



# Commission Letters of October 14, 2013 Meeting



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



October 12, 2013

Mr. Josh Kern  
Receiver  
Options Charter School  
1375 E St NE  
Washington, DC 20002

Dear Mr. Kern,

The Commissioners of Advisory Neighborhood Commission 6A thank Options Charter School for its removal of their recently built fence which had enclosed a Department of Parks and Recreation basketball court located immediately adjacent to the School.

The Commission voted to offer these thanks unanimously, 5-0. The vote took place at our regularly scheduled publicly announced<sup>1</sup> monthly meeting with a quorum present

The Commission specifically requests that Options consult with us before future changes are made respecting public access, transportation, and security issues. We represent the surrounding community and, as the name of our Commission makes plain, we expect to be consulted in these matters.

I am the ANC's primary contact for this matter, and can be reached at David.Holmes@anc.dc.gov. In my absence, Elizabeth Nelson, Chair of our Community Outreach Committee, will act for the ANC. The Commissioner in whose District Options is located is Jay Williams. His email is williamsANC6a05@gmail.com.

On behalf of the Commission,

David Holmes  
Chair

<sup>1</sup> ANC 6A advertises its meetings through the use of our Announce-6A email distribution list, on our website, through the ANC6A and NewHillEast listservs, and in the *Hill Rag*.



# Commission Letters of October 14, 2013 Meeting



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



October 11, 2013

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

Dear Ms. Miller,

Advisory Neighborhood Commission 6A (ANC) protests the issuance of a license to the Ben's Chili Bowl/Ben's Upstairs at 1001 H Street NE (Class "C" Restaurant) (License Number ABRA-093103). There has been as yet no concurrence on a Settlement Agreement between the applicant and the ANC.

ANC 6A is concerned about the effect of this business on peace, order and quiet in our community. Ben's proposes both a rooftop serving area and a sidewalk café. The sidewalk café will be located on 10th Street close to residential rowhouses. The rooftop dining area, of course, also concerns the ANC and the nearby neighbors. While discussions have been very amicable, we have not yet reached an agreement.

This letter is authorized by a 4-0 vote of ANC 6A taken on October 10, 2013, a regularly scheduled meeting. The required quorum of five was present. Commissioner Alberti left the meeting room before this discussion and vote, and did not return until after its conclusion. The meeting was publicly announced (on two yahoogroups of wide local circulation, by the Commission's email notice, on our website, and by an advertisement in the *Hill Rag* newspaper).

For the Commission,

David Holmes  
Chair



# Commission Letters of October 14, 2013 Meeting



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



October 12, 2013

Dr. Sharia Shanklin  
Interim Director  
Department of Parks and Recreation  
1250 U Street, NW  
Washington, DC 20009

Dear Dr. Shanklin,

The Commissioners of ANC 6A wish to thank the Department of Parks and Recreation for its help in removing of a fence that had appropriated and enclosed a Department of Parks and Recreation basketball court located immediately adjacent to Options Public Charter School. We wish to commend the very competent assistance of Derek Schultz, Administrative Operations Manager, CPRP, for his assistance in preventing the loss of public access to this DPR facility.

The Commission voted unanimously, 5-0, with five required for a quorum. The vote took place at our regularly scheduled publicly announced<sup>1</sup> monthly meeting.

The school has expressed concern about inappropriate behaviors on the basketball court during school days. To the extent possible, please help us and the school avoid these problems with attention and security enforcement.

Elizabeth Nelson, Chair of our Community Outreach Committee, and I are the ANC's contacts for this matter. I can be reached at [David.Holmes@anc.dc.gov](mailto:David.Holmes@anc.dc.gov).

On behalf of the Commission,

David Holmes  
Chair

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# Commission Letters of October 14, 2013 Meeting



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



October 14, 2013

Mr. Matthew Le Grant  
Zoning Administrator, DCRA  
1100 Fourth Street SW, Room 3102  
Washington, DC 20024

Re: Notice to ZA of Potential Zoning Violation (1316 Corbin Place)

Dear Mr. Le Grant,

At a regularly scheduled and properly noticed<sup>1</sup> meeting on October 10, 2013, our Commission voted 4-0-1 (with five Commissioners required for a quorum) to advise you that recent construction at 1316 Corbin Place, NE, appears to have resulted in a zoning violation.

