



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



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

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

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

7:10 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 22*

1. Approve treasurer's report and previous month's disbursements.
2. Approve monthly photocopying expenses.
3. Allocation of funds for the preparation of ANC meeting minutes and the preparation of ANC agenda packages.

7:20 **Single Member District reports (2 minutes each)**

Standing Committee Reports:

7:35 **Community Outreach pg. 28**

1. Approve committee report.
2. **Recommendation:** ANC 6A accept the bid from Capitol Community News for 12 monthly, ¼ page ads plus one ¼ page ad in the Fagon Guide at a cost of \$3,689.
3. **Recommendation:** ANC 6A approve the expenditure of \$1,500 (not to exceed) to pay for quarterly 1/5 page ads in the Washington Informer for a trial period of 1 year.
4. **Recommendation:** ANC 6A approve the expenditure of \$350 (not to exceed) to pay for advertising in TheHillsHome.
5. **Membership:** request that Pat Joseph be confirmed as a member of the COC.
6. Next meeting - 7:30pm, Nov. 25, 2010 (Note that this is not the 3rd Monday.)

7:40 **Alcohol Beverage Licensing pg. 31**

1. Approve committee report.
2. **Recommendation:** ANC 6A not protest the license renewals of Little Miss Whiskey, Show Bar, Liberty Tree, The Pug, or The Star and Shamrock.
3. Next meeting - 7pm, Nov. 16, 2010 (3rd Tuesday)



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**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
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7:45 **Transportation and Public Space Committee** *pg. 33*

1. Approve committee report.
2. **Recommendation:** ANC 6A send a letter of support to the DDOT Public Space Committee regarding The Argonaut's use of public space for 1) additional seating, 2) a patio covering, 3) a service counter with stools, 4) an outdoor “garden” area, and 5) placement of an enclosed trash dumpster.
3. Next meeting - 7pm, Nov. 15, 2010 (3rd Monday)

7:55 **Economic Development and Zoning** *pg. 38*

1. Approve committee report.
2. **Membership:** ANC 6A accept the nomination of Julie Santoboni for membership.
3. Next meeting - 7pm, Nov. 17, 2010 (3rd Wednesday)

8:00 **Unfinished Business**

8:05 **New Business** *pg. 41*

1. ANC 6A Comments on Proposed Parking, Bicycle Parking and Loading Regulation (Ronneberg)
2. Appoint an ANC representative to testify to the City Council on releasing the funds for the Streetcar (Ronneberg)
3. Possible settlement with 7-11 regarding ANC 6A's appeal of their Certificate of Occupancy (Ronneberg)

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

8:15 **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of October 14, 2010



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

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

The meeting was convened at 7:03 p.m.

1. Agenda

The agenda was accepted as presented without objection.

2. Minutes

The minutes of the September meeting were adopted without objection.

3. Community Comment

The Argonaut - 15th and H Streets NE

Scott Magnuson, who runs the Argonaut at 15th and H Streets NE, came to the ANC for support for a substantial change to his license. In the course of post-fire renovations at the restaurant, he plans to increase the size of his patio, adding six seats to the existing patio, adding a partial covering of fire and water resistant fabric (similar to that of the Chesapeake Room on Barracks Row). He plans on adding a garden-like area to the left of the door with lots of plants, which will be done in partnership with Frager's. The existing fence will remain, along with an existing PEPCO vault. There would also be 14 bench seats. He is going to submit a letter to ABRA, and also apply for the necessary public space permit. Ms. Beatty asked why there was a rush, and he was coming to the full ANC prior to the Committee. He responded that the Public Space Committee meets on October 21st. Dr. Ronneberg said he hadn't seen it on the schedule. Ms. Beatty asked whether he was planning to come to the ABL Committee to discuss the substantial change, and he said he was planning to submit the letter to ABRA the following week. Ms. Beatty reminded him that he had to come before the ABL Committee after filing his substantial change with ABRA.

H Street CDC

Keith Brewer, the new director of the H Street Community Development Corporation (CDC), came to introduce himself to the ANC. He said he is looking to work cooperatively with the Commission. He said his resources are limited, and has no money from the City, but he is applying for grant funds. Mr. Alberti asked him for a rundown of the properties currently in the CDC's portfolio, and he listed the following: an empty lot in the 300 block of H Street NE, 501 H Street NE, the building on the SW corner of 8th and H, and the lot where the AutoZone is on the 1200 block of H Street NE. In the 1200 block of H Street they own the AutoZone site and are negotiating with Western Development. He said that the H Street CDC formerly owned the Atlas Theatre site and the Northeast Medical Center.



Advisory Neighborhood Commission 6A Meeting Minutes of October 14, 2010



Mr. Holmes asked how the CDC saw its role, and was told that he sees himself as a facilitator who seeks ideas from the community. A member of the audience asked what the CDC was going to do to provide jobs for the community. Mr. Brewer responded that he would encourage his developers to use First Source employment programs and encourage contractors to use local businesses.

1113-1117 H Street NE

Jared Kahn and Stan Wall of Wall Development, the firm that has been approved by the City to develop the site at 1113-1117 H Street NE, designated surplus property by the City, came before the ANC to discuss the project. They were scheduled to go to the EDZ Committee the following week to present plans for the development of that site and the library site. They are working with Norman Smith, Architects. The project will have ground floor retail and 16 residential units. Before they can move forward, the City Council will hold a hearing on the property on November 10, after which it will vote on officially declaring it surplus.

Mr. Kahn said they have spoken with all the relevant agencies and they appear to be on board with the project. Mr. Robinson said that the determination is not up to the agencies, it is up to the community to determine whether the project should move forward. Mr. Holmes asked why the project is being pushed so fast now, since it has been in the works for three years. Mr. Kahn said they had found a way to move it forward and had identified financing.

Victoria Rosenthal, who owns a property at the end of the alley behind the property said that at a previous meeting, the developers had not been willing to address the subject of the deteriorated alley. Mr. Wall said that there will be eight parking spaces behind the building, but he hasn't spoken with DDOT about the alley. She responded that she hoped that will be point of discussion at the next meeting. Mr. Robinson said the EDZ committee will take it up.

Margaret Holwill said that there is virtually no public space, like Eastern Market, for example, on H Street, and they have to beg to use the AutoZone spot for events. In order to have a viable neighborhood, she said, public space is needed, and it shouldn't fall into a crack. The library site could provide such space. Mr. Robinson replied that it was a point well taken and should have further discussion.

Greater DC Cares

Andrea Sledd, representing Greater DC Cares, gave a brief description of the organization's programs of working with non-profit, community organizations, churches, schools and individual residents in Northeast to provide tutoring, mentoring and program activities, and made a request for volunteers. She can be reached at (202) 777-4463 or sledd@greaterdccaes.org.

4. Officer Reports

Chair

Mr. Robinson reported that PEPCO would be holding an Open House on October 11, 7:30 pm, at 701 9th Street NE. He said that BikeShare would be installing a station at 740 11th Street NE, and that Casey Trees would be planting at New York Avenue and O Street NE, in partnership with the NOMA BID, on October 20. Finally, he reported that there would be a meeting on the next National



Advisory Neighborhood Commission 6A Meeting Minutes of October 14, 2010



Marathon with Councilmember Wells. He also said he had copies of the ANC's audit if anyone wished to see it.

Treasurer

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$24,083.38 and the savings account balance was \$4,202.13. There was an interest payment to the savings account of \$.36. There were disbursements of \$180 to Roberta Weiner for taking and transcribing the September 2010 minutes (Check #1478); \$200 to Heather Schoell for the September Agenda package (Check #1479); \$908.54 to John Cotton for the Rosedale Youth Institute grant (Check #1480); and \$46.70 to FedEx Office (Aug '10) (Check #1481), leaving a balance of \$22,751.05 in the checking account and \$4,202.49 in the savings account. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to accept the Treasurer's Report. It passed without objection.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to allocate up to \$200 per month for assembling the Agenda Package and for taking and transcribing the ANC's minutes to up to \$200 per month. The motion passed without objection.

5. SMD Reports

Dr. Ronneberg reported that the Zoning Commission hearing on the H Street Connection had taken place, and that negotiations with the 7-11 had been re-opened. He also said that residents of the 600 block of 10th Street NE had gotten their residential parking designation.

Mr. Alberti reported that a BikeShare station had been located at the traffic triangle at the northeast corner of Lincoln Park (11th Street) and it was a bad location. It will be on the agenda of the Transportation Committee meeting scheduled for the week after the meeting.

Mr. Holmes reported that since the stop signs on 10th and 12th Streets have been installed, tickets have already been written, so they seem to be working. He also reported that there have been a number of robberies at knifepoint at night in his SMD.

Mr. Schultheiss said that it could be the same person, a young man in his 20s, who had held up a woman at 12th and F Streets NE in his SMD during the day.

Ms. Mack reported that a vacant building at 16th and Gales Streets NE was now being renovated, and has all the right permits. She also said that she got a house on the 700 block of 19th Street boarded up.



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6. Committees

ABL Committee

Letter to Councilmember Graham

Ms. Beatty introduced a letter to Councilmember Graham, presenting our views on an issue that was recently discussed before his Committee. She said the recent history of ABRA, since they have had a new ABC Board Chair, has been to return signed Voluntary Agreements (VAs) to the ANC, asking that they modify them by removing all references to DC law and to things that are not enforceable by ABRA. She said that Councilmember Graham seems to be sympathetic to the ABC's Board's position. She felt that he hasn't heard from the ANCs about this disruption, as there was not a problem until Charles Brodsky became Chair. She proposed the following letter: *(The letter has been included because it was not included in the agenda package.)*

Dear Councilmember Graham:

I understand that an oversight hearing of ABRA was held on September 20, at which the ANC Voluntary Agreement process was discussed at length. As Chair of the ANC 5A Alcohol Beverage Licensing Committee for several years, I would like to offer a few thoughts on the process on behalf of ANC 6A.

