is a wonderful organization, and he believes their goal of aging in place is an important one. But he also, he said, believes there are criteria that the ANC established and that have to be met.

Ms. Phillips-Gilbert said that the Committee didn't decide on the grants - Ms. Nelson made the decisions. Serve Your City never notified her [Phillips-Gilbert] that they had applied for a grant, despite their saying that most of their participants are from Rosedale. They couldn't show me that they're coming from 6A—there's bias in that decision. Serve Your City is getting full funding and they can't show her a membership roster. She complained about a lack of transparency. Denise Harrison also said there is not full public disclosure, and the process was manipulated. Mr. Alberti said that checks are written to the vendors, not the grantees, which further increases transparency in the process. Mr. Mahmud pointed out to Ms. Phillips-Gilbert that as a member of the committee she can offer an alternative motion—she's entitled by the bylaws. Mr. Hysell seconded Mr. Holmes amendment.

The vote on Mr. Holmes amendment, returning the CHV grant to the committee passed 3-2-1, and the final motion passed 5-1, with Mrs. Phillips-Gilbert in opposition.

Ms. Sisolak noted that if the grant is returned to the Committee, there won't be time before the date of the seminar to re-submit it.

8. Alcoholic Beverage Licensing Committee

The report of the Committee was accepted without objection.



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Mr. Holmes introduced a series of special liquor license exemptions for the H Street Festival:

H Street Festival License Exemptions

Recommendation: That the ANC grant a limited exemption to Section 1 (b) and (c) of the November 17, 2009 Addendum and Section 1 of the April 12, 2012 Addendum to the H street Country Club Settlement Agreement and that such exemption apply only from noon to 7pm on Saturday, September 21, 2013, provided that the H Street Country Club agrees to comply with the rules and regulations set by the H Street Festival. The recommendation passed 4-0-2, with Mr. Alberti and Mrs. Phillips-Gilbert not voting.

Recommendation: That the ANC grant a limited exemption to Section 2 of the May 28, 2007 Addendum to the Vendetta Settlement Agreement (previously known as the Red & the Black) and that such exemption apply only from noon to 7pm on Saturday, September 21, 2013, provided that Vendetta agrees to comply with the rules and regulations set by the H Street Festival. The recommendation passed 4-0-2, with Mr. Alberti and Mrs. Phillips-Gilbert not voting.

Recommendation: That the ANC grant a limited exemption to Section 3 (c)6 of the Dangerously Delicious Pies Settlement Agreement and that such exemption apply only from noon to 7pm on Saturday, September 21, 2013, provided that Dangerously Delicious Pies agrees to comply with the rules and regulations set by the H Street Festival. The recommendation passed 4-0-2, with Mr. Alberti and Mrs. Phillips-Gilbert not voting.

Recommendation: That the ANC grant a limited exemption to the relevant sections of the Settlement Agreement for the Rock & Roll Hotel and that such exemption apply only from noon to 7pm on Saturday, September 21st, 2013, provided that the Rock & Roll Hotel agrees to comply with the rules and regulations set by the H Street Festival. The recommendation passed 4-0-1, with Mr. Alberti not voting and Mrs. Phillips-Gilbert not present.

Sahra - 1200 H Street NE.

Motion: The committee moved/Mr. Mahmud seconded a motion to recommend that the ANC protest the request by Sahra, 1200 H Street NE for an entertainment endorsement. Mr. Mahmud said there had been noise complaints, particularly on the patio. The motion passed 4-0-2, with Mr. Alberti and Mrs. Phillips-Gilbert not voting.

Chupacabra - 822 H Street NE

Motion: The Committee moved/Mr. Mahmud seconded a motion to recommend that the ANC formally protest the license application of Chupacabra, 822 H Street NE unless a signed Settlement Agreement is submitted to the ANC and the establishment change from a CT to a CR license prior to the protest date and that if these conditions are met, the ANC approve a stipulated license for the establishment.

Mr. Mahmud said he has serious concerns with the impact on the neighborhood, and they now have an opportunity to increase their food sales because they're open for lunch. Mr. Bombadier, the owner, said they've agreed to a lot of things that have been asked of them, 90% of their business, he said, is restricted to late nights, and he doesn't believe they can meet the required food ratio—45% is very hard to meet with the hours they have. He said they are already operating as a CR, they are operating as a limited CT—the only difference is they are not recording their food sales. Mrs. Phillips-Gilbert said it appears that the ANC is trying to run them out of business. They've bent over backwards to do what we've asked. Mr. Mahmud said that in fact they've come kicking and screaming and they've only agreed to things after they've realized they had no choice. The motion was approved 3-2-1, with Mrs. Phillips-Gilbert and Mr. Ward opposing and Mr. Alberti abstaining.



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Mr. Holmes announced a Settlement Agreement had been signed with Queen Vic—it had never been submitted by a past commission chair and an ABRA representative caught the lapse. He said he had signed it and submitted it. He said that H Street Main Street had asked for 26 one-day licenses for the H Street Festival. He said he hopes that they will not take away business from H Street restaurants and taverns and that they are located well away from existing licenses. These one-day permits do not come to the ANC but go directly to the ABC Board.

9. Economic Development and Zoning Committee

The committee report was presented by Chair Dan Golden and was accepted without objection.

620 9th Street NE

This is a request for support of a BZA application for a variance for a new wooden deck that will occupy more than 50% of the rear yard. **Motion:** The Committee moved/Mr. Healy seconded a motion to recommend that the full ANC support the committee's recommendation to support a BZA application for a variance for a rear deck at 620 9th Street NE. The motion passed unanimously, 6-0.

1120 Park Street NE

This is a request for a special exception from the lot occupancy requirements and a variance from the minimum parking space size and the garage setback requirements to permit the construction of a garage with a roof deck at 1120 Park Street NE. **Motion:** The Committee moved/Mr. Holmes seconded a motion that the full ANC support the request for variances and a special exception and variances with the condition that prior to their presentation at the ANC they will have obtained letters of support from both adjoining property owners that expressly acknowledge that the applicants' proposal contemplates construction of a deck atop the proposed garage. Mr. Holmes asked whether the applicants had letters with them and was told no. Mr. Holmes moved that the ANC should oppose the motion because they had no assurance that there was support from the neighboring properties. The motion failed 0-6, unanimously.

1325-1327 Constitution Avenue NE

This is a request for support of a concept design for two residential units at the site of the Evening Light Apostolic Church, 1325-1327 Constitution Avenue NE. Both will have three floors and individual entrances. The third floors will not be visible from the street. **Motion:** The Committee moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to support the proposed design for 1325-1327 Constitution Avenue NE. The motion passed unanimously, 6-0.

10. New Business

Response to Missing DDOT Report

More than 60 days ago, Mr. Alberti sent a letter to Public Space with questions about public "parklets" being appropriated, with Public Space permission, for private use. According to Mr. Holmes, Matt Marcou, DC Zoning Administrator, said that DDOT would have responses to the questions the week after the meeting and could not speak on any topic covered by the questions until DDOT finished its response. He said he was subsequently told there would be an additional one or two week delay (that staff was absent, the questions complex, and the AIG not available). That was July 25. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to authorize the sending of a letter pointing out this strange delay and asking for a clarification on the questions and concerns asked by the ANC and its citizens.



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Mr. Mahmud asked that Mr. Alberti be mindful of the tone of the letter because Mr. Marcou has been helpful to the ANC in the past. Mr. Alberti added that the letter should be sent to DPR and Charles Allen in Councilmember Wells' office. The motion passed 5-0-1, with Mrs. Phillips-Gilbert not voting.

Awning for Argonaut - 1433 H Street NE

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to support a public space permit for the construction of a patio-sized enclosed awning for the Argonaut, 1433 H Street NE. The owner says he has been working with DDOT to create a "greenhouse" over his outdoor space. It's the first use in DC in public space for the system in which he will not only have plans, but will be able to grow vegetables. He said he has already made his corner greener and would like to keep it going. Mr. Alberti asked how far out it will extend and was told it will be to the fence, which will remain. The motion was approved 4-1-1, with Mrs. Phillips-Gilbert opposed, and Mr. Mahmud not voting.

Change in Zoning Order for 901 D Street NE

Mr. Holmes read from an ANC letter to the Zoning Commission: Because of the careful and sympathetic presentations of CAS Reigler and Ditto Residential, the ANC and the neighborhood authorized a proposal for two, and only two, additional residential units in exchange for the purchase of a small Capital Bikeshare station to be installed in the immediate vicinity, and the payment of the public space fee for a period of five years for a Zip Car to be located next to 901. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to support the requested changes in the Zoning Order for 901 D Street NE. The motion passed unanimously, 6-0.

Clarification of motion on 1102 H Street NE

A motion passed at the last ANC meeting of 1102 H Street NE read: "This is a request for support of the installation in the front of the building of A Bank of America ATM machine... **Motion:** The committee moved/Mr. Holmes seconded a motion to accept the Committee's recommendation to not support the application of the Bank of America to construct two ATMs in a building at 1102 H Street NE. The committee felt that the use of the building was not in keeping with the H Street Overlay. The motion passed 6-0-2 with Mr. Williams and Mr. Hysell abstaining." I would like a vote to clarify that this motion applies to any subsequent BZA case on this issue. The motion passed unanimously, 6-0.