The new structure appears to exceed the allowable lot occupancy for the property. In addition, the construction appears to have been undertaken without proper permits and in a manner that calls into question its structural integrity. See attached documentation. The adjacent neighbors were not properly noticed about the project; hundreds of cubic yards of dirt were removed with no DDOE approval or oversight; and the excavation of the rear yard disturbed the zone of influence of the neighbor's (1314 Corbin) structural pier without proper underpinning, and without notification or approval by the neighbor.

The ANC has been told that the piers supporting the new rear addition are too far back from the outside edge, and that the cantilever is too severe to structurally support the weight of the addition. The third pier was added after the structure was in place but without a footing inspection.

There are other issues adversely affecting the next door neighbors explained in the attached documents. As you can see below, there is a list of failed, incomplete and cancelled inspections.

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# Commission Letters of October 14, 2013 Meeting



Your quick investigation and early reply to our concerns is requested. Whether the required permits were obtained in a timely fashion and whether the structure conforms to code and is structurally safe is of great concern to the neighbors and the ANC.

Dan Golden and I are authorized to represent the ANC in this matter. I can be reached at David.Holmes@anc.dc.gov.

For the Commission,

David Holmes  
Chair

Address	Unit	SSL	ID	Type	Completion Status	Completion Date	Detailed Description
1316 CORBIN PL NE		1031 0178	CIC1302211	Initial Inspection	Cancelled	2013/10/11	
1316 CORBIN PL NE		1031 0178	CTP1400002	Third Party Oversight	Disapproved	2013/10/09	
1316 CORBIN PL NE		1031 0178	CTP1400002	Third Party Oversight	No Show	2013/10/02	
1316 CORBIN PL NE		1031 0178	CIC1302214	Initial Inspection	Scheduled	2013/09/16	
1316 CORBIN PL NE		1031 0178	CIC1302022	Initial Inspection	Stop Work Order	2013/08/29	
1316 CORBIN PL NE		1031 0178	CIC1301807	Follow Up	No Cause	2013/08/12	
1316 CORBIN PL NE		1031 0178	CIC1301807	Follow Up	Rescheduled	2013/08/02	
1316 CORBIN PL NE		1031 0178	CIC1301807	Initial Inspection	No Cause	2013/07/19	
1316 CORBIN PL NE		1031 0178	CIC1301531	Initial Inspection	Stop Work Order	2013/06/07	



## OLD CITY DESIGN STUDIO

13 September 2013

Rabbiah "Robbie" Sabbakhan,  
Chief Building Official, Permitting and Inspections  
Department of Consumer and Regulatory Affairs  
1100 4<sup>th</sup> Street, SW  
Washington, DC 20024  
[rabbiah.sabbakhan@dc.gov](mailto:rabbiah.sabbakhan@dc.gov)

Re: 1316 Corbin Place NE Construction

Dear Mr Sabbakhan:

We are writing to inform you of construction at 1316 Corbin Place NE, which is being executed by a developer, that is seriously deficient, and dangerous. We are sending this letter to document the deficiencies that we have witnessed on a daily basis beginning on May 25th. We have called and emailed several times to get DCRA to stop the work during construction, but the first stop work order came on August 22<sup>nd</sup> with the project substantially complete.

My wife and I are both practicing architects, registered in the District of Columbia. We believe that the work, as completed, has not had the proper oversight, and is a danger to the neighboring property owners, and the individual that will ultimately purchase this house from the developer.

The developer applied for permits for drywall removal, interior renovation and rear concrete pad only. The work performed was a complete interior demolition and removal of the rear façade, new addition exceeding previous footprint, complete excavation of the rear yard and the planned addition of an enclosed garage.

Because the work was performed outside the scope of the permit, no inspections appear to have been performed by DCRA.