First, I should provide context for our comments. ANC 6A has had a "standard" Voluntary Agreement for over six years. This means that we use a template *with the same language* for every new applicant. While we have modified language for special circumstances, and have been responsive to ABRA's requests for clarification of the language in our agreements, we believe that a "standard agreement levels the playing field. This is important for ANC 5A because our area contains the booming entertainment corridor on H Street NE. We have had 10-12 new licenses each year for the last three years, so it is important that we deal with these licenses consistently.

Whenever we modify the language in our VA, whether it is to provide for a special circumstance or whether it is to respond to ABRA concerns, we have a regular process. We hold a Committee hearing, discuss the proposed change to the standard VA, and then have them voted on by the full Commission. We do not modify our VA "on the fly"—rather it is a very deliberative process. The process has served us well for over six years as we have maintained a very collaborative process with ABRA on these matters, and signed VA's with all but one new applicant in our ANC.

But since Charles Brodsky was named chair of the ABC Board, ANCs' Voluntary Agreements have routinely rejected by the Board. The agreements, which have been signed by the licensee and the ANC, are sent back to the ANC with directions to rewrite the agreement in accordance with specific language dictated by ABRA legal staff. Mr. Brodsky is rejecting standard language in VAs that had been accepted by ABRA for over 5-6 years.

When ANCs began complaining, the ABC Board promised that there would be a rulemaking to clarify the new standards. Though promised last spring, no such public hearing or rulemaking has occurred, yet the rejections of Vas continue. In fact, there is still no clear policy about what ABRA will "accept" in Vas. Responses from AHRA are very inconsistent.



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The whole purpose of voluntary agreements is to identify neighborhood/ANC needs with the liquor licensee. Mr. Brodsky's approach of rejecting these agreements, asking that they be rewritten by an ABRA lawyer negates the entire purpose of the agreements. Further, since ANC recommendations are supposed to have "major weight" in Board decisions, this is obviously in direct conflict with the proper relationship between the two entities.

So, we have concerns about the disruptive nature of ABRA Board action toward ANCs. But as importantly, we do not agree with the changes that are being made to our VA. That is, we do not agree with the approach of stripping all language which references DC law, which restates DC law, or which ABRA deems to be unenforceable.

First, we feel strongly that since many applicants are unaware of DC law, there is benefit to stating it in the agreement, and further, that there is no harm in stating it.

Secondly, the ABC Board lawyers have asked us to strip any references to the DC law. As an example, the law regarding valet parking needs to be referenced in the VA because these laws (outside the liquor law code) would not necessarily be known or understood by a liquor licensee.

Finally, there are provisions of a VA that are enforced by the ANC itself. The enforcement is public pressure, rather than the ability to levy a fine. We can cite numerous instances in which public pressure or negative attention by the ANC has created tremendous leverage in satisfying neighborhood concerns.

So, we feel that if the ABC Board would like to make suggestions regarding our VA, particularly a VA that has been accepted for over six years, that it should be done in a process that does not disadvantage all of those who have signed this agreement and through a process that includes our entire ANC.

Respectfully,

Mary Beatty

Motion: Ms. Beatty moved/Dr. Ronneberg seconded a motion to approve the letter to be sent to Councilmember Graham about the process of approval for Voluntary Agreements.

Mr. Holmes thanked Ms. Beatty for her efforts in moving the issue forward. The motion passed 6-0-1, with Mr. Alberti not voting.

The report of the ABL Committee was accepted without objection.

Community Outreach Committee

The report of the Community Outreach Committee was accepted without objection.



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Economic Development and Zoning Committee

312 9th Street NE

This is a request for support of a Historic Preservation application for an alley-facing garage in keeping with other garages already there. The garage is hardy plank siding, and there is not a problem exceeding the lot occupancy requirements. Zoning has already reviewed the plans and sent them to Historic Preservation. **Motion:** Dr. Ronneberg moved/Ms. Beatty seconded a motion to accept the Committee's recommendation to support the application for construction of a garage at 312 9th Street NE. The motion passed unanimously, 7-0.

815-817 A Street NE

This is a request for support of a BZA application for a variance for the lot area requirements to allow the conversion of a flat (two-family dwelling) to a three-unit apartment building in the R-4 district at 815-817 A Street NE.

The building, built as a grocery store in 1913, is currently one large room with no bath or kitchen. There is a basement with half bath and kitchen plumbing, approximately a total of 2,500 sq. ft. The owner had previously received a variance but did not finalize it, and it expired, as he did not have the funds to complete the construction. Currently, the building has an apartment on floors two and three and the owner would like to turn the first floor and basement into separate unit. If the lot had 2,700 square feet he could build a three unit building as a matter of right, but the lot is only 2,400 square feet, and so it requires a new variance.

A neighbor has requested that conditions be placed on the variance to prevent a rooftop deck on the garage closer than eight feet to his property. **Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to support the Committee's recommendation and support the request for a variance on the lot area requirements at 81-5-817 A Street NE. Mr. Holmes offered an amendment to include language agreed to by the neighbors that no roof deck is to be built on the roof of the garage closer than eight feet. The amendment passed unanimously, 7-0. The final motion passed 7-0, unanimously.

Comprehensive Zoning Regulations Review

As part of a comprehensive Zoning Code rewrite, a new framework for regulations on Planned Unit Developments has been promulgated, which would establish a point system for community amenities and standardize the density bonus granted in exchange for amenities offered based on that system into three categories. Dr. Ronneberg said that the Type 3 PUD, with an associated map amendment, is the most common used and should be restricted under the new regulations, not being allowed in Neighborhood Commercial Overlays and subject to a two-stage process in other zones. **Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to accept the Committee's recommendation that the ANC 1/ support regularization of density bonuses across zones; 2/ ask for more information about community benefits; 3/ object to type 3 PUDs in commercial overlays; and, 4/ consider type 3 PUDs in two phases—where the first phase would be a consideration of a map amendment. The motion passed 7-0, unanimously.



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7. New Business

The Argonaut

Mr. Schultheiss, in whose SMD the establishment is located, suggested that because the issue of the Argonaut's request for a substantial change was going before the ABL Committee at its next meeting, the ANC take up the issue at its November meeting. There was a consensus reached to agree to that suggestion.

Protest of XII License Renewal

The license renewal for XII was scheduled to be heard by the ANC Board on October 16, and Ms. Beatty began the discussion by saying that Bernard Gibson had been invited to the ABL Committee meeting the previous month, but had not come. It was necessary to bring the protest recommendation to the full ANC meeting because the petition date would not allow for a Committee hearing. She said that it is always better to get community input, but there is no time to do that now, and there had been an extensive report from ABRA, with a history of ten complaints. She said that because of the number of complaints, Dr. Ronneberg, in whose SMD the club is located, wants to protest the license renewal. He said he has spent a lot of time talking with Mr. Gibson about the noise, and while he says he will remediate the situation, has not done so. **Motion:** Ms. Beatty moved/Dr. Ronneberg seconded a motion to protest the license renewal of XII, on the grounds that the club is violating its voluntary agreement's requirements for "peace, order and quiet of the neighborhood."

Mr. Schultheiss said that he supported the motion, having sat down three years ago with Mr. Gibson who said at that time that he would do noise mitigation, but he has disregarded the neighbors. He said that a neighbor had to leave because her child couldn't sleep. And, he said, Mr. Gibson didn't come to the Committee meeting and that was disrespectful of the community. Ms. Beatty said she had sent at least three e-mails. Mr. Gibson responded that they had been sent to his personal e-mail address, not his business, and he had not received them. He said he would not "diss" the Commission.

Ms. Mack inquired as to whether he had soundproofed the building and he responded that he has soundproofed the windows, the back hallway and triple-paned the windows. He said he has closed off some of the windows because of the neighborhood.

Ms. Beatty said that he has been fined by ABRA four times. She said that a fight has been broken up, that MPD has answered calls, and that a shot has been fired. Mr. Gibson said that the shot was by a patron leaving the establishment and someone tried to carjack his car, and the police chased the car. The latest incident was when two women got into a fight in the ladies room, and the fight was defused. One of the women went to the hospital at 6 a.m. and that's when MPD got involved. Last year there was a shooting after a Gallaudet homecoming event at the club, but it happened after the event.

Mr. Robinson expressed his concern that the ANC hasn't had as much conversation about this as it should. He said it is a serious issue, and because there have been continuing complaints, it gives him a little discomfort to recommend a protest without have little more on the record about the type of establishment it is, and what the proprietor is willing and able to do to improve things. Ms.



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Beatty responded that the Commission has only one chance to do this, and that's at the meeting, otherwise it will be three years. She said there also a record of constituent complaints, and it's something that something can be done about. That is, he could turn the volume down.

Mr. Schultheiss said that Mr. Gibson's attitude was troubling to him that the issue is noise, and he had assured the Commission that if noise issues came up, they would be addressed. Mr. Gibson responded that he has tried to address the issues, that he had done the remediation and gotten sound meters. A neighboring resident complained about the noise. She said that all the neighbors would be there if they were able. She said it's hell with the noise and all the people drinking, and a major problem. Joel Kelty asked what percentage of police incidents on H Street can be attributed to XII? Ms. Beatty said she could get the MPD reports and do comparisons with other establishments. That, she said, is a good idea and would be done if there is a protest. Elizabeth Nelson said that data may not tell the whole story, and there is a lot of anecdotal information to be added. Mr. Robinson said it would be great to have the data, and he asked to have whatever paper there is be attached to the letter of protest. The motion to protest the license passed 5-1-0, with Ms. Mack in opposition. [Mr. Alberti, who was not present for the discussion, did not vote or abstain.]