11. Community Comment

Motion in Support of Living Wage Legislation

Motion: Mr. Ward moved/Mrs. Phillips-Gilbert seconded a motion to send a letter urging Councilmember Wells to change his vote and vote in favor of the big box store living wage legislation that has been vetoed by the Mayor and will come before the City Council for a veto override vote.

Mr. Alberti said that this issue was too "global" for ANC consideration; that the Commission's purview is local, and he doesn't know the position of his constituents on the issue. Mrs. Phillips-Gilbert said that the Commission has to take a stand. Mr. Mahmud said that he doesn't know anything about the legislation and finds himself conflicted about it. Mr. Holmes said he's not happy about having to vote on the issue, saying it has already been ruled illegal in Maryland. **Amendment:** Mr. Mahmud suggested that a letter be sent to the Council urging that a way be found to support a living wage for all DC residents. Mr. Ward said it's something that affects everyone and their needs. Mrs. Phillips-Gilbert said the amended motion was good. The motion passed 5-0-1, with Mr. Alberti not voting.

The meeting was adjourned at 9:05 pm.



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

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

Dear Ms. Miller,

Re: ABRA #092662

Advisory Neighborhood Commission 6A has completed a Settlement Agreement (SA) with Chupacabra (822 H Street NE). The jointly signed SA is attached.

The Commission voted 3-2-1, with Commissioner Alberti not voting. Five Commissioners are required for a quorum. This regular monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the *Hill Rag*.

The Agreement is attached.

For the Commission,

A handwritten signature in black ink that reads "David Holmes".

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



Made this 12th day of Sept, 2013

by and between

Chupacabra (ABRA #092662)
822 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

Settlement Agreement between Chupacabra and ANC6A
Page 1 of 4



The Parties Agree As Follows:

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

2. **Business Operations and Practices.**
 - a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
 - b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
 - c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with DC Code § 25-113(b)(5).
 - d. Applicant will not provide or sell alcoholic beverages “to go.” Applicant agrees not to promote or participate in bar or pub “crawls” or any other event of this nature.
 - e. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
 - f. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
 - g. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
 - h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed;
 - iii. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance; and

Settlement Agreement between Chupacabra and ANC6A

Page 2 of 4



- iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
 - i. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.
 - j. Applicant shall not support the installation of pay phones outside of the establishment on its property.
 - k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
 - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
- 3. Music / Dancing / Entertainment.**
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
 - b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Code § 25-725.
 - c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:
 - i. Applicant shall not offer any type of live or pre-recorded music on the patio;
 - ii. A fence or other barrier will enclose the entire perimeter;
 - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
 - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
 - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
 - d. The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio or summer garden has been open for business for at least three months during the months of April through September and noise levels from the patio or summer garden have not violated this Section and the licensee otherwise has a record of good conduct, the ANC may support a change of hours application submitted to ABRA to allow for expanded hours of operation on the patio or summer garden.
 - e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.
 - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
 - g. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
 - h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.



Commission Letters of September 12, 2013 Meeting



4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
6. **Miscellaneous.**
 - a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations.
7. **Enforcement.**
 - a. If either party hereto believes in good faith that Applicant is in violation of this Agreement, written notice specifying the alleged violation shall be delivered to Applicant and Applicant shall have ten (10) days after receipt of such written notice to come into compliance with this Agreement or respond to said alleged notice of default.
 - b. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
 - c. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Kevin C Bombardier Date: 9/12/13

Signature: Kevin C. Bombardier

Advisory Neighborhood Commission 6A Representative:

By: David Holmes Date: 9/13/2013

Signature: David Holmes



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

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

Dear Ms. Miller,

Re: ABRA #092662

Advisory Neighborhood Commission 6A has voted to support a stipulated license for Chupacabra (822 H Street NE), which is made possible by the acceptance of the Settlement Agreement just transmitted.

The Commission voted 3-2-1, with Commissioner Alberti not voting. Five Commissioners are required for a quorum. This regular monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the *Hill Rag*.

For the Commission,

A handwritten signature in black ink that reads "David Holmes".

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

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

Dear Ms. Miller,

Re: Sahra/Sahara, 1200 H Street NE, (ABRA #087557)

Advisory Neighborhood Commission 6A protests the request for an entertainment endorsement to their license by Sahra/Sahara (ABRA #087557).

Sahra has recently been cited by ABRA for charging a cover charge and/or providing live entertainment without an entertainment endorsement. We have also found no public space permit for their operation on the sidewalk. Representatives for Sahra were invited to attend the meeting of our Alcoholic Beverage and Licensing Committee, but none did.

This letter is authorized by a 4-1-1 vote of ANC 6A taken on September 12, 2013, a regularly scheduled meeting. The required quorum of five was present. Commissioner Alberti left the meeting room during this discussion and vote. The meeting was publicly announced (on two yahoogroups of wide local circulation, by the Commission's email notice, on our website, and by an advertisement in the *Hill Rag* newspaper).

For the Commission,

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18595 (Eva Sanchez, 620 9th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on September 12, 2013, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the applicant’s request for a variance, permitting the Applicant to deviate from the definition of “yard” set forth at § 199 by replacing the existing steel deck at the rear of the property with a wooden deck that occupies more than 50% of the rear yard.

The Commission supports granting the requested variance because strict application of the above referenced zoning requirement would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

The Commission believes that the variance is justified in light of the fact that the property in question has an extremely small rear yard that directly abuts an alley and the fact that many of the houses on that same alley have rear decks that also appear to occupy more than 50% of the yards in which they are located.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at David.Holmes@anc.dc.gov.

On behalf of the Commission,

David Holmes
Chair

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



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

Mr. Clifford Moy
Secretary of the Board of Zoning Adjustment
Board of Zoning Adjustment
441 4th St. NW, Suite 210
Washington, DC 20001

Re: BZA Case No. 18514 (1120 Park Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on September 12, 2013, our Commission voted 0-6-0 (with 5 Commissioners required for a quorum) to deny the applicant's request for a special exception from the lot-occupancy requirements set forth at § 223.1 and for a variance from the requirements for minimum parking space size set forth at § 2115.1 and from the requirements for garage setback set forth at § 2300.2(b). The Applicants seek the requested relief to permit the construction of a garage and garage-roof deck at the rear of the property. The ANC also adopted a subsequent resolution, by a vote of 6-0-0, to provide an explanation for our opposition in the absence of required proof of consultation with the immediate neighbors.

Throughout the following letter you will find statements that the ANC would have supported these requests for exception and variance. Unhappily the applicant did not provide copies of the letters we require from the adjoining neighbors, nor was a persuasive case made that the letter could not be obtained. Should the applicant provide those letters to the Board, we ask that you grant the exception and variances. We always require that the neighbors be consulted, especially the next-door neighbors where a deck is contemplated causing a potential loss of privacy. It may be that the applicant can convince the Board that sufficient efforts have been made to permit the neighbor to speak on this issue.

The Commission would have supported granting the requested variances because strict application of the above referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

The Commission would have supported granting the requested special exception because it would be in harmony with the general purpose and intent of the zoning regulations and zoning

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maps and will not tend to affect adversely, the use of neighboring property. The Commission recognizes that the proposed garage structure will be in keeping with the character of the alley, which contains other, similar structures. There can be no doubt that the applicant's yard has special difficulties because it had been impinged upon by the neighbor's fence, denying full use of the property.

The applicant has requested a variance, permitting the applicant to deviate from the definition of "yard" set forth at § 199 by replacing the existing steel deck at the rear of the property with a wooden deck that occupies more than 50% of the rear yard. The Commission would have supported granting the requested variance because strict application of the above referenced zoning requirement would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan.

The Commission believes that the variance would have been justified in light of the fact that the property in question has an extremely small rear yard that directly abuts an alley and the fact that many of the houses on that same alley have rear decks that also appear to occupy more than 50% of the yards in which they are located.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at David.Holmes@anc.dc.gov.

On behalf of the Commission,

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 13, 2013

Ms. Gretchen Pfaehler
Chair
Historic Preservation Review Board
1000 Fourth Street SW, Suite E650
Washington DC, 20024

Dear Ms. Pfaehler,

Re: Historic Preservation Review (HPA 13-509: Ditto Residential, 1325-1327 Constitution Avenue)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed¹ meeting on September 12, 2013, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support, with two reservations, the design of the proposed development at 1325-1327 Constitution Avenue, NE.

The applicant proposes to construct two separate residential structures, one at each of the two street addresses. Each structure will have three floors, but the third floor of each structure will not be visible from the street. There are no zoning issues with this proposal. The ANC generally supports the proposal and believes it will provide an aesthetically pleasing fit with the remainder of the block.

An amendment was adopted unanimously to ask that the HPRB require:
1/. that no deck furniture nor the third floor be visible from across the street, and
2/. that the electrical power supply boxes not be visible in public space.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at David.Holmes@anc.dc.gov.

For the Commission,

David Holmes
Chair

cc: Frances McMillen

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Commission Letters of September 12, 2013 Meeting



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



September 14, 2013

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

Re: BZA Case 18463 (901 D Street NE; The Edmonds School)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on September 12, 2013, our Commission voted 6-0-0 (with five Commissioners required for a quorum) to support the modification request before the BZA (#18463).