**What follows is a list of known deficiencies which are dangerous:**

1. The piers supporting the new addition are too far back from the outside edge. The cantilever is too severe to structurally support the weight of the addition. A third pier was added (out of sequence) alongside the other two after the structure was in place, without a footing inspection. Excavation of the rear yard has further compromised all three piers by eliminating a major amount of earth within their zone of influence.
2. Excavation of the rear yard has disturbed the zone of influence of the neighbor's (1314 Corbin) structural pier without proper underpinning. This work was performed without notification or approval by the neighbor.
3. The walls along the property line on each side are required to be rated construction per IRC. The current construction is not rated.

1317 D Street NE, Washington, DC 20002



## Commission Letters of October 14, 2013 Meeting



### OLD CITY DESIGN STUDIO

4. The neighbor's chimney at 1318 Corbin place was compromised by the removal of the rear brick façade. The deficiencies were then quickly covered over by wood stud wall construction along the property line.

**The following is a list of known deficiencies due to lack of oversight:**

1. The footprint of the house has been expanded beyond the allowable lot occupancy
2. The neighboring property owners were not informed of the construction at any point in time
3. Work has been performed along the property line without neighbor's consent or notification and without a boundary survey, or wall check inspection.
4. Hundreds of cubic yards of earth were removed from the rear yard without DDOE approval or oversight.

Construction had been ongoing for three months prior to the stop work order, often after hours, on holidays and on Sundays. Unapproved construction had been allowed to continue for months while we have been calling on a daily basis, as well as sending photos to the zoning officials. As neighbors and professionals we find this completely unacceptable. A response to our concerns would be appreciated.

Sincerely,

Melissa G Boyette, AIA  
Joseph Boyette, AIA  
1317 D Street, NE

Enclosure:  
8 page photo documentation with notes

cc:  
Gregory Petway, 1318 Corbin Place, NE  
Constance Wynn, 1316 Corbin Place, NE  
Andrew Hysell ([hysell6a06@gmail.com](mailto:hysell6a06@gmail.com)), ANC6a ED&Z committee co-chair  
Dan Golden ([dpgolden@gmail.com](mailto:dpgolden@gmail.com)), ANC6a ED&Z committee co-chair  
David Holmes ([holmes6a3@gmail.com](mailto:holmes6a3@gmail.com)), ANC6a03 Chair

1317 D Street NE, Washington, DC 20002



Zoning Analysis

1316 Corbin Place, NE  
Washington, DC 20002

Zoning District: R-4  
Square 1031  
Lot 178  
Lot Area: 1169 sq ft per DC Records

Footprint before construction:

510 sf residence + 119 sf front porch + 53 sf rear porch = 682 sf total

Footprint as built:

635 sf residence + 119 sf front porch = 762 sf total

Footprint as planned (assumed)

635 sf residence + 119 sf front porch + 222 sf rear porch = 976 sf total

	R-4 Zoning Allowed	Subject Property before construction	Subject Property as built	Subject property as planned
Min. lot width (401.3)	18 ft	17'	17'	17'
Min. lot area (401.3)	1800 sf	1169 sf	1169 sf	1169 sf
Max. lot occupancy (403.2)	60%	58.3% *	65.2% *	83.5% ^
Min. Rear yard setback (404.1)	20 ft	15'-6" *	13'-0" *	0'-0" ^

\*estimate based on DCGIS & survey of the property from outside the property line.

^ estimate based on planned deck / garage 8 feet high alley to cover entire rear yard.

407.1 The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirements of §§ 401 and 403 (minimum lot dimensions and maximum percentage of lot occupancy); and a deviation not to exceed ten percent (10%) of the linear requirements of §§ 404 and 405 (minimum rear yard and minimum side yard requirements); and a deviation from the requirements of § 406 (minimum court dimensions), not to exceed either two percent (2%) of the area standard or ten percent (10%) of the width standard; provided, that:

- (a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection; and
- (b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.





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



October 14, 2013

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

Re: Completion of streetcar construction

Dear Director Bellamy:

The Commissioners of Advisory Neighborhood Commission (ANC) 6A voted unanimously to indicate their support for quiet work during the night hours as final streetcar construction proceeds along H Street. We ask that your team take all possible measures to mitigate noise and light pollution. These issues are of great sensitivity to the neighborhood. We support the project because to the DDOT promises to minimize noise disruption to businesses and residences.