Use of ANC Logo

Mr. Robinson said that during the campaign season the ANC logo had been used by candidates, and asked whether the ANC wanted to devise some ground rules for its use. Ms. Beatty asked whether there was an issue, and Dr. Ronneberg said that perhaps something should be done for subsequent elections. Mr. Robinson said that at the next meeting some language would be crafted.

2011 Budget

Mr. Alberti presented the ANC 6A budget for 2011. He pointed out that under A. Available Funds, Item 10, District allotments will be received on the basis of the DC Budget. Mr. Holmes asked about Other Contracted Services, and was told that that figure is for legal services, consultants, etc. Mr. Robinson pointed out that nothing had been spent on Interpretive Services, and they haven't been used. Mr. Alberti responded that he has been promised that the DC government is supposed to provide and pay for them, and suggested that half the allocation be left in the budget. Mr. Robinson said he would love that and would prefer that the money be used for grants. He offered an amendment to reduce sign language services 50% to \$600, and increase grants to \$15,000.

Mr. Robinson pointed out that there is an allocation for a project by the Economic Development Committee, and Ms. Beatty pointed out that there is a \$1,000 project in the ABL committee, but they may not need the money as they have potential volunteers to undertake the project at the Options School. Mr. Alberti reminded the Commission that there is a mid-year review of the budget at which things of that nature can be modified.

Motion: Mr. Alberti moved/Ms. Beatty seconded a motion to accept the 2011 ANC 6A budget as amended. The motion passed without objection.



Advisory Neighborhood Commission 6A Meeting Minutes of October 14, 2010



8. Community Comment

New Pastor at Lincoln Park United Methodist Church

Rev. Diane Dixon-Cater, the new pastor at Lincoln Park United Methodist Church, introduced herself, and said she looked forward to working with the ANC.

Complaint Process

Rose Williams asked about following up on a complaint. Mr. Robinson said that a complaint can be brought before an ANC Committee. Or it can be brought to the ANC. Mr. Schultheiss said that in his four years on the ANC, the complaints regarding lack of follow-up from other agencies are the most troublesome because, for so many of them, there's nothing the ANC can do. Ms. Williams was urged to speak with her SMD representative.

Candidate Introductions

Several candidates for ANC Commissioner were introduced.

The meeting was adjourned at 8:45 p.m.



Commission Letters from October 14, 2010 Meeting



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



October 19, 2010

Honorable Jim Graham, Chair
DC Council Committee on Public Works and Transportation
John A. Wilson Building
1350 Pennsylvania Avenue NW, Suite 105
Washington, DC 20004

Dear Councilmember Graham:

This letter comes with reference to a recent oversight hearing of ABRA, held on September 20, 2010, at which the ANC Voluntary Agreement process was discussed. At its October 14th meeting, the Commission voted unanimously to provide the following comments for your consideration as the topic of Voluntary Agreements are further discussed.

By way of background, ANC 6A has had a “standard” Voluntary Agreement for over 6 years. This means that we use a template *with the same language* for every new applicant. While we have modified language for special circumstances, and have been responsive to ABRA’s requests for clarification of the language in our agreements, we believe and have found that a “standard” agreement levels the playing field. This is important for ANC 6A because our area contains the booming entertainment corridor on H Street NE. We have had 10-12 new licenses each year for the last 3 years, and believe that it has been important that we deal with these licensees consistently.

Whenever modifications are made to the language in our VA, whether it is to provide for a special circumstance or whether it is to respond to ABRA concerns, we have a standard and transparent process to fully vet such changes. We hold a Committee hearing, discuss the proposed changes to the standard VA, and then have them voted on by the full Commission. In other words, we do not modify our VA “on the fly”...rather, it is a very deliberative process. This process has served us well for over six years, as we have established and maintained a very collaborative process with ABRA on these matters, and signed VA’s with all but one new applicant in our ANC.

However, since the appointment of Charles Brodsky as chair of the ABC Board, ANC's Voluntary Agreements are routinely and inconsistently rejected by the Board. The agreements, which have been signed by the licensee and the ANC, are sent back to the ANC with directions to rewrite the agreement in accordance with specific language dictated by ABRA legal staff. Mr. Brodsky is rejecting standard language in VA's that had been accepted by the ABC Board and prior licensees for over 5-6 years.

When ANC's began registering our concerns regarding this new process, the ABC Board promised that there would be a rulemaking to clarify and discuss the new standards. Though promised last spring, no such public hearing or rulemaking has occurred, yet the inconsistent rejections of VA's continue. In fact, there is still no clear policy about what the Board will “accept” in VAs.



Commission Letters from October 14, 2010 Meeting



Letter to Honorable Jim Graham
Page 2

The whole purpose of voluntary agreements is to identify neighborhood/ANC needs with the liquor licensee. Mr. Brodsky's approach of rejecting these agreements, and asking that they be rewritten by an ABC Board lawyer, negates the entire purpose of the agreements. Further, since ANC recommendations are supposed to have "great weight" in Board decisions this is obviously in direct conflict with the proper relationship between the two entities.

Not only do we have concerns regarding the disruptive nature of the ABC Board's actions toward ANC's, but as importantly, we do not agree with the unilateral changes that are being made to our VA. Specifically, we do not agree with the approach of stripping all language which references DC law, which restates DC law, or which the Board deems to be unenforceable.

In addition, we feel strongly that since many applicants are unaware of DC law, there is benefit to stating it in the agreement, and further, there is no harm in doing so. Also, the ABC Board has asked us to strip any references to DC law. As an example, the law regarding valet parking needs to be referenced in the VA because these laws (outside the liquor law code) would not necessarily be known or understood by a liquor licensee.

Finally, there are provisions of a VA that are enforced by the ANC itself. The enforcement is public pressure, rather than the ability to levy a fine. We can cite numerous instances in which public pressure or negative attention by the ANC has created tremendous leverage in satisfying neighborhood concerns.

We, therefore, believe that if the ABC Board would like to make suggestions regarding our VA, particularly a VA that has been accepted for over six years, that it should be done in a process that does not disadvantage all of those who have signed this agreement, and through a process that includes our entire ANC.

Please be advised that Commissioner and Chair of the ANC Alcohol Beverage Licensing Committee, Mary Beatty has been designated to represent the Commission regarding this matter. Commissioner Beatty can be reached at (202) 546-4196 or MBBBeatty@aol.com.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

Cc: Honorable Tommy Wells, Ward 6 Councilmember
Ward 6 ANC Chairs



Commission Letters from October 14, 2010 Meeting



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



October 19, 2010

Charles Brodsky, Chair
ABC Board
1250 U Street, NW, Third Floor
Washington, DC 20009

Dear Chairman Brodsky:

Please be advised that at the October 14 meeting of ANC 6A, with a quorum present, the Commission voted (5-1-1) to protest the CT license renewal of XII (License # 76366), located at 1123 H Street NE.

Since opening in 2007, the establishment has violated the Voluntary Agreement, dated March 19, 2007 and Board Order dated October 31, 2007 on numerous occasions. Documented complaints by residents of excessive noise date back to May of 2008. The ANC's first official complaint to ABRA regarding the blatant disregard of its VA regarding excessive noise was lodged in August 2008 after numerous, unsuccessful attempts to work directly with Bernard Gibson, owner of XII. Since that time, the ANC continues to hear complaints of not only excessive noise, but also of illegal use of public space, safety concerns and excessive loitering around the building. ABRA has investigated shots from patrons outside the building and an assault that occurred within the premises. In short, the ANC is filing its protest based upon the severe negative impact that the establishment has on the peace order and quiet of the surrounding neighborhood.

Commissioner Mary Brooks Beatty, Chair of the ANC 6A Alcohol Beverage Licensing Committee will be the primary representative of the ANC in this matter. However, since she will not be able to attend the November 22 Roll Call hearing, Commissioner Drew Ronneberg is authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or ronneberg6a02@gmail.com.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commission Letters from October 14, 2010 Meeting



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



October 19, 2010

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

RE: ZC Case 08-06-12 –ANC 6A Comments on Comprehensive Zoning Regulations Review for Planned Unit Developments (PUDs)

Dear Ms. Schellin:

At a regularly scheduled and properly noticed meeting on October 14th, 2010, our ANC voted 7-0-0 (with 5 Commissioners required for a quorum) to provide the following comments on the framework for the Comprehensive Zoning Regulations Review for Planned Unit Developments (PUDs).

First, our Commission supports the OP proposal to make the bonus density a fixed percentage of the underlying zone. The current system, in which the PUD standards allow for a 20% density bonus in a C-2-A zone but a 71% density bonus in a C-2-B zone, appears arbitrary and lacks rational justification. In contrast, the proposed system eliminates this wide disparity in bonus density between zones.

Second, we appreciate OP's effort to quantify community amenities with a point system to better insure that there is greater equanimity of community amenities between PUDs. However, there are currently insufficient details about how this proposal might work to insure that there is still enough flexibility in PUD amenities to tailor community amenities to specific communities. We ask the Zoning Commission to require OP to provide more details of this system before it approves the proposed framework.

Finally, our ANC believes that Type 3 PUDs should be eliminated or severely restricted in the revised regulations. Under the current system, most proposed PUDs have an associated map amendment, resulting in bonus density above what is allowed under the basic PUD regulations. This bonus density "double dipping" circumvents the intent of Council approved planning documents and encourages land speculation that retards the redevelopment of commercial Corridors. In 2007, ANC 6A proposed two text amendments that prevented map amendments as part of a PUD application in the H Street NE Neighborhood Commercial Overlay (ZC #07-10 and #07-22) to address these concerns. ANC 6A's text amendment request in ZC case #07-22 is



Commission Letters from October 14, 2010 Meeting



Letter to Schellin
Page 2

attached to this letter and details how the map amendment in Capitol Place PUD (ZC #05-37) was both the product of and the catalyst for land speculation on the H Street Corridor and how the map amendment in this case undermined the goals and polices outlined in the H Street NE Strategic Plan.