The dollar figure discussed between the developers and the ANC was \$25,000. That figure was obtained from DDOT, at the beginning of our discussions, as the cost of a smallest size CaBi station. Subsequently we learned that DDOT now expects \$80,000 to be contributed towards the station cost.

The ANC agrees that \$25,000 is the appropriate contribution towards the expense of the CaBi station, and that the order should be so modified.

For the Commission,

David Holmes
Chair, ANC 6A

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Commission Letters of September 12, 2013 Meeting



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



September 14, 2013

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

Dear Ms. Miller,

At its regularly scheduled and publicly announced¹ monthly meeting of September 12, 2013, Advisory Neighborhood Commission 6A (the “ANC”) voted (4-0-2) to grant a limited exemption to the following section of the Settlement Agreement for Dangerously Delicious Pies (1339 H Street NE, License Number 087422) regarding the number of people allowed on its patio: Section 3(c)(6). Nicholas Alberti did not participate in the discussion.

The ANC supports an exemption of these provisions solely for the time period of the H Street Festival, from 12:00pm to 7:00pm on Saturday, September 21, 2013, and only if Dangerously Delicious Pies agrees to comply with the rules and regulations set by the H Street Festival, as it has agreed to do. For the Board’s convenience, I have copied the relevant sections of the H Street Festival regulations below:

NOISE/QUIET ENJOYMENT

1. Live music on H Street is restricted to the authorized stages or authorized street performers, including “second-line” groups and ad hoc parades.
2. Live music may not be performed at or on any merchant food or patio vendor location in any form whatsoever.
3. Any “DeeJay” booth authorized by the Festival must not compete with any musical or performance stage and must be a at least 100 feet from the nearest such performance or music stage and, in any event, may not generate more than a max noise level of 70 dB.
4. Any merchant, vendor, food merchant, or patio merchant or vendor who has speakers of any sort located on the public sidewalk or patio must turn the speakers at a 90-degree angle toward the building nearest its placement.
5. No speakers of any sort shall be permitted in an extended patio. Music or other audio shall comply with the Disorderly Conduct Amendment Act of 2010 and, in addition, the noise control provisions of 20 DCMR 2700 et seq.
6. No vendor or merchant of any sort shall emit any noise, including music or “DeeJay” audio in such fashion as to drown out or unfairly compete with any adjoining music or entertainment stage or its neighbor.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com and the ANC-6a@yahooogroups.com (not controlled by the ANC) email groups, on its website ANC6A.org, and through print advertisements in the *Hill Rag*.



Commission Letters of September 12, 2013 Meeting



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



September 14, 2013

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

Dear Ms. Miller,

At its regularly scheduled and publicly announced¹ monthly meeting of September 12, 2013, Advisory Neighborhood Commission 6A (the “ANC”) voted (4-0-2) to grant a limited exemption to the following sections of the Settlement Agreement for H Street Country Club (1335 H Street NE, License Number 076649) regarding the use of music on its outdoor spaces: Section 1(b) and (c) of the November 17, 2009 Addendum, and Section 1 of the April 12, 2012 Addendum. Nicholas Alberti did not participate in the discussion.

The ANC supports an exemption of these provisions solely for the time period of the H Street Festival, from 12:00pm to 7:00pm on Saturday, September 21, 2013, and only if H Street Country Club agrees to comply with the rules and regulations set by the H Street Festival, as it has agreed to do. For the Board’s convenience, I have copied the relevant sections of the H Street Festival regulations below:

NOISE/QUIET ENJOYMENT

1. Live music on H Street is restricted to the authorized stages or authorized street performers, including “second-line” groups and ad hoc parades.
2. Live music may not be performed at or on any merchant food or patio vendor location in any form whatsoever.
3. Any “DeeJay” booth authorized by the Festival must not compete with any musical or performance stage and must be a at least 100 feet from the nearest such performance or music stage and, in any event, may not generate more than a max noise level of 70 dB.
4. Any merchant, vendor, food merchant, or patio merchant or vendor who has speakers of any sort located on the public sidewalk or patio must turn the speakers at a 90-degree angle toward the building nearest its placement.
5. No speakers of any sort shall be permitted in an extended patio. Music or other audio shall comply with the Disorderly Conduct Amendment Act of 2010 and, in addition, the noise control provisions of 20 DCMR 2700 et seq.
6. No vendor or merchant of any sort shall emit any noise, including music or “DeeJay” audio in such fashion as to drown out or unfairly compete with any adjoining music or entertainment stage or its neighbor.

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Commission Letters of September 12, 2013 Meeting



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



September 14, 2013

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

Dear Ms. Miller,

At its regularly scheduled and publicly announced¹ monthly meeting of September 12, 2013, Advisory Neighborhood Commission 6A (the “ANC”) voted (4-0-2) to grant a limited exemption to the following section of the Settlement Agreement for Vendetta (1220-1212 H Street NE, License Number 072734) regarding the use of music on its outdoor spaces: Section 2 of the May 28, 2007 Addendum. Nicholas Alberti did not participate in the discussion.

The ANC supports an exemption of these provisions solely for the time period of the H Street Festival, from 12:00pm to 7:00pm on Saturday, September 21, 2013, and only if Vendetta agrees to comply with the rules and regulations set by the H Street Festival, as it has agreed to do. For the Board’s convenience, I have copied the relevant sections of the H Street Festival regulations below:

NOISE/QUIET ENJOYMENT

1. Live music on H Street is restricted to the authorized stages or authorized street performers, including “second-line” groups and ad hoc parades.
2. Live music may not be performed at or on any merchant food or patio vendor location in any form whatsoever.
3. Any “DeeJay” booth authorized by the Festival must not compete with any musical or performance stage and must be a at least 100 feet from the nearest such performance or music stage and, in any event, may not generate more than a max noise level of 70 dB.
4. Any merchant, vendor, food merchant, or patio merchant or vendor who has speakers of any sort located on the public sidewalk or patio must turn the speakers at a 90-degree angle toward the building nearest its placement.
5. No speakers of any sort shall be permitted in an extended patio. Music or other audio shall comply with the Disorderly Conduct Amendment Act of 2010 and, in addition, the noise control provisions of 20 DCMR 2700 et seq.
6. No vendor or merchant of any sort shall emit any noise, including music or “DeeJay” audio in such fashion as to drown out or unfairly compete with any adjoining music or entertainment stage or its neighbor.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com and the ANC-6a@yahoogroups.com (not controlled by the ANC) email groups, on its website ANC6A.org, and through print advertisements in the *Hill Rag*.



Commission Letters of September 12, 2013 Meeting



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



September 14, 2013

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

Dear Ms. Miller,

At the regularly scheduled and publicly announced¹ monthly meeting of September 12, 2013, Advisory Neighborhood Commission 6A (the “ANC”) voted 4-0-1 (Commissioner Albert temporarily left the room during the discussion and vote) to grant a limited exemption to Section 3 (b) of the Settlement Agreement for the Rock and Roll Hotel (1353 H Street NE, License Number 072777) regarding the use of music on its outdoor spaces.

The ANC supports an exemption of these provisions solely for the time period of the H Street Festival, from 12:00pm to 7:00pm on Saturday, September 21, 2013, and only if The Rock and Roll Hotel agrees to comply with the rules and regulations set by the H Street Festival, as it has agreed to do. For the Board’s convenience, I have copied the relevant sections of the H Street Festival regulations below:

NOISE/QUIET ENJOYMENT

1. Live music on H Street is restricted to the authorized stages or authorized street performers, including “second-line” groups and ad hoc parades.
2. Live music may not be performed at or on any merchant food or patio vendor location in any form whatsoever.
3. Any “DeeJay” booth authorized by the Festival must not compete with any musical or performance stage and must be a at least 100 feet from the nearest such performance or music stage and, in any event, may not generate more than a max noise level of 70 dB.
4. Any merchant, vendor, food merchant, or patio merchant or vendor who has speakers of any sort located on the public sidewalk or patio must turn the speakers at a 90-degree angle toward the building nearest its placement.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC- 6A and NewHillEast yahoo groups, on the Commission’s website, and through print advertisements in the *Hill Rag*.



5. No speakers of any sort shall be permitted in an extended patio. Music or other audio shall comply with the Disorderly Conduct Amendment Act of 2010 and, in addition, the noise control provisions of 20 DCMR 2700 et seq.

6. No vendor or merchant of any sort shall emit any noise, including music or “DeeJay” audio in such fashion as to drown out or unfairly compete with any adjoining music or entertainment stage or its neighbor.

DISORDERLY OR OFFENSIVE CONDUCT

1. The H Street Festival is a neighborhood, cultural and family-oriented event, and you agree not to incite or provoke violence through behavior or language or music, you agree not to disrupt a lawful public gathering, and not to do anything likely to annoy or disturb other persons in their residences; this includes profanity of any sort.

2. No vendor, merchant, food vendor or patio vendor shall do anything to interfere with any approved performance art, including, but not limited to, the stages, Joy of Motion, Baltimore Rock Opera, or competitions from time to time on the authorized stages.