The ANC adopted a motion authorizing this letter by 4-0 with five required for a quorum. The vote was taken at our regularly scheduled and publicly announced monthly<sup>1</sup> meeting with a quorum present.

On behalf of the Commission,

David Holmes  
Chair

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



# Commission Letters of October 14, 2013 Meeting



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



October 14, 2013

DC Public Charter School Board  
3333 14th Street, NW  
Suite 210  
Washington, D.C. 20010

Advisory Neighborhood Commission 6A adopted a motion at its October 12 meeting<sup>1</sup> to:

1/. Express support for the transfer of Option’s charter to a new operator. Under its current charter, we have had many experiences of bad management and inadequate security. We often expressed concern at the behavior of students moving to and from the school. They need better supervision than they have been getting. For example, the practice of holding students outside the school because they are tardy has been a recipe for neighborhood trouble.

2/. Urge that the school not be closed because of the adverse impact on the students since the school has vocational training that would not easily allow continuity in instruction if the students are transferred to a new school. Tossing the students out by cancelling the charter would be a disaster for these kids. They need schooling, training and care; they need to be kept in school to provide skills to support them in their adult life. The smoothest possible transition is necessary.

3/. Call for a transition to a new, larger and more easily controlled site. Vocational education requires large special purpose classrooms not easily available in this former elementary school. Middle and upper grade students need large outdoor facilities to provide healthy stress-relieving exercise. The school itself is too small for the number of students who need this type of instruction and supervision. Again these are not available at the current location. We hope these requirements will be kept in mind by this Board and any new operator.

Commissioners Hysell, Williams and Holmes are authorized to represent the ANC in this matter. I can be reached at David.Holmes@ANC.DC.gov.

For the Commission,

David Holmes  
Chair

<sup>1</sup> This was the Commission’s regularly scheduled public meeting with a quorum present. The meeting was publicized in the Hill Rag, on the Commission website, through notices posted on two Yahoogroups of wide Hill distribution, and through the Commission’s email distribution list.



# Commission Letters of October 14, 2013 Meeting



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



October 19, 2013

Ms. Ruthanne Miller, Chair  
ABC Board  
1250 14th Street, NW, Fifth Floor  
Washington, DC 20009

Dear Chairperson Miller:

Please be advised that at the October 10 meeting of ANC 6A, with a quorum present, the Commission voted (3-1-1) to protest the CT license renewal of XII (License # 76366), located at 1123 H Street NE. Commissioner Alberti left the room before the discussion began on this matter and did not return until after its conclusion. He also did not participate in any email discussions about XII or any other alcoholic beverage licensing matters. This was our regular and publicly<sup>1</sup> announced meeting.

Since opening in 2007, the establishment has violated the Voluntary Agreement, dated March 19, 2007 and Board Order dated October 31, 2007 and subsequent orders 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 episodes of violence within and outside the nightclub.

The litany of violations of the Settlement Agreement continues to the present day. The establishment agreed to the conditions but consistently flaunts them. Even Board Orders are followed by repeats of the same violations.

Sound levels from XII are the curse of this neighborhood. Neighbors with children have moved because of the noise. Broken windows are never replaced despite promises. In short, the ANC is filing

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



its protest based upon the severe negative impact that the establishment has on the peace, order and quiet of the surrounding neighborhood.

Commissioner Jay Williams, Chair of the ANC 6A Alcohol Beverage Licensing Committee, will be the primary representative of the ANC in this matter. However, should he not be able to attend any hearing, Commissioner David Holmes is also authorized to represent the ANC for the purposes of this case. Commissioner Williams can be reached at 202-906-0657 or [williamsANC6a05@gmail.com](mailto:williamsANC6a05@gmail.com).

On behalf of the Commission,

David Holmes, Chair



# Commission Letters of October 14, 2013 Meeting



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



October 21, 2013

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

Re: Extension of Resident Only Parking Hours for the 1200 block of Wylie Street NE

Dear Director Bellamy:

The Commissioners of ANC 6A endorse the neighborhood petition seeking to extend residential permit parking hours on the 1200 block of Wylie Street, NE to midnight each day (from the original time of 7:30 pm). The Commission voted 5-0, with five required for a quorum. The vote took place at our regularly scheduled publicly announced<sup>1</sup> monthly meeting.