If the new PUD regulations are implemented within the framework proposed by the Office of Planning, it is likely that Type 3 PUDs will continue to dominate PUD applications because developers will not required to justify the need for a second bonus density before proposed the PUD. We believe that the Zoning Commission should implement policies and procedures to encourage the vast majority of PUD applications to be Type 1 or Type 2 by either eliminating Type 3 PUDs or by:

1. Eliminating Type 3 PUDs in Neighborhood Commercial Overlays and residential zones and;
2. Eliminating the ability for Type 3 PUDs in other zoning districts to be approved in a consolidated PUD process. ANC 6A instead urges the Zoning Commission to require Type 3 PUDs to go through a 2-stage process where the first stage requires the applicant to justify why a map amendment is necessary and doesn't undermine the Comprehensive Plan or other Council approved plan.

We look forward to a full discussion of these issues regarding PUDs at future Zoning Commission hearings.

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

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

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



Commission Letters from October 14, 2010 Meeting



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



October 19, 2010

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

RE: BZA Case 18122 (815 – 817 A St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on October 14, 2010, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to support the request for variance from the lot area requirements under subsection 401.3 to allow the conversion of a flat (two-family dwelling) to a three-unit apartment building in the R-4 District in the above referenced application subject to the condition that a deck shall not be constructed on roof of the rear garage. This condition was requested by an abutting neighbor and we understand that the property owner, Mr. Carr, has agreed to its inclusion in a BZA order.

The property at issue is a three-story structure with a total lot area of 2,312 square feet. The owner plans to convert the first floor and basement into an apartment for his family and to maintain separate apartments for rent on the second and third floors. The first floor of the structure has an entrance separate and apart from the entrance to the second and third floor apartments. On October 23, 1991, the Board of Zoning Adjustment approved the relief sought here, but the variance expired before the work could be undertaken. The Commission supports the request for a variance because, given the unique structure of the building, the strict application of the lot area requirements would result in peculiar and exceptional practical difficulties to and undue hardship upon the property owner.

Please be advised that Commissioner David Holmes and Dan Golden, member of the Economic Development and Zoning Committee are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner Holmes can be reached at holmes6a3@gmail.com or (202) 251-7079.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commission Letters from October 14, 2010 Meeting



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



September 21, 2010

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

RE: HPA #10-358 (243 8th St NE)

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on June 10, 2010, our Commission voted 5-0-0 to support the above referenced application.

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

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

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

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

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



Commission Letters from October 14, 2010 Meeting



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



September 21, 2010

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

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

Dear Chairperson Buell:

At our regularly scheduled and properly noticed meeting on September 9th, 2010, our Commission voted 5-0-0 to support listing the Atlas Theater, located at 1313-1333 H St NE, on the National Register of Historic Places.

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

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

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Patrick Stewart, Director, Atlas Theater



Commission Letters from October 14, 2010 Meeting



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



September 21, 2010

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

RE: BZA Case 18106 (243 8th St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on September, 2010, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to support the request for special exception from Section 223 (lot occupancy requirements in an R-4 zone) in the above referenced application.

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

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

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commission Letters from October 14, 2010 Meeting



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



September 17, 2010

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

RE: Authorization for BZA Appeal for C of O at 801 H St NE

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on September 9th, 2010, our Commission voted 5-0-0 (with 5 Commissioners required for a quorum) to appeal the administrative decision of the Department of Consumer and Regulatory Affairs Zoning Administrator to approve Certificate of Occupancy #CO1002994 for a "market" at 801 H St NE.

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

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Officer Reports - Treasurer



ANC 6A Treasurer's Report October 2010

Period Covered 10/01/10 - 10/31/10

Checking Account:

Balance Forwarded		\$	22,751.05
Receipts:			
District Allotments:		\$	-
Transfers from Saving Account		\$	-
Total Receipts		\$	-
Total Funds Available		\$	22,751.05
Disbursements:			
Roberta Weiner (Sept. '10 Minutes)	Ck #1482	\$	160.00
Heather Schoell (Sept. '10 Agenda Package)	Ck #1483	\$	200.00
FedEx Office (Sept. '10 Statement)	Ck #1484	\$	559.23
Capitol Hill Garden Club (Grant)	Ck #1485	\$	650.00
Total Disbursements		\$	1,569.23
Ending Balance		\$	21,181.82

Savings Account:

Balance Forwarded		\$	4,202.49
Receipts:			
Interest (09/30/10)		\$	0.35
Transfers from Checking Account			
Total Receipts		\$	0.35
Total Funds Available		\$	4,202.84
Disbursements		\$	-
Ending Balance		\$	4,202.84

Prepared September 30, 2010



Officer Reports - Treasurer



ANC 6A Treasurer's Report October 2010

PETTY CASH SUMMARY

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



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 4th Quarter FY10

Quarterly Report Period Covered 07/01/10 - 09/30/10

ANC 6A

Summary of Receipts and Disbursements: Checking Account

Balance Forwarded		\$ 21,453.85
Receipts:		
District Allotments	\$ 5,555.40	
Interest Income	\$ -	
Other Deposits	\$ 1,444.00	
Transfers from Saving Accounts	\$ -	
Total Receipts		\$ 6,999.40
Total Funds Available		\$ 28,453.25
Disbursements:		
1. Net Salary and Wages	\$ -	
2. Workers Compensation	\$ -	
3. Insurance:		
4. A. Health	\$ -	
5. B. Casualty/Property	\$ -	
6. Total Federal Wages Taxes	\$ -	
7. Tax Penalties	\$ -	
8. Local Transportation	\$ -	
9. Office Rent	\$ -	
10. Telephone Services	\$ -	
11. Postage and Delivery	\$ -	
12. Utilities	\$ -	
13. Printing and Copying	\$ 217.06	
14. Flyer Distribution	\$ -	
15. Purchase of Service	\$ 715.00	
16. Office Supplies	\$ -	
17. Office Equipment	\$ -	
A. Rental	\$ -	
B. Purchase	\$ -	
18. Grants	\$ 4,770.14	
19. Training	\$ -	
20. Petty Cash Reimbursement	\$ -	
21. Transfers to Saving Account	\$ -	
22. Bank Charges	\$ -	
23. Other	\$ -	
Total Disbursements		\$ 5,702.20
Ending Balance:		\$ 22,751.05

Approval by Commission: _____

Treasurer

Chairperson

Secretary

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 QUARTERLY REPORT OF FINANCIAL ACTIVITY 4th Quarter FY10

Summary of Receipts and Disbursements: Savings Account

Balance Forwarded			\$ 4,201.77
Receipts:			
Transfers From Checking Account		\$ -	
Other (Interest Earnings, etc.)		\$ 1.07	
Total Receipts			\$ -
Total Funds Available			\$ 4,202.84
Disbursements:			
Transfers to Checking Account		\$ -	
Other		\$ -	
Total Disbursements			\$ -
Ending Balance:			\$ 4,202.84

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
07/02/10	\$ 1,444.00	Refund from Voice of the Hill for balance of advertisement payment
07/15/10	\$ 5,555.40	District Allotment 2nd Quarter Fy10
Total	\$ 6,999.40	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
07/30/10	\$ 0.36	Interest
08/31/10	\$ 0.36	Interest
09/30/10	\$ 0.35	Interest
Total	\$ 1.07	



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL
ACTIVITY
Listing of Checks Issued
4th Quarter FY10

Check #	Date	Payee	Amount	Expense Category	Purpose of Expenditure	Date Approved (1)
1469	07/08/10	Heather Schoell	\$ 200.00	15	Agenda Package - July '10	12/09/09
1470	07/08/10	Roberta Weiner	\$ 135.00	15	Minutes - June '10	10/08/09
1471	07/14/10	FedEx Office	\$ 145.40	13	June '10 Statement	Budget
1472	07/17/10	Game Wear	\$ 350.00	18	RYI Grant	12/10/09
1473	07/17/10	Game Wear	\$ 813.00	18	RYI Grant	12/10/09
1474	07/17/10	Marlow Sports	\$ 200.50	18	RYI Grant	12/10/09
1475	08/02/10	Anaconda Sports Inc.	\$ 2,000.00	18	RYI Grant	12/10/09
1476	08/19/10	Marlow Sports	\$ 500.00	18	RYI Grant	12/10/09
1477	08/19/10	FedEx Office	\$ 25.96	13	May. '10 Statement	Budget
1478	09/09/10	Roberta Weiner	\$ 180.00	15	Minutes - July '10	10/08/09
1479	09/09/10	Heather Schoell	\$ 200.00	15	Agenda Package - Sept. '10	12/09/09
1480	09/21/10	John Cotton	\$ 906.64	18	RYI Grant	12/10/09
1481	09/27/10	FedEx Office	\$ 45.70	13	Aug. '10 Statement	Budget
Total			\$ 5,702.20			



Officer Reports - Treasurer



Petty Cash 4th Quarter FY10

PETTY CASH SUMMARY

Period Covered 07/01/10 - 09/30/10

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

Listing of Outstanding Checks 4th Quarter FY10

	Ck #	Amount
Outstanding Checks		
	1480	\$906.64
	1481	\$45.70
Total Outstanding Checks		\$952.34
Bank Statement Balance		\$23,703.39
Check Book Balance		\$22,751.05

Officer's signature _____ Print Name _____



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee

October 18, 2010 Minutes

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

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

Committee members present: Elizabeth Nelson (Chair), Rose Williams, Necothia Bowens, Louis Barbash, Jean Kohanek

Committee members absent: Mark Roy

Community members present: Sharee Lawler and Marha Huizenga from TheHillsHome and Pat Joseph, Leo Rice

- I. Agenda
 1. Adopted without item #2 - Status report on ANC/COC activities. There was concern that we might lose a quorum so we moved straight to discussion of paid advertising.