Should you have any questions regarding this matter, please contact Jay Williams, Chair of the ANC’s Alcoholic Beverage Licensing Committee, at williamsanc6a05@gmail.com or 202.906.0657. He and David Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes
Chair, ANC 6A



Commission Letters of September 12, 2013 Meeting



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



September 16, 2013

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

Dear Ms. Miller,

Re: Sahra/Sahara, 1200 H Street NE, (ABRA #087557)

Advisory Neighborhood Commission 6A (ANC) protests the request for an entertainment endorsement to their license by Sahra/Sahara (ABRA #087557).

ANC 6A is concerned about the effect of this business on peace, order and quiet in our community. Recent events have shown this to be an urgent concern. Sahra has shown no recent interest in abiding by significant portions of its Settlement Agreement or DC Public Space regulations. These are minimum standards of behavior, and Sahra has failed to meet them.

Sahra has recently been cited by ABRA for charging a cover charge and/or providing live entertainment without an entertainment endorsement. We have also found no public space permit for their operation on the sidewalk. Representatives for Sahra were invited to attend the meeting of our Alcoholic Beverage and Licensing Committee, but none did.

This letter is authorized by a 4-1-1 vote of ANC 6A taken on September 12, 2013, a regularly scheduled meeting. The required quorum of five was present. Commissioner Alberti left the meeting room before this discussion and vote, and did not return until after its conclusion. The meeting was publicly announced (on two yahoogroups of wide local circulation, by the Commission's email notice, on our website, and by an advertisement in the *Hill Rag* newspaper).

For the Commission,

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 15, 2013

Mr. Terry Bellamy
Director, Department of Transportation
55 M Street SE
Washington, DC 20003

Re: Public Park questions

Dear Director Bellamy:

Advisory Neighborhood Commission 6A is disturbed at the very strange extended delay in providing promised answers about public space permitting, particularly focused on the pocket parks which are such an attractive feature of our community. It is now more than two months since Matthew Marcou promised a swift response to the public space questions asked at our Transportation and Public Space Committee and at our earlier ANC meeting. Consequently this letter is written pursuant to a motion adopted September 12, 2013 by a vote of 5-0-1.

A commitment was made to provide ANC 6A with information on the District Department of Transportation's (DDOT) processes and policies governing requests by private citizens and corporations to build upon, landscape, enclose, or otherwise utilize public park land. In a June 17, 2013 email, a formal response was made to have your agency's staff address our concerns. On July 15, 2013, Matthew Marcou came to a well-attended ANC 6A committee meeting to address our questions. The ANC provided Mr. Marcou with a list of our concerns prior to that meeting, as he had requested.

However he declined to address any questions at the meeting, both those provided to him in advance (the receipt of which was acknowledged) and questions raised by the audience at the meeting. Instead, he promised to provide written answers to all questions the following week. It is disappointing that it has taken your agency so long to respond to questions that should have had ready answers.

The ANC remains concerned about the policies and processes followed in the issuance of permits for the use, enclosure or alteration of public parks and the standards by which DDOT evaluates such permits. We believe it is important that DDOT have a transparent policy and process for managing all public lands including "pocket" parks. The fact that it has taken so long to answer our questions may show that transparency is lacking. We believe that DDOT owes the citizens of our community a prompt response to our inquiries.

For the Commission,

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 20, 2013

Minister Thompson
Church of the Lord Jesus Christ of the Apostolic Faith
1235 C Street, NE
Washington DC 20002

Minister Thompson,

For the past ten years you have provided a central meeting place for the Community Outreach Committee of Advisory Neighborhood Commission 6A. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these public meetings. Our ANC has worked hard to represent and protect the people of the surrounding community and we appreciate your assistance.

Please extend our thanks to the members of your church family who have been so gracious in opening the building for us, especially to Mrs. Thompson.

Once again, thank you.

On behalf of the Commission,

A handwritten signature in black ink that reads "David Holmes".

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 20, 2013

Dr. T. Alan Hurwitz
President
Gallaudet University
800 Florida Avenue, NE
Washington DC 20002

Dear Dr. Hurwitz,

For the past ten years Gallaudet University has hosted a website for Advisory Neighborhood Commission (ANC) 6A. This website (www.anc6a.org) is an essential component in our efforts to provide the greatest possible public access to our proceedings. Non-ANC related information of community interest is available as well. We want to express our sincere appreciation for the time and effort your staff has contributed to this endeavor.

Please share our thanks with Hatim Vali who provides highly professional technical support in a warm and caring way. We also appreciate the renewal of our domain name on our behalf.

On behalf of the Commission,

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 20, 2013

Mr. Raphael Marshall
Director
Sherwood Recreation Center
640 Tenth Street, NE
Washington, DC 20002

Dear Mr. Marshall,

For over ten years the Sherwood Recreation Center has provided a meeting place for Advisory Neighborhood Commission 6A activities – the meetings of the Alcohol Beverage Licensing Committee, the Economic Development and Zoning Committee and the Transportation and Public Space Committee. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these monthly public meetings, which are crucial to the functioning of our ANC.

Thanks also to the high quality people on your staff.

On behalf of the Commission,

A handwritten signature in black ink that reads "David Holmes".

David Holmes
Chair



Commission Letters of September 12, 2013 Meeting



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



September 20, 2013

Tommy Wells
Councilmember
1350 Pennsylvania Avenue NW
Suite 402
Washington, DC 20004

Dear Councilmember Wells,

Advisory Neighborhood Commission 6A wishes to express its support for your proposed increase in the minimum wage.

The minimum wage has fallen inexcusably behind a sustainable living standard. The hourly wages of kitchen workers, hotel staff, medical staff and caregivers among many others have fallen to levels that cannot sustain a family or even an individual who wishes to live alone.

We ask that the increase be applied across all jobs to provide a living wage.

This motion was adopted by ANC 6A on September 12, 2013 by a vote of 5-0-1. A quorum was present.

Your leadership in this matter will be much appreciated.

For the Commission,

David Holmes
Chair



Officer Reports - Treasurer



ANC 6A Treasurer's Report September 2013

Period Covered 9/01/13 - 9/30/13

Checking Account:

Balance Forwarded \$ 19,780.53

Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 19,780.53

Disbursements:

Roberta Weiner (Minutes July 2013) Ck #1609 \$ 180.00
FedEx Office (Aug. 01, 2013 Statement) Ck #1610 \$ 243.50
Heather Schoell (Agenda Package Sept. 2013) Ck #1611 \$ 200.00
FedEx Office (Sept. 01, 2013 Statement) Ck #1612 \$ 268.50

Total Disbursements \$ 892.00

Ending Balance \$ 18,888.53

Savings Account:

Balance Forwarded \$ 13,716.67

Receipts:

Interest 09/30/13 0.23
Deposit -
Transfers from Checking Account

Total Receipts \$ 0.23

Total Funds Available \$ 13,716.90

Disbursements \$ -

Ending Balance \$ 13,716.90

Prepared Oct. 1, 2013



Officer Reports - Treasurer



ANC 6A Treasurer's Report September 2013

PETTY CASH SUMMARY

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

Prepared Oct. 1, 2013



Officer Reports - Treasurer



ANC QUARTERLY REPORT OF FINANCIAL ACTIVITY Quarterly Report Period Covered: July-September 2013

ANC [6A]

Summary of Receipts and Disbursement: Checking Account

Balance Forward (from "Ending Balance" of Previous Quarterly Report) \$15,653.35

Receipts:

District Allotment	\$4,607.82
Interest	\$0.00
Other	\$241.92
Transfer from Savings	\$0.00

Total Receipts \$4,849.74

Total Funds Available \$20,503.09

Disbursements

1. Net Salary & Wages	\$0.00
2. Insurance:	
a. Health	\$0.00
b. Casualty/Property	\$0.00
3. Total Federal Wages Taxes (Income and Soc. Sec.)	\$0.00
4. State and Local (DC, MD, VA) Income Taxes Paid	\$0.00
Unemployment Insurance Taxes	\$0.00
6. Tax Penalties Paid	\$0.00
7. Local Transportation	\$0.00
8. Office Rent	\$0.00
9. Telecommunication Services	
a. Landline Telephone	\$0.00
b. Cellular Telephone	\$0.00
c. Cable/Internet Services	\$0.00
10. Postage and Delivery	\$0.00
11. Utilities	\$0.00
12. Printing and Copying	\$854.56
13. Flyer Distribution	\$0.00
14. Purchase of Service	\$760.00
15. Office Supplies	\$0.00
16. Office Equipment	\$0.00
a. Rental	\$0.00
b. Purchase	\$0.00
17. Grants	\$0.00
18. Training	\$0.00
19. Petty Cash Reimbursement	\$0.00
20. Transfer to Savings Account	\$0.00
21. Bank Service Charges	\$0.00
22. Website/webhosting	\$0.00
23. Other	\$0.00

Total Disbursements \$1,614.56

Ending Balance: (Should Agree with Checkbook Balance at End of Quarter) \$18,888.53

Approval Date By Commission: _____

Treasurer _____ Chairperson _____

Secretary Certification _____ Date _____

I hereby certify that the above noted quarterly financial report has been approved by a majority of Commissioners during a public meeting in which there existed a quorum.