This, obviously, is a form of neighborhood protection from the parking saturation of H Street. Within the next few months the ANC will forward additional blocks needing and seeking this protection.

The ANC's contact for this matter is Commissioner J. Omar Mahmud at mahmud6a01@gmail.com. His phone number is 202-594-9848.

On behalf of the Commission,

David Holmes  
Chair

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### PETITION TO EXTEND HOURS AND DAYS OF RESIDENTIAL PERMIT PARKING

**MAIL OR PRESENT PETITION TO:**  
District Department of Transportation Infrastructure Project Management Administration  
55 M Street, SE, 5<sup>th</sup> Floor, Washington, DC 20003  
Phone: (202) 671-2800

**BLOCK REPRESENTATIVE:** Anthony Green  
(PRINT NAME)

**ADDRESS:** 1203 Wylie St. NE

**TELEPHONE:** ( ) 202-615-4300

**SIGNATURE:** [Signature]

The undersigned residents of the hundred block of 1203 Wylie in Ward 12, petition the Mayor and the City Council to extend the Residential Permit Parking Program (RPP) hours of enforcement until 12:00 PM Monday through Sun. The abovementioned block has already been designated for RPP and has been part of the program for at least one year.

This petition contains the signatures of a majority of the households on the block requesting extended RPP enforcement.

Printed Name	Address	Signature
1) Anthony Green	1203 Wylie St.	[Signature]
2) Paige and Geoff Byrne	1239 Wylie St.	[Signature]
3) Carolyn Davies	819 12 <sup>th</sup> St. NE (abuts Wylie)	[Signature]
4) Kevin Dang	1227 Wylie St NE	[Signature]
5) Ashley Poole	1212 Wylie St NE	[Signature]
6) Shawneeka Callier	1234 Wylie St NE	[Signature]
7) Anjela Jenkins	1208 1/2 Wylie St NE	[Signature]
8) Katie Hatheway	1204 Wylie St NE	[Signature]
9) GAIL SULLIVAN	817 12 <sup>th</sup> St NE	[Signature]
10) Nekira Harris	1224 1/2 Wylie St NE	[Signature]



# Commission Letters of October 14, 2013 Meeting



Printed Name	Address	Signature
11) Thekia Hansen-Young	1211 Wylie St NE	Thekia Hansen-Young
12) Alan Page	1209 1/2 Wylie St NE	Alan Page
13) Amira Moore	1209 1/2 Wylie St NE	Amira Moore
14) ELIZABETH DAVIS	1214 WYLIE ST NE	Elizabeth Davis
15) J. S. SINGH	1237 WYLIE ST	J. S. Singh
16) Amanda Sato	1220 Wylie St	Amanda Sato
17) Kara Callaghan	1246 Wylie Street NE	Kara Callaghan
18) Vanessa Baffin	1217 and 1219 Wylie St NE	Vanessa Baffin
19) MILIND RAO	1231 WYLIE ST NE	Milind Rao
20) Michelle Cleburne	1243 Wylie St	Michelle Cleburne
21) ANTHONY ZARRELLA	1226 WYLIE ST NE	Anthony Zarrella
22) Kenneth Borchert	819 12th St NE #2	Kenneth Borchert
23) Raymond Waden	1204 Wylie St SE	Raymond Waden
24) Frank B. Bryant	1218 Wylie St NE	Frank B. Bryant
25) LIZ PULOKA	1224 WYLIE ST. NE	Liz Puloka
26) Brandon Moffitt	1232 Wylie St. NE	Brandon Moffitt
27)		
28)		
29)		
30)		
31)		
32)		
33)		
34)		



# Commission Letters of October 14, 2013 Meeting



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



October 24, 2013

James L. Robinson  
GWU CEPL Executive Director  
2033 K Street NW, Suite 240  
Washington, DC 20052

Dear Sir,

Advisory Neighborhood Commission (ANC) 6A nominates Gottlieb Simon, Director of the Office of Advisory Neighborhood Commissions (OANC) for the Cafritz Award. The motion to do so was adopted unanimously, 5-0.