- II. Discussion of bid from Capitol Community News for advertising in Hill Rag and Fagon Guide
 1. Capitol Community News submitted a bid (\$3,689.00) for 12 monthly ¼ page ads in the Hill Rag plus one ¼ page ad in the Fagon Guide. These ads would be very similar to those run in past years. The monthly ads announce the ANC and committee meetings for the month plus contact information for the Chair and the URL for the website - also a solicitation for participation. The Fagon Guide ad includes contact information for all commissioners. Creation of the ads is included. The bid is the same as for the past two years.
 2. Ms. Nelson noted that Capitol Community News has been very cooperative about making last minute changes (when possible, gives us a preferred location (near the ANC reports) and that relationship runs smoothly. ANC 6A is required to post notice of meetings and this advertising provides a means to do so (as does the website). Ms. Kohanek noted that the price has not increased and that, since the arrangement has worked so well in the past, we shouldn't "mess with success".
 3. **Motion:** Ms. Bowens moved that the COC recommend that ANC 6A accept the bid from Capitol Community News for 12 monthly, ¼ page ads plus one ¼ page ad in the Fagon Guide at a cost of \$3,689.00. Seconded by Ms. Kohanek. Vote 5 in favor, none opposed.

- III. Discussion of proposal to advertise in Washington Informer:
 1. Ms. Bowens and Ms. Williams explained that the Washington Informer serves a somewhat different demographic than the Hill Rag. Ms. Kohanek noted that we



Committee Reports

Community Outreach Committee (COC)



have been trying to expand our outreach to more people who may not already be familiar with the activities of ANC 6A.

2. There was extended discussion of the rates (copy of sheet is attached). If ANC 6A ran an ad once a month, similar to that in the Hill Rag, it would cost approximately twice as much, although it could be done in black and white to save money. Also, it would only be in print for a week (because it is a weekly publication), so it would not lend itself to advertising the ANC and committee meetings, because they don't all occur in the same week.
3. Ms. Bowens suggested that the ad could be run quarterly with content more similar to the Fagon Guide than to the Hill Rag, in other words, include basic contact information for commissioners (with mention of website and ANC map to identify SMDs) rather than specific meeting information. Ms. Nelson noted that the content suggested by Ms. Bowens would work well given the publication cycle (weekly) of the Washington Informer.
4. Unlike the arrangement with the Hill Rag, creation of the ad itself is not included. However, if the ad were to run only quarterly (and did not change frequently), this would not be particularly onerous and Ms. Kohanek and Ms. Bowens believe they would be able to serve as each other's back up and do the work.
5. Ms. Bowens offered to contact the Washington Informer (if the Commissioners approve the expenditure) to discuss a possible discount.
6. **Motion:** Mr. Barbash moved that the COC recommend that ANC 6A approve the expenditure of \$1,500 (not to exceed) to pay for quarterly 1/5 page ads in the Washington Informer for a trial period of 1 year. Seconded by Ms. Bowens. Vote 5 in favor, none opposed.

IV. Discussion of proposal to advertise in TheHillsHome:

1. Ms. Huizenga gave a brief history of DCAccess and TheHillsHome blog. As she pointed out, DCAccess hosts the websites for ANC 6B, ANC 6C, ANC 6D and several other ANCs in other Wards. [The ANC 6A website is hosted by Gallaudet University.] TheHillsHome was begun this past May and has only recently begun accepting paid advertising.
2. Ms. Lawler gave a demonstration, on her laptop, of the blog - specifically examples of other ads. Currently, ads are placed by emailing the file to Ms. Huizenga; in future, it may be possible for advertisers to upload their own files.
3. There was some discussion as to size and content also how many page views would be necessary, how often the ad should be updated and ad placement. All agreed that a small ad would be a good place to start and that, given the size of the ad, the main focus should be the URL of the website. Ms. Bowens suggested using an animated .gif file, which Ms. Kohanek said she could produce. Ms. Williams observed that this could potentially be a means to diversify out-reach efforts. Ms. Kohanek suggested that, if we do go forward, we should work with Gallaudet to determine how much traffic is coming from the link on TheHillsHome. Ms. Nelson agreed to discuss that with her contacts



Committee Reports

Community Outreach Committee (COC)



at Gallaudet University. Mr. Barbash suggested that, considering this is a new form of advertising for the ANC, it was not necessary to decide in advance on the exact advertising plan. Instead we should ask for a relatively small sum of money and experiment with the new medium to see what works best.

4. **Motion: Ms. Kohanek moved that the COC recommend that ANC 6A approve the expenditure of \$350 (not to exceed) to pay for advertising in TheHillsHome. Seconded by Ms. Williams. Vote 5 in favor, none opposed.**
- V. The COC requests that Pat Joseph be confirmed as a member of the COC.
- VI. The next meeting of the COC will take place Monday, November 25, at 7:30 p.m. at 1235 C St. NE

Meeting adjourned at 8:25 p.m.

Rates from TheHillsHome:

- \$100 - square ad with 5000 page views
- \$200 - vertical or square ad with 10,000 page views
- \$300 - banner, Vertical or square ad with 15, 000 page views.

20% off for non-profits.



Committee Reports

Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee
October 19, 2010, 7-9 PM
Minutes

Meeting called to order at 7:00 pm

Committee members present: Commissioner Mary Beatty (ANC 6A05); Adam Healy; Michael Herman; Anne Marie Koshuta; Jaki Downs

Committee members absent: Tish Olshefski

Commissioners: Kelvin Robinson (ANC6A08), Drew Ronneberg (ANC6A02), Gladys Mack (ANC6A07), Raphael Marshall

Community: Coralie Farlee (ANC6D Chair of ABC Committee); Margaret Holwill, Phil Toomajian, Marle Busby, Antonio Robinson, Jason Feldman, Scott Magnuson

I. AGENDA/MINUTES

- a. Meeting called to order at 7:02 pm. Quorum present.
- b. Introductions made. Each member of the committee introduced themselves.
- c. Agenda - Motion to accept agenda as amended. Added item regarding Argonaut after agenda distributed to list server. No objections.
- d. Minutes - Motion to accept minutes presented at last ANC meeting (September 2010). No objections.

II. COMMUNITY COMMENT-None

III. REVIEW OF ANC6A JUNE-SEPT MEETING RE: ABL RECOMMENDATIONS

- 1) Letter to CM Graham re ANC 6A Standard Voluntary Agreement- The ANC voted unanimously to send a letter to Councilmember Graham which describes our concerns about the current ABC Board practice of unilaterally rewriting a VA which has been agreed to by all parties. The letter was submitted to CM Graham on Oct 19 by Chair Kelvin Robinson.
- 2) Protest of XII- The ANC voted 5-1-1 to protest the license renewal of XII. The grounds for this protest are centered primarily around noise concerns, but also includes use of public space, excessive loitering around the building, and the number of incidents reported to ABRA.

IV. NEW BUSINESS

- 1) XII Protest-Chair Beatty described the protest procedure and what the Committee would need to do in preparation for the protest hearing. The first step is to appear Nov 22 at the roll call hearing. Commissioner Ronneberg volunteered to appear on behalf of Commissioner Beatty, as she will be traveling for the Thanksgiving holiday. Approximately 30 days after this hearing there will be a status hearing so the Board can determine whether the parties are working to resolve the concerns. The actual protest hearing will be set 30 days beyond that date in case the parties cannot resolve their differences. Chair Beatty indicated that a petition of resident signatures would be very helpful for the Nov 22 hearing, and that the committee would need to petition MPD records, ABRA records, enlist witnesses, etc. to prepare for the hearing.
- 2) Concerns re: Langston Bar and Grill-The complainant, Ms. Karen Mayo, was not able to attend the Committee meeting, so her ANC Commissioner Gladys Mack represented her at the meeting. Commissioner Mack provided photos taken by Ms. Mayo that



Committee Reports

Alcohol Beverage and Licensing (ABL)



showed how cars parked in a parking lot behind her home would sometimes block her entry and egress from her home. She stated that she did not have this problem until the lot was used by Langston Bar and Grill. The lot is owned by Joe Woo, the owner of Capitol Liquors, who has granted her permission to use the parking lot to enter and exit, and to post signs asking that cars not block her driveway. Mr. Robertson indicated that because he does not own the lot, that he cannot control its use. He has also been granted permission by Mr. Woo to use the lot. Chair Beatty indicated that she would contact Mr. Woo to determine if anything else could be done. She indicated that she agreed with Mr. Roberson that there was little that he could do to remedy this problem.

Ms. Mayo also indicated that she had problems with noise on the patio. Mr. Roberson stated that he would sign an amended VA which disallows any amplified sound on the patio.

3) Argonaut Expansion

Scott Magnuson appeared before the committee to discuss proposed changes to the outdoor areas of the Argonaut. The changes are being made in connection with rebuilding the establishment after a fire. He indicated that they planned to add six counter seats and two tables for a total of 14 seats. The perimeter of the area will be fenced and there will be only drinks, no food served. They will agree to add a clause in their VA for no amplified sound outdoors. There is will be a 3½ foot iron fence around the area and tree planters to mitigate noise, but the outdoor area has no nearby residential neighbors as it sit near the starburst intersection. The committee asked that he return for a recommendation after he has applied for the substantial change with ABRA.

4) License Renewals- Little Miss Whiskey, Show Bar, Liberty Tree, The Pug, The Star and Shamrock - Chair Beatty asked that community comments be made about each of the licensees one by one. A member of the community said that Little Miss Whiskey was a responsible owner and had worked with residents to mitigate noise. Liberty Tree was described as a good business partner by Commissioner Marshall. The owner of the Star and Shamrock appeared at the meeting to respond to comments, but there were no negative comments. The committee voted unanimously:

Recommendation: To not protest the license renewals of Little Miss Whiskey, Show Bar, Liberty Tree, The Pug, or The Star and Shamrock.