Officer Reports - Treasurer



ANC 6A Budget for FY14 DRAFT Rev. 1

FY14 BUDGET

Expenditures	Amount
Photocopies	\$ 7,200.00
Advertising	\$ 4,500.00
Minutes	\$ 2,400.00
Agenda Services	2,400.00
Other Contracted Services	\$ 1,000.00
Post Office Box & Postage	\$ 360.00
Grants ¹	\$ 5,000.00
Office Supplies	\$ 100.00
ANC Security Fund	\$ 25.00
Amer. Sign Language Interpreter	\$ 600.00
ANC Flyer	\$ 500.00
Petty Cash	\$ 100.00

FY14 Budget Total	\$ 24,185.00
Undisbursed funds committed to FY13 grants	\$ 3,920.00
Total FY14 Projected Expenditures	\$ 28,105.00

SUMMARY OF ANC FUNDS

1. FY13 Year End Savings Balance (09/30/13))	\$ 13,716.67
2. FY13 Year End Checking Balance (09/30/13)	\$ 18,888.53

3. Total FY13 Year End Balance	\$ 32,605.20
4. FY13 District Allotments Outstanding (as of 09/30/13) ¹	\$ 4,607.82
5. Projected FY14 District Allotments ²	\$ 18,618.00

6. Projected Total Funds Available For FY14	\$ 55,831.02
7. Total FY14 Proposed Budget Expenditures	\$ (28,105.00)
8. FY14 Projected Surplus Funds (Line 6 minus Line 7)	\$ 27,726.02

¹ This is the allotment for the 4th quarter of FY13.

² Estimate based on FY13 funding.



ANC 6A Budget for FY14
DRAFT
Rev. 1

SUMMARY of FY13 EXPENDITURES

Expenditures (10/01/12 – 09/30/13)	Amount
Photocopies	\$ 2,859.44
Advertising	\$ 3,815.00
Minutes	\$ 1,980.00
Agenda Services	2,200.00
Post Office Box & Postage	\$ 330.00
Grants	\$ 4,749.99
Office Supplies	\$ 0.00
ANC Security Fund	\$ 25.00
Amer. Sign Language Interpreter	\$ 0.00
ANC Flyer	\$ 0.00
Petty Cash	\$ 0.00
Miscellaneous	\$ 0.00

Total Expenditures	\$ 15,959.43



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee

September 16, 2013 Minutes

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

Meeting called to order at 7:30 pm

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

Commissioners present: Sondra Phillips-Gilbert, Nick Alberti, David Holmes

Community members present: Charles Vincent (Executive Director, Options PCS), Raphael Marshall (Director, Sherwood Recreation Center), Douglas Loesch (EnironMentors), Sarah Mack, Michael Herman, Sally Loesch, Dana Wyckoff (observers)

I. Agenda

Adopted.

- #### II. Presentation by Doug Loesch representing the EnvironMentors program at UDC.
- Mr. Loesch explained that it is a college access program designed to expose students to environmental issues and scientific research. Students are recruited from District high schools but most of the programming is presented at UDC. Funding sources vary from year to year but is fully funded at present. Ms. Nelson asked that the flyers be provided to the ANC, electronically; Commissioner Holmes added that this would allow us to post the information on the local listservs, thereby increasing public awareness.
- #### III. Discussion of fence installed by Options PCS, restricting access to public basketball court
1. Ms. Nelson explained that the matter had been referred to the committee by the commissioners at the most recent ANC meeting, because there wasn't time for a full discussion and because the Options representatives present at the meeting were not fully prepared to address the topic. Subsequent to that meeting, Ms. Nelson contacted Derek Shultz at DPR (Options' contact at the agency) who informed her that Options had been directed to remove the fence because it was on DPR property and confirming that the basketball court was public property under the control of DPR.
 2. **Commissioner Holmes introduced the following motion (seconded by Nelson):**
 - ANC 6A send a letter:**
 - 1/. of thanks to Options for removing the fence, if completed, and advising them to include the ANC in advance of future projects;
 - 2/. of thanks to DPR for their assistance in helping get the fence removed, noting our opposition to any restriction on access to this basketball court;
 - Or, if the fence is not removed by the October ANC meeting, send a letter:**
 - 3/. to Options requesting its immediate removal from public space and advising them to include the ANC in advance of future projects; and
 - 4/. requesting the assistance of DPR and the Council in expediting the removal of the fence, and noting our opposition to any restriction on access to this basketball court.
 3. Dr. Vincent said that he was in support of the motion, that the fence would be entirely removed within a week and that it was not installed "with ill intent" but rather to address complaints from neighbors.
 4. Commissioner Phillips-Gilbert thanked Dr. Vincent for attending the meeting and questioned the need for such a motion, since Dr. Vincent had stated his commitment to removing the



Committee Reports

Community Outreach Committee (COC)

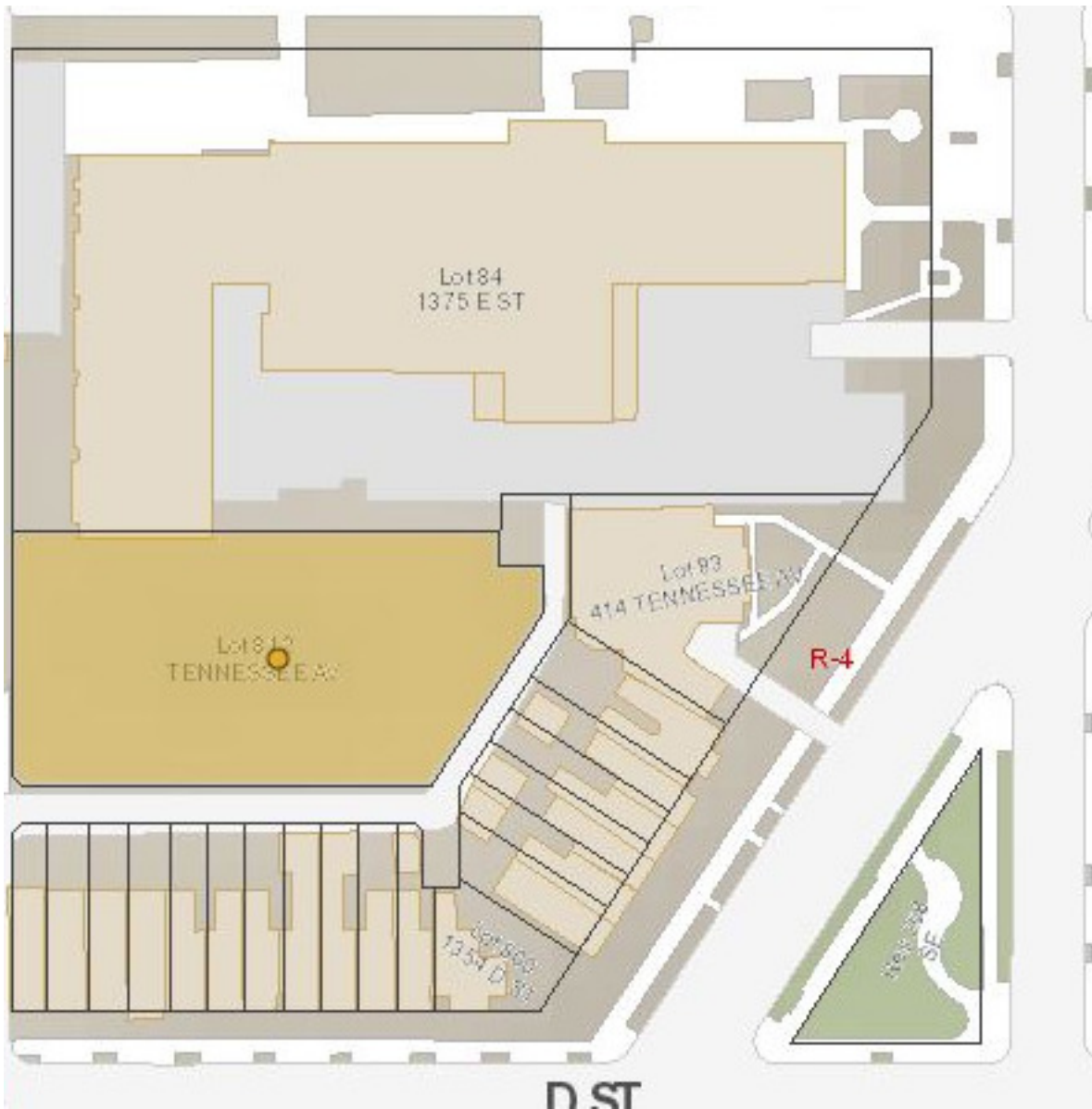


fence. Commissioner Holmes pointed out that his motion addressed both contingencies, if the fence is removed and if the fence is not removed.