While employed by the Council, his position is not political; it's non-partisan as are the ANCs. Mr. Simon and his staff are charged with assisting, mediating, and improving these local elected bodies that are closest to the people of the District of Columbia. Commissioners are of all types, accomplishments, experiences, and degree of political involvement. We are united by our desire to something for our neighbors and the wider community.

Mr. Simon offers superb service to our ANCs and enables us to better serve our communities. He advises us on contacting the City departments, boards and commissions. His knowledge of the District's administrative processes is encyclopedic. He employs tact and persuasion to encourage good relations among the Commissioners. He offers wise counsel. He trains and supports both Commissioners and Commission Chairs in the proper execution of their responsibilities.

He has an endless work day, but is unrelentingly cheerful and gracious. I don't know what we would do without him.

He has defined the job, advanced representative democracy, and in so doing, improved the lives of us all. He deserves this award for his service to the District of Columbia, for his help in empowering the local neighborhoods of our City.

For the Commission,

David Holmes  
Chair





# Commission Letters of October 14, 2013 Meeting



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



October 25, 2013

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

Re: Sahra (1200 H Street, NE) (Lic. #87558)

Dear Sir:

At a publicly-announced<sup>1</sup> special meeting held October 24, 2013, Advisory Neighborhood Commission 6A (ANC) voted to object to any changes, including hours of operation, to the CT Settlement Agreement for Sahra (1200 H Street, NE). The motion carried 5-1. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion, having left the room during consideration.

These changes are not acceptable to ANC 6A. This CT license was recently granted and, during its course to this date, the licensee has had a number of problems conforming to their obligations under the SA. We are not, at this point, ready to grant longer hours or any less restrictive conditions.

Once again, we are opposed to the “Request to Change Hours of Operation and Sales”

Should there are questions, please contact Commissioner Jay Williams, chair of the ANC's Alcohol Beverage Licensing Committee at WilliamsANC6a05@gmail.com or 202.906.0657. Commissioners Williams, Omar Mahmud, and myself are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes  
Chair

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# Commission Letters of October 14, 2013 Meeting



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



October 26, 2013

Mr. Matthew Le Grant  
Zoning Administrator, DCRA  
1100 Fourth Street SW, Room 3102  
Washington, DC 20024

Re: Notice to ZA of Potential Zoning Violation (1242 H Street NE)

Dear Mr. Le Grant,

At a properly noticed<sup>1</sup> special meeting on October 24, 2013, our Commission voted 5-2 (with five Commissioners required for a quorum) to advise you that the operators/owners of 1242 H, which just opened for the first time, may be in violation of DC zoning laws and of the H Street Overlay in particular.

You may remember that you advised the builder, IS Enterprises, that they would require variances. Specifically:

BZA #17968. (Area Variance) pursuant to 11 DCMR §3103.2, for a variance from the non-residential floor area ratio requirements under subsection 1321.2, and a variance from ground floor level ceiling height requirements under subsection 1324.12, to allow the construction of a new commercial (retail/office) building in the HS (H Street Housing Sub-District Overlay)/C-2-A District, at premises 1242 H Street, N.E. (Square 1003, Lot 22).

The matter was taken up by the BZA, and ANC 6A responded with a resolution of opposition to the proposal. The owner withdrew his application. You may remember construction at the site had several issues requiring attention by DCRA. Exterior construction has continued at the rear of the structure, and so total lot occupancy may have changed.

We were surprised to find the upper two levels may be available for use as a bar, since that had been explicitly prohibited by your office. The recent opening was the public's first

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chance to view the upper floors. It has taken years to put the space to use, so this is the first opportunity to see that there may be zoning problems and alert your office.

Attached are notes from our Zoning Committee discussion which formed the basis of the ANC's opposition.

Please tell us if the developer built the way he wanted without reference to the requirements of zoning and the Overlay, or if the zoning regulations have been adhered to.

Dan Golden and I are authorized to represent the ANC in this matter. I can be reached at David.Holmes@anc.dc.gov.

For the Commission,

David Holmes  
Chair



## Commission Letters of October 14, 2013 Meeting



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



ANC 6A, Economic Development and Zoning Committee, 8-19-2009

Taken from the minutes:

1242 H St., IS Enterprises

The owner wishes to build a 4 story building at 1242 H Street NE and is looking for a variance due to the small size of the lot – 17' 6" x 72'.