5) Standard VA Modifications

Chair Beatty brought recommended changes to the VA for the Committee to review. Each change was discussed at length. In particular, the Committee, Commissioners present, and audience discussed security measures such as saving surveillance tapes, MPD reimbursable details, requirements of valet parking companies, and incident logs. There were some items that needed more research, so it was decided that Commissioner Beatty should take the recommendations of the Committee and the audience and bring a new draft back to the Committee in November.

V. Adjourn

Meeting adjourned at 8:50pm. Next meeting November 16, 2010.



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes
Capitol Hill Towers (900 G Street NE)
October 18, 2010

- I. Call meeting to order at 7pm
- II. Introductions: ANC Commissioners David Holmes and Nick Alberti introduced themselves along with committee members and the committee Chair, Omar Mahmud.
- III. Community Comment - None
- IV. New Business
 - A. Status of Bikeshare Locations in ANC 6A
 - i. Mr. Mahmud introduced Chris Holben from the District Department of Transportation's Capital Bikeshare Program and thanked him for attending.
 - ii. Mr. Mahmud asked Mr. Holben to provide an overview of the program and a summary regarding plans to install bikeshare stations in ANC 6A, including at Lincoln Park.
 - iii. Mr. Holben provided the following information and answered the following questions:
 1. Contract executed in May of this year to install 100 bikeshare racks citywide. DDOT launched the service in September with 35 racks. Three or four racks are being installed per day. There are about 3000 members so far.
 2. Bike sharing is a self serve bike rental system, like car sharing.
 3. Tomorrow DDOT expects to announce a grant which will extend bikeshare racks to another 100 locations.
 4. Question from a resident: How much did this program cost? Mr. Holben responded that it is being paid for by DDOT with federal highway funds. \$5M was used to purchase 1000 bikes and 100 stations. It costs \$1.4M per year to run the program, but DDOT estimates about 75% of these operating costs will be recouped in fees, sponsorships, etc. Mr. Mahmud asked how this compares to other government subsidized public transit programs. Mr. Holben responded that buses recoup approximately 20-30% of operating costs and that metro trains recoup approximately 50%.
 5. Question from a resident: Are the bikes secure? Mr. Holben responded that the bikes are theft-proof when in the rack, but that users are responsible for keeping the bikes secure when not in the rack. If a bike is stolen when in use and the user does not obtain a police report, the user will be charged \$1,000 to replace the bike. The replacement cost is this high because the bike has a unique design and is made with heavy-duty parts to withstand the elements.
 6. Commissioner Drew Ronneberg asked whether the corner of 11th and H is still scheduled to get a bikeshare station. Mr. Holben indicated a station would be installed once streetscape construction is complete at that location.
 7. A resident indicated she and her husband are interested in having a station near their house in the Lincoln Park area.
 8. The goal is to have a station every four blocks or so to account for full racks at stations, lack of bikes, etc.
 9. DDOT thought Lincoln Park would be an ideal location for a station in the initial planning phase of the project. There are plenty of bike lanes and safe routes for biking in the area. DDOT initially looked at installing a station along the west side of the park by the florist, but there was not enough space there. Each station spans from 30 feet to 90 feet long. A 30 foot station can hold 11 bikes and a 90 foot station can hold 35 bikes. 40 feet is ideal for most locations. No



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excavation is necessary to install a station and they can be moved easily or expanded. Cell phone connectivity is used so there is no need to install wiring either. DDOT also looked at other locations near and around the park including the traffic island at the southeast corner of the park.

10. DDOT evaluates the following criteria for station location sites: housing density, work place locations, attractions, proximity to bike infrastructure like bike lanes and trails. DDOT is really interested in having a station at the park and not blocks away. One option DDOT considered for a location at the park is in the street on 13th Street, but this will take away a lane of traffic and users will have to back a bike into traffic to remove it from the station. DDOT focuses on wider sidewalks and traffic islands for station locations as opposed to placement in streets because of safety concerns.
11. DDOT is now interested in installing the station at the traffic island near the northeast corner of the park. This traffic island is larger than the one near the southeast corner of the park so DDOT feels it's a better fit for a station.
12. Commissioner Alberti indicated that DDOT initially proposed the southeast corner triangle locations before neighbors raised concerns about the proposal, which caused DDOT to back down. DDOT is now proposing the northeast side instead because of pressure from neighbors near the southeast corner location. Mr. Holben indicated DDOT considered concerns raised by neighbors about the southeast corner location, including potential vandalism, noise, safety, site lines of cars, the station being an attractive nuisance to children, station's location in front of a residential row of houses as opposed to a commercial location. Mr. Alberti responded that each concern raised applies equally to the proposed northeast traffic island location. Mr. Holben indicated that DDOT did not find a majority of these concerns persuasive. Mr. Alberti then questioned how a decision was made if the concerns raised and cited were not persuasive. Mr. Mahmud asked Mr. Holben to clarify which concerns about the original southeast traffic island location DDOT found persuasive. According to Mr. Holben, DDOT thought the alignment of the station would be better on the northeast traffic island than on the southeast traffic island. Mr. Alberti then questioned why it would be valid to impose on the residents near the northeast side of the park what the residents near the southeast side found objectionable.
13. Question from a resident: Is DDOT still moving forward with the process of installing a station in the park, as opposed to just outside of it as has been discussed here? Mr. Holben responded that DDOT is still interested in locating the station in the park, but that it will likely take about a year to get that done given that a concessionaire with a contract to provide bike services in federal parks has a right of first refusal regarding bike services in park locations. Mr. Mahmud asked whether the concessionaire has been approached about whether it would exercise its right of first refusal. Mr. Holben indicated the concessionaire has said it would exercise the right of first refusal. Mr. Holben also indicated DDOT is looking into whether it is possible to change the definition of what is being offered. In other words, characterize bikeshare as a bicycle transit system as opposed to a bike rental system. That way this service would not fit the definition of the concessionaire's right. DDOT's legal team is currently researching this issue and DDOT is exploring this option.
14. Another resident raised a concern about safety issues associated with installing a station at the northeast corner traffic island, especially for children. This



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- location will also block the view of traffic like parking once did near this location before parking was prohibited at the location.
15. Another resident raised a similar concern about safety and proposed moving the station to 13th street instead of the traffic island location. The resident stressed that he's not against the bikes, but is concerned about the proposed location on a traffic island because of safety concerns. Mr. Holben indicated the street location presents safety issues given users will have to back bikes out of the station by entering traffic. Turning the rack around also does not solve the problem because there isn't enough space between the station and the curb. Mr. Mahmud asked about installing a concrete ramp at the curb or raising the station to curb level, which would allow users to back bikes out of the station and onto the sidewalk. Mr. Holben indicated planning that sort of work and identifying funding would take at least a year.
 16. Cody Rice indicated he is not persuaded by the safety argument raised by some residents. The northeast corner location works best from his perspective and no traffic lines will be blocked by the station.
 17. Ryan Velasco with the "Cabi Forward" group indicated about 18 people are involved in the group's effort to advocate for the system and collaborate to identify other areas for station locations. Speaking for himself, Mr. Velasco indicated a desire to have a station location in the vicinity of the park.
 18. A resident questioned whether people are analyzing the safety aspect correctly. Based on how traffic calming works, having a station on the traffic island will get motorists to slow down as they approach the island.
 19. A resident asked why the city would allow a bikeshare station on the island when it wouldn't allow construction equipment to be stored on the island during sidewalk construction. According to the resident, the city cited safety concerns for this decision, which would seem to apply to placing a bikeshare station on the island as well. Mr. Holben indicate he was unaware of this issue.
 20. A resident raised a concern about an infill plan to serve large gaps in station locations in the Capitol Hill area. Mr. Holben indicated DDOT is looking at locations around Stanton Park. One site that looks promising is the southeast corner in front of the drycleaner. There is also a small grass lot that DDOT owns at 4th Street and E. Capitol which could be used for a station site.
 21. A resident voiced concern that the station could be an attractive nuisance for children. DDOT should consider making the station smaller so it will be safer. The resident indicated her bikes have been hit at the northeast corner location by commuters.
 22. Another Lincoln Park resident indicated he wants the station somewhere near Lincoln Park and that DDOT should not decide on a location based on consensus.
- iv. Mr. Mahmud thanked Mr. Holben and all in attendance for participating and summed up the three options being explored by DDOT for placement of a location at Lincoln Park based on what was discussed at the meeting:
1. In the street along 13th Street - Safety concerns prevent this option from going forward unless DDOT can turn the station around and raise the station so users can back bikes onto the sidewalk. Mr. Holben believes it would be at least a year until this option could implemented, if at all.
 2. Somewhere inside the park - The concessionaire's right prevents DDOT from moving forward at this time. There is no timetable for how long it will take to work out the right of first refusal issue.