5. Ms. Williams noted that she and her son were among those who had been unable to use the court while the fence was in place and said that she did not think it should have been done without input from the broader community. Ms. Wyckoff said (from the audience) that the ANC is “the greater body” and that Options and the ANC should work together cooperatively to solve these issues.
 6. **Ms. Nelson then called the vote, which passed 8-1-1 (Nelson, Barbash, Kohanek, Joseph, Williams, Alberti, Holmes, Cook in favor; Phillips-Gilbert opposed; Mack abstaining).**
- IV. Commissioner Phillips-Gilbert introduced a motion that the COC meetings be moved to another location that would be quieter and have better ventilation and climate control and that it be a more public facility such as a recreation center.
1. Commissioner Alberti said that he thought the ANC ought to maintain geographic diversity by keeping the meeting in the current location - the other committee meetings are held at Sherwood [which is at the western end of the ANC] and the ANC meetings are held at Miner ES [which is in the northeast corner of the ANC].
 2. Mr. Marshall indicated that it would be preferable to look to Rosedale rather than Sherwood [perhaps because the Transportation and Public Space Committee already meets there the third Monday of the month - though he did not specify.]
 3. After some discussion it became evident that Commissioner Phillips-Gilbert had intended to include a change of meeting time as well. Her revised motion (seconded by Mack:
That ANC 6A move the COC meetings to another location, such as the Sherwood Recreation Center or Rosedale Recreation Center/Library, and that the meetings begin at 7 pm. The motion passed, 5-3 (Joseph, Phillips-Gilbert, Mack, Kohanek, Barbash in favor; Alberti, Nelson, Williams, opposed; Cook, Holmes abstaining).
- V. Mr. Marshall asked if there was certainty that the entire basketball court was on DPR property. His question could not be answered definitively, in the absence of a plat. Mr. Herman asked if such a plat could be requested. Subsequent to the meeting, Mr. Schultz provided an Office of Planning plat. It shows that the basketball court is indeed on DPR property (as is the dog park) and that the fence erected by Options was on DPR property. The plat appears on the last page of this document.
- VI. Confirmation of next meeting date.
The next meeting will be held Monday, October 21, 7:30 pm at 1235 C St. NE.
- VII. Meeting adjourned at 8:20 pm



Committee Reports
Community Outreach Committee (COC)



DPR property is in gold.



Committee Reports

Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee ANC 6A September 17, 2013

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on September 17, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy (Acting Chair), Mary Cary Bradley, Christopher Seagle, Michael Herman, Roger Caruth, Katy Thomas, David Oberting, and Ann Marie Koshuta

Committee Members Absent: Jay Williams

Commissioners Present: David Holmes

Community Members Present: Joe Englert (Vendetta, H Street Country Club, Rock & Roll Hotel), Phil Peters (Smith Commons), Ryan Gordon (Queen Vic), Mr. Whitaker (XII), Frank White and Andrew Kline (Ben’s Chili Bowl/Ben’s Upstairs), Sarosh Hussain (Cusbah), Scott Magnuson (Argonaut), and other members of the 6A community

I. Call to Order

Adam Healy called the meeting to order at 7:03 pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Healy reviewed the agenda and noted that Sections IV 3 and 4 would be switched. Mr. Healy asked if there were any additions or edits. There were none.

II. Community Comment

Mr. Peters noted that a substantial number of H Street Establishments were required to be at an ABRA meeting on Thursday ahead of the H Street Festival. He said that this should have been scheduled earlier, and that they have been addressing concerns from the neighborhood, Homeland Security, etc. as early as possible. He stated that there needs to be more proactive organization as a group. Mr. Peters and Mr. Magnuson discussed various issues with the organization of the Festival, and Mr. Caruth stated that the Festival organizers were attempting to streamline the process and take the burden off the city, and ABRA’s involvement came as a surprise. Mr. Healy responded that there was not much that could be done at this meeting, but thanked everyone for raising these issues. He noted that there were additional difficulties due to the ABC Board’s recess at the time.

III. Old Business

1. Update on status of Cusbah protest hearing.

Mr. Healy provided an update on the status of the ANC’s protest of Cusbah.

- Cusbah formally requested reinstatement of its renewal, and the ANC did not oppose.
- Assuming the Board accepts the request, the protest hearing is scheduled for October 2nd.



Committee Reports

Alcohol Beverage and Licensing (ABL)



IV. New Business

1. Discussion of license renewal for The Queen Vic at 1206 H Street NE (Class “C” Tavern) (License Number ABRA-083930).

- Mr. Healy stated that he is unaware of any complaints regarding this establishment.
- There were no additional comments.

2. Discussion of license renewal for Atlas Arcade/Church and State at 1236 H Street NE (Class “C” Tavern) (License Number ABRA-083822).

- Mr. Healy stated that he is unaware of any complaints regarding this establishment.
- There were no additional comments.

3. Consider new license for Ben’s Chili Bowl/Ben’s Upstairs at 1001 H Street NE (Class “C” Restaurant) (License Number ABRA-093103).

- Mr. Kline, the attorney representing Ben’s Chili Bowl/Ben’s Upstairs, explained that the establishment was applying for a CR license with no entertainment endorsement. The space would have a sidewalk café and a rooftop deck.
- According to Mr. Kline, Ben’s Upstairs would mirror the concept of Ben’s Next Door, with the goal of at least 60% of receipts from food, as part of a full-service dining establishment.
- Mr. Kline stated that there had been no problems at Ben’s Next Door for the past five years - it was operated as a restaurant/bar, lights were not kept low, and music was not loud. He said the establishment used “common sense” in dealing with neighbors.
- The rooftop deck will be extended, with higher ceilings, and a tall wall on the street. Initially, the owners met directly with the new owners of the home directly behind the establishment. When the initial owners listed the house for sale, Ben’s Chili Bowl/Ben’s Upstairs purchased the house.
- The establishment will have design features that will attempt to respect the neighbors, such as internal trash, queues on H Street, not 10th Street.
- Mr. Kline expressed concern with the Settlement Agreement provided by ANC 6A, stating that the requirements were daunting, noting sections that he believed were a recitation of the law, meaning that if there was a violation of the law there could be two separate violations cited.
- Mr. Healy suggested that Mr. Kline have a dialogue with the ABL Chair Jay Williams to discuss the specific issues he had with the SA.
- Mr. Kline stated he was happy to discuss specific issues for the establishment.
- Mr. Healy asked about the restriction on the rooftop and sidewalk café for 11pm weeknights, and 12am on weekends. Mr. Kline said that he was interested in discussing this further and working out ways to mitigate noise. He noted that the sidewalk café on the 10th Street side would not be part of alcohol service, and that there would be a buffer of trees between the



Committee Reports

Alcohol Beverage and Licensing (ABL)



establishment and residences. He said they may be interested in keeping the patio open beyond the SA hours, depending on what makes business sense.

- A neighbor raised concerns with the establishment's reluctance to sign the Settlement Agreement, because this is the only way to address concerns by the neighbors. Ms. Koshuta echoed this concern, noting that without an SA, the ANC would not be legally represented.
- Raphael Marshall, a former ANC Commissioner, noted that there had been issues with noise coming from establishments on H Street through open doors, which he believed was a violation of the SA, and lack of enforcement by ABRA. This was raised as a particular concern for Ben's given proximity to a residential area. The representatives from Ben's said they would put up signs to remind patrons to keep noise at a minimum.

Mr. Seagle moved/seconded by Ms. Koshuta that the Committee recommend the ANC formally protest the CR license unless a signed Settlement Agreement is submitted to the ANC prior to the protest date. Motion carried 8-0.

- After the vote, there was a discussion about what the conversation would be about regarding the ANC's standard Settlement Agreement.
- Mr. Caruth believed that people should take a holistic view of the process, and that there should be a forum to work out the standards that the community is interested in but not over-penalize establishments.
- Mr. Herman stated that the Settlement Agreement has evolved over time and stays with the license, not the specific business. The Committee is trying to have verbiage that would apply to everyone and be supported by the ANC, even as H Street grows. He believed this helps halt "group of five" agreements.
- Ms. Koshuta argued that things are getting simpler over time, and is leading to less individuality and "nit picking." She believes it is difficult to determine who the good actors will be when setting up a new agreement.
- Mr. Kline stated it is unfair to have a one size fits all approach. For example, Ben's has been around for years, and Mr. Englert has as well. He argued for more of a case-by-case approach, and if no track record, look at the owners' body of work.
- Mr. Seagle suggested that SAs have initial restrictions that can be relaxed later.
- Mr. Healy stated that ABRA restricts what can be done by the ANC.
- Mr. Kline stated that the Board is more sophisticated about noise abatement issues. The statute sets a regulation that applies to everyone.
- Mr. Oberting asked Mr. Kline if he would sign an agreement he thinks is reasonable. Mr. Kline said he would sign something that specifically addressed concerns about the specific location and application and put into agreement issues that are enforceable.
- Mr. Oberting said there are broader issues that need to be discussed.
- Mr. Holmes stated that the decision to include the law in the Settlement Agreement was because not all owners knew the law, so the ANC wanted to put them all in one place. Barracks Row (referenced by others) is a very different situation with variation in the contexts in which the establishments are located. There is a remarkably consistent context across H Street, so the concerns are generally the same from establishment to establishment.



Committee Reports

Alcohol Beverage and Licensing (ABL)



4. Discussion of license renewal for Twelve (XII) Restaurant and Lounge at 1123-1125 H Street NE (Class “C” Tavern) (License Number ABRA-076366).

- Mr. Whitaker raised concerns about the mandatory reimbursable detail in the Settlement Agreement for any time they want to do live entertainment; he said that they were willing to do so when they expect large crowds, but having a police presence for other events, such as a wedding reception, caused problems.
- Mr. Healy stated that about three years ago, the ANC protested XII because of noise and safety complaints related to the establishment, such as fights and criminal activity. In November 2012, there were reoccurring noise complaints. Mr. Healy asked if there were new windows installed at the establishment.
- Mr. Whitaker said they were having problems with a contractor getting the correct sized windows, and they had not been installed to date.
- Mr. Holmes asked if they could put insulation back in the windows since they were damaged, and Mr. Whitaker said he would make the suggestion.
- Mr. Healy noted that XII was ordered to not flyer in the NE corridor, but he regularly found flyers on his block. Mr. Whitaker stated that the contract for promotions had a restriction on flyering in the Atlas District.
- Mr. Healy noted that the current SA did not have restrictions on rooftop deck hours, and that he regularly heard complaints about noise from the roof. He asked if XII would be willing to amend its Settlement Agreement to include restrictions. Mr. Whitaker said he would need to discuss, but that they invested in a sound system that is more controllable including offering the ability to lock the volume at a set decibel level.
- Mr. Herman noted that he has heard loud music from as much as a block away, and that people were commenting on how bad it was. Mr. Herman noted that he believed he could see at least one speaker on the deck from the street. Mr. Whitaker said they periodically make adjustments to the sound.
- A neighbor stated that she called the police at 2am the previous night because people couldn't find their cars without getting into a fight, and asked whether a night club is an appropriate business for the neighborhood.
- Mr. Whitaker responded that the noise did not come from XII that night, because they had closed at 11pm.
- A neighbor said she has to sleep with ear plugs because the noise is so bad around 2 or 3am.
- Another neighbor asked what the purpose of the previous protest was if nothing was done to resolve the noise. She asked what the ABL Committee can do about noise issues.
- Mr. Peters stated that if ABRA says noise issues are not enforceable then the neighborhood can't really complain - it's as much the responsibility of ABRA as it is the establishment to control noise.
- Mr. Holmes noted that XII's Settlement Agreement says that it cannot have amplified music or other sounds on the rooftop. He said that he hears repeated complaints; 90% of



Committee Reports

Alcohol Beverage and Licensing (ABL)



establishments on H Street have no complaints, but he gets at least one complaint a week about XII.

- Ms. Koshuta suggested that the Committee work to get XII's rooftop hours into alignment, and Mr. Seagle suggested a letter to ABRA requesting enforcement.
- Mr. Holmes noted that Khan's, an establishment located under XII, has had problems due to the noise coming from XII. Mr. Whitaker said that when XII opened, Khan's was not in place. When Khan's was in the process of opening, XII explained how live entertainment would be on the second floor and how it would be set up. During construction, the sound proofing was removed, but they still turn down music when asked. He noted that the equipment is designed to be on the ground.
- Ms. Koshuta commented that it appears ABRA steps up enforcement at H Street Festival but it's very difficult to get them to enforce daily issues raised by neighbors.

Mr. Seagle moved/seconded by Ms. Thomas that the Committee recommend the ANC formally protest the CT license renewal of XII. Motion carried 7-0-1.

V. Adjourn

The Committee adjourned at 8:50 pm.



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes Sherwood Recreation Center (10th and G Streets NE) September 16, 2013 at 7pm

I. Call meeting to order at 7:01 pm

II. Introductions

1. In attendance were committee members J. Omar Mahmud (Chair and ANC 6A Commissioner), Lara Levison, Benjamin Rosset, Todd Sloves; Kevin Roberts from the Jair Lynch project on H Street; Ian Swain, Don Edwards, Thomas Perry, and Margaret Gentry from DDOT; members of the ANC6A committee, including neighbors on Wylie Street.

III. Community Comment (5 minutes)

1. No comment offered at this time.

IV. Announcements

1. DDOT TOPS (Transportation Online Permitting System) is now online and available for researching and applying for public space permits. ANC commissioners went through a training to submit comments. To read an overview what the system offers and to register for an account, go to <http://www.tops.ddot.dc.gov/>. The system includes public space permit applications from restaurants, etc.
2. The visitor parking pass program has been extended through the end of the year. To pick up one visitor parking pass for your home, go to your local police station. DC is not mailing the passes any more.

V. New Business

1. Presentation concerning bus plan for Jair Lynch project on H Street [*Note: this project is located in ANC 6C, but the developer is being required to present information to ANC 6A given the proximity to our ANC.*]
 - a. Kevin Roberts of the Jair Lynch Project (609, 625, 645 H St. NE) briefly presented the plan. People will want to know why these vans are driving in the neighborhood. They are being required to provide a shuttle bus from parking on New York Avenue to the project location. The van will go from 66 New York Ave. NE to Florida down 4th NE across F NE and back up 6th St, all in ANC6C. It will be a two-axle, 14-20 passenger van.
2. Presentation providing an update on construction and project status for the H Street/Benning Road streetcar line, led by Thomas Perry, new program manager for DC Streetcar, responsible for engineering and construction.
 - a. Mr. Perry gave an overview of DC's proposed eight streetcar lines to foster connectivity within DC, as well as near-term work on the H St. corridor. DC Streetcar will send out a request for qualifications for 22 miles for design-build. The circulator and streetcar will come under "aligned premium transit." The first phase on H St is 2.4 miles. The intention is to deliver a train going up and down H St. by the end of the year, at least for testing. The temporary maintenance facility at Spingarn is under construction; the



Committee Reports

Transportation and Public Space (TPS)



- permanent facility will be built a year later (done late 2014/early 2015). They are modifying the entrance to Union Station. Construction on H Street: over the past 10 days, they have put up about 100 poles for the catenary wire. They are currently doing “quiet” work such as hanging wires, which will continue through the end of the year. If there are concerns, reach out to the streetcar team. For more information, to go DCstreetcar.com. Twitter: dcstreetcar.
- b. Commissioner Mahmud inquired about DC Streetcar’s request for night work: what hours are they asking for? Mr. Perry: 7pm to 7am window for installing wire. Not for the whole corridor. Probably not on Friday and Saturday between the starburst and 3rd Street. Quiet work: no jackhammers, no noise pollution, yes will have some bucket trucks. If receive complaints, will mitigate them on the spot. DDOT is setting up a hotline, a phone number, which will be provided to the ANC.
 - i. Questions and concerns were raised about noise, construction lights, etc. Concerned neighbor was offered the opportunity to review the mitigation plan. DDOT can prioritize less residential areas for night work.
 - ii. DDOT will do “a huge amount” of community outreach. Community Don Edwards is also part of the public engagement team. Next DC Streetcar public meeting: Oct 22, 6:30-8:30, Miner Elementary School.
 - c. Questions regarding schedule, choice of an operator, loading trucks on H St., X2 bus service, timing of RFQ, securing the metal plates in the street so that they don’t thump. Will probably match WMATA’s hours for the most part. Requesting proposals for the operator; will select 4 teams and develop an RFP for design-build-operate-maintain, DBOM). DDOT has a program to reach out to the loading trucks—it’s an issue they are aware of and looking to mitigate. There’s an upcoming meeting with businesses on Oct. 14 where they will discuss this with businesses. The H St. streetcar has an operator; the RFQ for the 22 miles will go out at the end of 2013. They have told the contractor to make sure the plates are nailed down and will pass along the request.
 - d. **Motion by Commissioner Mahmud: To request the ANC to send a letter to Terry Bellamy indicating our support for quiet work during the night hours as proposed by the DDOT team, provided they take all measures to mitigate noise and light pollution and address neighborhood concerns. Motion seconded. After further discussion of noise issues and responses, the motion passed without objection.**
3. Request from residents in the 1200 block of Wylie Street NE to support petition extending hours and days for residential permit parking enforcement.
- a. Residential parking currently goes until 7:30 pm, and the neighbors want to extend it to midnight. The threshold for such a request is 50% of neighbors on the block; they have 26 signatures. There is a heavy concentration of businesses on nearby H St. Families with babies have to park far away.
 - b. **Motion by Commissioner Mahmud: To ask the ANC to send a letter of support for the petition. Motion seconded. Passed without objection.**



Committee Reports

Transportation and Public Space (TPS)



- i. Commissioner Mahmud cautioned the Wylie Street residents that DDOT may be slow to make the change, based on his experience with the 900 block of L St, which has been waiting since March for new parking signs.
 4. Request from resident to follow up regarding road and pedestrian safety requests (all-way stop signs and speed bumps) in the 400 to 600 blocks of Tennessee Avenue NE submitted via 311.
 - a. They got a tracking number, and DDOT said the request was resolved, but it was not. Commissioner Williams not present. Commissioner Mahmud will follow up with DDOT.

VI. Additional Community Comment (time permitting)

1. Mr. Sloves noted that the temporary measures on Maryland Ave. haven't yet been initiated. Commissioner Mahmud will follow up with DDOT. Mr. Rosset pointed out the same issue with C Street coming off the bridge by RFK; the lane hasn't been stripped off for an environmental study.

VII. Adjourn meeting at 8:05 pm.



Report of the Economic Development and Zoning Committee of ANC 6A September 18, 2013

Present: Members: Missy Boyette, Dan Golden, Laura Gentile, Justin Thornton, Michael Hoenig, Cody Rice, Stephanie Frang-Zimny, Brian Carlson

Commissioners: David Holmes

Dan Golden chaired the meeting.