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3. Northeast corner traffic island - Only fully vetted option that DDOT is comfortable moving forward with at this time. DDOT could install the station at this location as soon as tomorrow.
- B. 2011 National Marathon Presentation by Organizers
- i. Mr. Mahmud introduced Diane Thomas of the Sports Alliance, organizers of the race, thanked her for coming and asked her to provide an overview of community engagement efforts for this year's race.
 - ii. Ms. Thomas provided the following information:
 1. This is the sixth year of the marathon. The race starts and ends at RFK Stadium. There are half, full and relay team marathon events.
 2. Organizers can guarantee when streets are opened back up because of deadlines imposed on runners at milestones. Traffic plans are worked out with MPD and residents are notified about the race and street closures by volunteers knocking on doors and distributing door hangers. Organizers also advertise information about the race in local publications such as the Hill Rag.
 3. This year there is a slight change to the route. The race will now head all the way down C Street NE instead of E. Capitol along Lincoln Park. This will cause about a 30 minute street closure on C Street at miles 1 and 2. The change is necessary because US Capitol Police indicated events can only go through the Capitol grounds one time. In past years, the race entered the Capitol grounds twice, but the restriction was never enforced.
 4. Organizers will distribute door to door hangers the week before the event for houses on the course and along the feeder streets in our ANC. Race information is also posted on street lamps the Wednesday before the race.
 5. A small working group of ANC Commissioners sat down with MPD to go over the race route last year. The group identified intersections that were more heavily traveled, "bunk cross" routes. This information was included in the Hill Rag advertisement. Organizers plan to do the same this year.
 6. WMATA is also at the table every year to discuss notification of bus route disruptions to residents. Organizers are interested in placing notifications on bus signs but they need WMATA's approval. The effort to get notifications placed in buses was not successful since buses change routes regularly. Organizers are still working on the notification issue with WMATA. Mr. Mahmud asked Ms. Thomas to provide the committee with an update, as this is a major concern for the race every year.
 7. Ms. Thomas indicated organizers would like a letter of support from the ANC.
 8. Commissioner Holmes expressed concern that a nearby dialysis center and hospital and the Seventh Day Adventist Church are all disrupted by this event every year. Ms. Thomas expressed a willingness to work out issues with these groups ahead of time this year.
 9. Mr. Mahmud identified a few key issues for organizers to work out prior to returning to the ANC for a letter of support:
 - a. Plan to collaborate with WMATA to more effectively notify residents of race day service interruption and route changes.
 - b. Plan to address patient treatment issues at the dialysis center and hospital, including letters from each indicating a plan had been worked out with race organizers.



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Economic Development and Zoning (EDZ)



REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A October 20, 2010

Present: Members: Dan Golden, Sharee Lawler, Charmaine Josiah, Phil Toomajian, Jeff Fletcher,
Commissioners: David Holmes, Kelvin Robinson, Drew Ronneberg

Drew Ronneberg chaired the meeting.

Community Comments

None.

Status Reports

H Street Connection Redevelopment: Drew Ronneberg reported that the Zoning Commission voted for proposed action at the September 27th meeting and asked the Applicant to provide additional details measure to protect the nearest home on 8th St., revisions to the penthouse design and to relook at the ingress/egress patterns to the development. The Zoning Commission is expected to vote on final action at their November 8th meeting.

7-Eleven Certificate of Occupancy Appeal: Drew Ronneberg reported the BZA will hear the ANC's case on December 7th, but that he was hopeful that an agreement could be reached with 7-11 that was acceptable to both parties and allow the appeal to be withdrawn.

Vacant Properties: Dan Golden explained that upon closer review the new vacant property law does not subject commercial vacant lots or residential vacant lots to the higher tax rates. Phil Toomajian noted that the new law is now in effect and that DCRA has posted updated lists of vacant properties on its website. Vacant with exemption, vacant without exemption (5% rate), blighted (10% rate). The ANC's vacant property map update should be complete within the next month. Residents are encouraged to review the lists and contact DCRA and their ANC if they believe there are discrepancies.

H Street Liaisons Report: Charmaine Josiah and Sharee Lawler reported that they were working with H Street CDC and the CHAMPS H Street Taskforce and that the initial meeting with H Street CDC's Ken Brewer had gone well. The CDC discussion involved the pending sale of their 1207 H Street property to Western Development and the possible plans to find a new location for the Autozone that is currently leasing it.

1113-1117 H Street Surplus & Development Plans

Jared Kahn from the Deputy Mayor's Office for Planning and Economic Development and Stanley Wall were present to discuss the City's plans to surplus this vacant lot on H Street to Mr. Wall for development. The city is preparing to complete the transfer of the property to Mr. Wall who won a competitive bidding process a few years prior to develop the site and hopes to complete that process prior to the end of the year. There will be another meeting at the Sherwood Recreation Center on November 10 to further discuss the plans for the site and likely another in January after



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ownership of the property has been transferred.

Mr. Wall explained he plans for 16 residential units (with 4 affordable under DC's inclusionary zoning - 2 at 50% AMI and 2 at 80% AMI) and 2,000 square feet of ground floor retail. He believes it will provide a variety of community benefits, including job opportunities, and he plans to work with local school Phelps Architecture and Design during the construction. The property will be LEED-certified at least at the Silver level. He plans to work with H Street businesses Norman Smith Architecture and Taurus Enterprises Construction on the development.

Some Community members expressed concern about access to the property via the alley. Mr. Wall plans to provide parking for the residential units, which will be accessed via the alley, but residents report that the alley is in extremely poor shape, has an unusual layout, and may at times be inaccessible due to illegal parking, poor drainage and other issues. Mr. Kahn promised that DMPED would work with DDOT to address the concerns regarding the alley's poor conditions and stated that he hoped to present a solution at the next meeting. Mr. Wall explained that the construction would be conducted from the H Street entrance, but that trash pickup and residential access to parking would come through the alley. Zoning code requires 8 parking spaces for the 16-unit building, but Mr. Wall stated that he might seek a variance to go below the minimum requirement.

1300 H Street (old R.L. Christian Library) Possible Surplus and Usage Plans

Mr. Kahn was present to engage the ANC and the community in a discussion of how best to make use of 1300 H Street, which was previously home to the R.L. Christian Library. He invited anyone with ideas or suggestions on possible uses for the site to contact him via email (Jared.Kahn@dc.gov). Commissioner Robinson emphasized that he wanted the community to be able to weigh in on plans for the property before the city decided on what it wanted to do with it, in contrast to what happened with 1113-1117 H St. Mr. Kahn agreed and said that's what he was present to do. Mr. Kahn explained that the property is 1,800 square feet, 2.5 FAR density and PUD by right allows up to 10,000 square feet, but he believed a PUD would be impractical here.

Some community members discussed a possible mixed-use building with residential units and ground floor retail. Margaret Holwill suggested that the space be public space for space-making and events on H Street as she was concerned about where the Thriller event that is held each Halloween on the Autozone site could occur once that property was developed. Another resident said it was important the if the property was to be surplussed for development that the process be open to all in a fair competition. Mr. Kahn agreed that any such process would be and that the ANC could help draft guidelines for the types of things we would like to see in a successful application.

Comprehensive Zoning Rewrite Review

Drew Ronneberg said he saw some good things in the proposed rewrite of the parking, bicycle parking and loading regulations, including parking maximums, public space requirements, and bicycle parking. He suggested that he would welcome comments over the next couple weeks and incorporate them into new business for the ANC to review at the November meeting. The committee agreed that this was a good way to proceed under the circumstances because the meeting was running long.



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ED&Z Framework for reviewing zoning applications

The Committee resumed its consideration of a guide to assist those who have zoning applications that come before the ED&Z.

Commissioner Robinson expressed concern that the draft guide gave the impression that the ED&Z was a mini-BZA and wanted it to make clear that while the applicable guidelines were an important part of the ED&Z review that the ED&Z also would elicit community comments on the applications. The Committee agreed that it would incorporate a stronger statement of purpose that not only laid out the relevant standards and guidelines, but that also noted the role of the ANC as a statement of the community's feelings about an application. A resident suggested that the statement of purpose should also explain why the technical adherence to the rules and requirements was important. The Committee welcomed this suggestion as well and agreed to work to add a statement to the guidance document that identified the role of the community and explained why it was important to respect the various zoning requirements.

Discussion of the old Medlink Hospital site and it's partially vacant state was tabled for the next meeting.

Next Scheduled ED&Z Committee Meeting:
Wednesday, November 17, 2010
7-9 PM
642 10th St NE
Sherwood Recreation Center, 2nd Floor



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November XX, 2010

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

RE: ZC Case 08-06 - ANC 6A Comments on Comprehensive Zoning Regulations Review; Chapters: Parking, Bike Parking, and Loading (B-15, B-16 & B-17)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting on November 11, 2010, our ANC voted X-X-X to provide the following comments on the proposed Parking, Bike Parking and Loading Chapters of the Zoning Regulations Rewrite. We generally support the new regulations, especially the codification of the curbcut and driveway standards established in DDOT's Design and Engineering Manual, the prohibition of parking between buildings and the street (Section 1506) and the requirement to preferentially use alleys over streets for access to parking (Section 1507). However, we have identified issues in specific provisions that should be addressed before the new chapters are finalized and have chosen to address these issues in the order of the proposed regulations.

In Subsection 1500.3, ANC 6A asks that the underlined language be added:

“1500.3 No building permit shall be issued unless a parking plan shows that any parking requirements will be met and the Applicant has demonstrated to the Zoning Administrator that all necessary public space permits (e.g. curbcuts and driveways) have been obtained. In addition, no certificate of occupancy shall be issued unless the parking spaces have been constructed in accordance with the approved parking plan.”

We are requesting this change because in prior cases, property owners obtained building permits by showing unapproved curbcuts and driveways on parking plans. The case of 701 10th St NE is a good example of the problems that arise when the Applicant is not required to show valid public space permits before constructing curbcuts or driveways. Please see the attached letter to the City Administrator for a fuller discussion of the 701 10th St case. Similar language should be added to Subsections 1600.3 and 1702.2.

In Section 1502, we ask that a new subsection be added that states “If the minimum parking requirement exceeds the maximum parking requirement, the maximum parking requirement shall be used.”

In Subsection 1502.2 and Subsection 1503.2, we ask that the underlined language be added:

1502.2 The expansion of a use within a building triggers additional parking requirements only when its gross floor area is expanded or enlarged by twenty-five percent (25%) or more beyond the buildings GFA at the time of the enactment of this title or in the case of a new building, the GFA used to calculate the initial parking requirement. The additional minimum parking required shall be



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calculated based upon the entire gross floor area added. A different rule applies to historic resources and is stated in § 1502.3.