Community Comment There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPA Cases: At this month's full ANC meeting, the ANC voted to:

- Agree with ED&Z's recommendation that the variance for the 920 9th St NE deck addition be granted.
- Agree with ED&Z's recommendation that the ANC oppose the variances and special exception for 1120 Park St NE that are needed to construct a proposed garage and deck, due to applicant's not being present to provide letters of support from the adjacent neighbors specifically acknowledging that a deck will be placed atop the garage. The ANC's letter to BZA will make clear that the only reason ANC is opposing the requested relief is the absence of these letters.
- Adopt its previous recommendation opposing to the special exception sought by Bank of America for 1102 H St NE, in view of the applicant filing a new application.
- Clarify that the owner at 901 9th St NE, need contribute only \$25,000 for a Capitol Bike Share station, not the full cost of the station.

Vacant Properties: No report.

Zoning Regulations Rewrite: Cody Rice provided update. Stated that the Zoning Commission is holding input meetings on the zoning rewrite in its final form. He also mentioned that the ED&Z Committee will see new types of cases based on the zoning changes. David Holmes suggested having a subcommittee report to the full ANC; Laura Gentile volunteered to assist.

H Street Business Liaison Report / AIA Training Sesssion: Dan Golden did remind the committee that AIA training session will be held from 9:30am - 3:30pm on Saturday, October 26.

Other: Dan Golden announced October 1 deadline for historic homeowner grant program for exterior work and repairs. Dan also mentioned that a raze has been proposed for "1217 K St NE," however, as David Holmes pointed out there is no such address and the notice likely refers to a property at 1217 Florida Ave. NE. David Holmes will contact owner to let them know they need to refile.

Missy Boyette requested assistance in pointing out illegal construction at 1316 Corbin Place, NE. The owner appears to be constructing an addition that exceeds the footprint allowed by zoning without the required variance/special exception. ED&Z voted to request that the ANC write a letter to the zoning office; Missy Boyette thanked David Holmes and others for assistance with this matter, as the construction, in addition to being non-compliant in terms of zoning, is also questionable in its structural integrity.



Old Business None.

New Business

BZA #18657 (903-907 Florida Avenue, NE): Applicant seeks a variance from minimum lot area requirement for one lot and for parking relief for all lots in order to subdivide these three lots into two record lots, and to construct two-unit flats on each of the two new record lots. Applicant circulated a set of the previously-submitted documents and explained that the lot is privately owned and that the current owner had homes on these lots in 1958. (Ms. Harris, the applicant, has not yet purchased the lots; she will close on Oct. 14.) The current owner had approached BZA in 2010 with a plan to construct two 2-unit buildings without minimum lot area relief and at that time a determination letter was issued that authorized the construction of two structures with a total square footage of over 1400 square feet. The Applicant's current proposal is to subdivide 3 lots into 2 and to construct a 3-story dwelling on each lot. The total square footage of the proposed structures would be over 1800 square feet.

The Applicant acknowledged that: 1) there was a discrepancy in its application with regard to the total square footage of the three lots taken together; and that 2) it had incorrectly averaged the lot occupancy of both lots to arrive at a figure would not have necessitated special exception relief from the lot occupancy requirement for the smaller of the two subdivided lots. The Applicant indicated that it would determine the basis for the discrepancy in the total square footage of the lots and that it would modify its design so that a special exception from the lot occupancy requirement would no longer be necessary for the smaller of the two lots.

The applicant presented plans for a modern building, with gray stucco and brick materials on the exterior facade, as well as either punched windows or storefront (owner desires flexibility in fenestration at this time). The previous buildings on these lots were demolished in 2000; they faced Florida Avenue and were two stories high. Regarding the design, David Holmes suggested that Gallaudet University should be contacted and made aware of the proposal (project is within Gallaudet's view shed) and that the applicant needs to talk to HPRB.

The Committee then asked questions. Regarding the units, the applicant explained that they would be sold individually as condos and that the proposal provides no on-site parking. Missy Boyette suggested that the brick portion of the facade appears flat and would benefit from some banding. Dan Golden stated that the three stories of the elevation appear overbearing in terms of the total massing of the building in its setting.

Applicant stated that the BZA hearing is scheduled for November 18 and that they will bring in Gallaudet as stakeholders. David Holmes reiterated that they should speak with HPO first. In addition, David shared with the applicant that the ANC adjacent to Florida Avenue has asked for redesign of Florida Avenue, specifically related to a proposal to expand width of sidewalks.

In summary, committee would like to have applicant proceed with consideration of the following: 1. Consider taking the buildings down to 2-stories; 2. Consider architectural details (i.e. relief, punched v. storefront windows); 3. Committee would like to see more information about a proposal for where parking will occur; and 4. Consider retaining the existing public trees.

In closing, Cody Rice emphasized importance of feedback from HPO. Missy Boyette asked for consideration of integration of metal panel / solid material in elevation so that corner does not act as a "beacon" of light at night. Brian Carlson stated that it would be helpful to see the adjacent properties in



an elevation drawing in order to compare heights. Justin Thornton stated that he would not support deleting the 3rd floor, as the adjacent properties are able to have three stories.

Applicant will come back to the ED&Z committee next month and will correspond with the committee in the meantime.

BZA #18662 (800 11th Street, NE): Applicant and representatives presented case for seeking a variance from off-street parking requirement to allow Toddlers on the Hill, LLC to use a portion of the premises as a Child Development Center. Applicant explained that the variance is a variance from 2 required parking spaces. In order to obtain a license as a CDC, the applicant needs to obtain a C of O as well as zoning approval.

Applicant explained that the group currently has a maximum of 9 students, 1 certified teacher and 2 volunteer parents. All of the parents are required to stay on the premises at all times. The obligation for an additional teacher and 2 additional parent volunteers would lead to, with 1 space required per 4 employees, 2 (rounded up to a whole number) parking spaces required. The group currently uses space in Douglas Memorial Church, which is a non-complying building that is grandfathered to not require parking spaces, as there is no place for the spaces (church occupies 100% of the lot). The applicant has 26 letters of support for the variance.

Applicant explained that most of the parents live close by to the church, with 16 of the 24 arriving to the site via stroller and the other 8 of these driving. The program runs from 9am - noon.

Committee members asked questions. Question was raised about the nature of the affiliation with the church. Applicant responded that there is no affiliation, just a partnership. Community member stated concern, as the church tends to not be a good neighbor when it comes to parking. Meredith, the zoning counsel for the applicant, explained that the church has to be the applicant as the church owns the building. Community member stated that there is a user of the building in the summer who tends to double-park. Cody Rice asked for a description of how drop-off occurs now. Applicant responded that most users park on 11th Street.

Community members asked questions. One community member reiterated that parking is challenging in this neighborhood and suggested that an arrangement with the Catholic church could be a solution. A community member stated that he supports the program but is concerned with safety issues of double-parking or parking in the alley; he inquired as to whether there is a way to get a loading or drop-off zone. Meredith responded that the applicant is willing to provide a drop-off and pick-up plan. David Holmes inquired as to the number of students in the CDC. Applicant responded that they are limited by the ratio of students to teachers and explained that 2 parking spots yields a maximum of 18 students in 2 classrooms. Community member also stated that metered parking was recently added to 11th St NE, which makes for a challenging situation for the church, too.

Missy Boyette suggested that the variance might have conditions, for example to limit the number of spaces to 1.5 so that this, in turn, limits the number of people in the program. Justin Thornton suggested that DDOT might provide a loading sign (community member stated that DDOT does provide 15-minute drop-off spots). Cody Rice stated that he would support the parking space variance if there were a plan to monitor drop-off, perhaps with a condition of time slots, such as 8:30-9:30am and 11:30am-12:30pm.



The committee voted to recommend that the ANC approve the parking variance on the condition that a drop-off pick-up mitigation plan is developed and circulated within 3 weeks. Motion was approved 8:0.

HPA #13-545 (1301 North Carolina Ave NE): Will Stone described that AT & T is proposing installation of a wireless facility at the rooftop of the historic church on this site and is requesting HPRB approval of construction of proposed antenna and screening atop the existing church.

The intent of this installation is to provide wireless coverage to the park. Applicant explained that T-Mobile already has an installation of antennae on top of this church. Installation would include sled-mount with 4 antennas on each of three sides and a generator on the 13th St side. The proposed screening would be a brick wall which would be 8' high on top of the existing roof.

Committee members asked questions / provided comments. Cody Rice stated that the generator both with and without the proposed screening is jarring. David Holmes stated that the ED&Z has not seen anything like this before, as T-Mobile's antennas "just showed up" without having been approved by ED&Z and the ANC. Several committee members inquired as to whether the generator could be located somewhere else. Applicant conceded that the generator would not have to be part of this design. David Holmes pointed out that Lincoln Park is a Federal Landmark, subject to Section 106. Committee members inquired as to how many of these cell sites there are in this area. Applicant stated that there are others. Dan Golden inquired as to the case for need for this installation, particularly by one cell phone company.

HPRB hearing is scheduled for October 24.

The Committee voted 6:2 to recommend that the ANC write a letter in opposition of the HPRB application, but that the applicant be encouraged to assemble a letter outlining the necessity of the installation (demonstration of need and proof of study of alternate sites). Applicant will make this case to the ANC on the 2nd Thursday of October.

Additional Community Comment None.

Next Scheduled ED&Z Committee Meeting:

**Wednesday, October 16, 2013
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**