1502.3 Additions to historic resources shall be required to provide additional parking spaces only for the addition's gross floor area and only where:

- (a) The addition results in at least a fifty percent (50%) increase in gross floor area beyond the buildings GFA at the time of the enactment of this title; and
- (b) The resulting requirement is at least four (4) parking spaces.

We request these changes in order to prevent developers from attempting to expand the building in several phases where each phase is under the 25% requirement but the combined expansion exceeds the 25% threshold. Similar language should be added to Subsections 1603.5, 1603.6, 1702.6 and 1702.7.

In Subsection 1502.11(b), we request the following language be added "On a lot within four hundred feet (400 ft.) of the use or structure that the parking spaces serve as measured from the nearest lot line." Without this language, every space on the lot would need to be within 400 feet of the use or structure it serves. Similar language should be incorporated into Subsection 1513.3(d)

In Subsection 1503, we support Alternative 2, which distinguishes between Transit Oriented Development and non-Transit Oriented Development locations.

Finally, our ANC recommends the following technical corrections to the text:

1. Subsection 1501.1(a) should be made Subsection 1500.2 and (b) to (f) should be renumbered accordingly.
2. Subsection 1603.3 should be included in Section 1602 (General Requirements)
3. Subsection 1705.2 should be modified to state "meeting the requirements of B§§1507.3 through 1507.11" and Subsections 1705.3 through 1705.5 should be eliminated.

Please be advised that Commissioner Drew Ronneberg, Commissioner David Holmes, Commissioner Bill Schultheiss, or Omar Mahmud, Chair of ANC 6A's Transportation and Public Space Committee are authorized to represent the ANC for the purposes of this case. Commissioner Ronneberg can be reached at 202 431-4305 or ronneberg6a02@gmail.com.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Harriet Tregoning, Office of Planning Director
Jennifer Steingasser, Office of Planning
Monte Edwards, Stanton Park Neighborhood Association
Karen Wirt, ANC 6C Chair



New Business



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



April 9, 2010

Mr. Neil Albert
Deputy Mayor and City Administrator
1350 Pennsylvania Avenue, NW, Suite 521
Washington, D.C. 20004

Dear Mr. Albert,

Over the past few years, ANC 6A has reviewed dozens of development proposals that require approval from two or more of the following entities: the Historic Preservation Office (HPO), the Zoning Administrator/Board of Zoning Adjustments (ZA/BZA), and DDOT's Office of Public Space (DDOT-OPS). In each of these instances, the city directed applicants to seek approvals in the following order: historic preservation, zoning, and public space.

Our ANC believes that the current order of approvals is deeply flawed because:

- 1) HPO often approves projects without knowledge or consideration of zoning or public space issues. Applicants often find out about these issues only after they have spent months seeking HPO approval. In addition, HPRB has approved designs that cannot be built without zoning relief and public space permits.
- 2) Applicants request ZA/BZA approval for projects which rely on the use of public space, but for which the applicant had not received a public space permit.
- 3) DDOT-OPS approves public space applications that have no corresponding public benefit because the agency does not want to stop developments that have already received HPO and ZA/BZA approval.
- 4) A denial of an applicant's public space application after HPO and/or ZA/BZA approval can cause unexpected delays, cost increases and other additional burdens that would be avoided by requiring applicants to apply for public space permits before HPO and BZA/ZA review.

In order to solve these problems, we respectfully request the City Government alter the approval process to follow the following order: public space, zoning, and historic preservation. Although this would be the formal approval chain, the Applicant would be encouraged to have informal discussions with the ZA or Office of Zoning and HPO during the project's design and development.

Some of the many examples we have encountered are outlined below. These examples illustrate the problems with the current approval system and how the system we propose would alleviate these problems:



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701 10th St NE. In this case, the applicant submitted plans to DCRA for a 2 unit flat on a corner lot without alley access that showed two parking spaces on private land with driveway/curbcut access from the street. However, the applicant had not obtained a public space permit for the curbcut and driveway from DDOT-OPS. DCRA issued building permits and the building was constructed before the applicant applied to DDOT-OPS for a driveway and curbcut. When DDOT-OPS received the public space application, they approved the curbcut and driveway over the unanimous opposition of the ANC. We believe that DDOT-OPS's approval of such a curbcut and driveway was not consistent with customary DDOT standards.

We further believe DDOT's decision to approve the applicants request was biased by the fact that a denial could have placed a heavy burden on the owner and at the very least, delayed use of the property. Denial of the request by DDOT would have necessitated that the owner apply retroactively for a zoning variance from parking requirements for a flat in an R-4 zone. Had the BZA then denied the variance, the owner would have had to retrofit the building as a single family home or demolish the structure. If one believes the owner acted in good faith, it would seem unfair to subject the owner to that risk.

Requiring the applicant to first obtain a public space permit would have allowed DDOT to appropriately evaluate the merit's of the curbcut application before a structure had been constructed on the site.

1137 C St NE. In this case, the applicant proposed expanding an existing 2-story 2-unit property in the historic district to a 3-story 5-unit structure with 100% lot occupancy. In addition, the applicant proposed integrating a 3-car garage that would require additional curb-cuts from 12th St NE.

The case was first reviewed by the Historic Preservation Office, where the staff did not advise the applicant that variances would be required for the lot occupancy and creation of a multi-unit building or that public space permits would be required for the curb-cuts. The case went through several months of review by HPO and our ANC before the applicant understood the difficulty in obtaining the variances and abandoned the project.

In the approval system proposed by ANC 6A, the applicant would be aware that variances and public space permits would be required at the beginning of the project and could have made a more informed decision about whether he should pursue the necessary approvals.

1101 D St. NE. The applicant in this case owns a corner lot and wanted to construct a 6-foot high fence to enclose public space for use as a private side yard. HPO was the first body to consider this case and approved the design of the fence but did not address the public space issues in their report. In its application to DDOT's Public Space Committee (PSC), the applicant emphasized HPO's approval of the fence and the PSC later approved the use of public space largely based on the HPO's approval.



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In the approval system proposed by ANC 6A, the PSC would be the first to consider the application and would be more apt to deny the request because of the lack of public benefits or at least require a shorter, open fence as specified in the public space regulations. In this system, HPO would have the opportunity to further refine the design of the fence after PSC approval.

140 14th St NE. Brown Memorial A.M.E proposes to expand their church, which is located in the Capitol Hill Historic District. In this case, the HPRB recommended and approved a design that necessitates building on public parkland. Brown must now make requests to DDOT-OPS and the National Park Service. If use of land is denied, as is recommended by ANC 6A, the design approved by HPRB will be voided. Brown AME will then have to apply once again to HPRB for approval of an amended design.

Our ANC fears that the DDOT and the NPS will find it difficult to deny a public space request for a project that has received HPO approval of the burden it places on the applicant - It will take addition time to get approval for the project and necessitate redesigning the building expansion plans.

In the approval system proposed by our ANC, the public space component would be considered first. The steps of the process required for approval would be known to the applicant before hand, without the threat of a delay due to a second HPRB review if the use of public space is denied. The DDOT and the NPS could fairly review the public space permit without being biased the prior HPRB approval or considerations of the burden a negative decision places on the applicant.

1400 Maryland Ave. NE. In this case, the applicant proposes to construct a gas station on a corner lot and incorporate an area of public space into their business that is almost equal to the size of the lot owned by the applicant. The applicant originally requested the BZA approve site plans for a proposal that included signage, curbcuts, driveways, and extensive pavement of public space for which no public space permit had been granted. ANC 6A opposes proposed uses of public space and requested a delay in the BZA case, so that the DDOT-OPS can first rule on the use of public space.

Had BZA considered the case first, as was initially planned, it would have been asked to make a ruling that relied on the assumed availability of public space whose use had not yet been granted by the DDOT-OPS. In that event, if DDOT-OPS decided to deny the request for a public space permit, the BZA's decision would have been made mute. That would have cause unexpected delays for the applicant. Additionally, ANC 6A fears that if BZA had approved the proposed use, the DDOT-OPS would be biased by a positive BZA ruling and thus would be unable to fairly rule on the request for a public space permit.

In the approval system proposed by our ANC, the PSC hearing for public space would have automatically come before the BZA hearing. It would guarantee that BZA made its decision on a set of facts, not on hypothetical conditions unresolved at the time of BZA's decision. It would potentially shorten the time required to resolve the case and lessen the risk of placing additional, yet avoidable, burdens on the applicant.



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When formulating this recommendation, our ANC investigated how other similar cities handled the approval process. We found that Baltimore, Boston and Philadelphia all required zoning approval be obtained before their equivalents to the Historic Preservation Office can consider the case.

The cases outlined in this letter clearly show the problems associated with the current process of receiving approvals from historic preservation, zoning and public space. Our ANC strongly urges the District Government to require public space approval before zoning or historic issues are addressed, and to also require zoning approval before historic preservation issues addressed. This system would benefit the applicant because the zoning and public space issues would be evident earlier in the process. It would also benefit District residents because it would be more likely that public space applications would be granted only when there was a compelling public benefit and HPO would only consider projects that had received zoning approval.

In close, as this challenge crosses three city agencies, we are seeking your assistance to implement a change to the administrative process for securing permits. Please note that we brought this matter to the attention of your predecessor in December of 2008, but, to date, have received no response. As this is our second request for assistance and as this proposed administrative direction requires no change in law or regulation, we look forward to timely review of our request by the end of June 2010, in accordance with D.C. Code §1-309.10(h)(1).

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc. Adrian Fenty, Mayor
Tommy Wells, Councilmember, Ward 6
Linda Argo, Director DCRA
Gabe Klein, Director DDOT
David Maloney, State Historic Preservation Officer
Matt LeGrant, Zoning Administrator
Harriet Tregoning, Director, Office of Planning