1.  
The requirement for 14' ceiling on the first floor requires that they also put a landing on each floor. The landing would use up to about 30% of the first floor. Owner would like to get as much usable space out of the first floor so is asking for a ceiling height of less than 14'. Requesting 10' 6" ceiling height on 1st floor.
2.  
The owner wishes to configure the building for more than one tenant. A corridor would separate the stairs from the rest of the first floor.
3.  
The ground level is likely to be professional services offices. 2nd through 4th floor would be professional offices for the owner's development company and his general counsel.
4.  
No residential use.
5.  
The plan for the building incorporates some environmentally friendly aspects such as solar panels, green roof, and use of local/recycled bricks, energy efficient windows. The plan calls for high quality construction to allow the building to last for a 100-year lifespan. The building would not be LEED certified.

Increase the usable floor space.

1.  
Elevator would require stairs anyway
2.  
Can't move stairs closer to the front of the building due to fire control room. The fire control room must be accessible from a common area.

Design Issues

1.  
Front is brick to maintain the look of the neighborhood. Design breaks the monotony and massing with windows. There is a roof deck at the top floor of the building.
2.  
Rear is hardie plank siding.
3.  
Uniform casement windows.

In general, the committee commented that the design was not in keeping with the rest of H Street.

1.  
All the other structures on the block are 2 stories
2.  
The design of the front does not reflect any of the architectural elements found on H Street. No historical elements, windows are modern looking instead of having the shape/style of other windows seen along H Street.

Zoning Issues

1. Current zoning for the location calls for ground floor retail with residential above.



2.  
H Street Overlay/arts district modifies underlying C-2-A zoning. Meant to create an incentive for better retail space.

3.  
C-2-A zoning—base zoning  
a. 1.5 FAR for non residential  
b. maximum of 2.5 FAR  
c. 50' height restriction  
d. 60% lot occupancy for residential  
e. 15' rear yard

4.  
H Street Overlay modifications –supersedes base zoning  
a. Residential – 70% lot occupancy  
b. Non-residential FAR 1.0

5.  
They are asking for  
a. 3.0 FAR  
b. Not provide 14' ceilings on ground floor for retail

6.  
Procedural issues  
a. Need zoning relief to base zoning in addition to variance to overlay  
b. Application doesn't request the relief needed.  
c. In addition, we have seen DCOZ allow zoning variances on FAR



# Commission Letters of October 14, 2013 Meeting



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



October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board’s agenda for Wednesday, October 30<sup>th</sup>, 2013 by Little Miss Whiskey’s Golden Dollar (1104 H Street NE) (the “establishment”), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment’s Settlement Agreement with ANC 6A, I write on behalf of ANC 6A in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement (“SA”) can be considered. Specifically:

- (d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
- (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
  - (A) During the license's renewal period; and
  - (B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.
- (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
- (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:
  - (A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or
  - (ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;
  - (B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and



# Commission Letters of October 14, 2013 Meeting



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October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board’s agenda for Wednesday, October 30<sup>th</sup>, 2013 by Sahra Hooka Lounge (1200 H Street NE) (the “establishment” or “Sahra”), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment’s Settlement Agreement with ANC 6A, I write on behalf of ANC 6A (the “ANC”) in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement (“SA”) can be considered. Specifically:

- (d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
- (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
  - (A) During the license’s renewal period; and
  - (B) After 4 years from the date of the Board’s decision initially approving the voluntary agreement.
- (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant’s renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
- (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:
  - (A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or
  - (ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;
  - (B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the



## Commission Letters of October 14, 2013 Meeting



(C) The amendment or termination will not have an adverse impact on the neighborhood where the establishment is located as determined under § 25-313 or § 25-314, if applicable.

(5) To fulfill the good faith attempt criteria of paragraph (4)(A)(ii) of this subsection, a sworn affidavit from the applicant shall be filed with the Board at the time that an application to amend a voluntary agreement by fewer than all parties is filed stating that either:

(A) A meeting occurred between the parties which did not result in agreement; or

(B) The non-applicant parties refused to meet with the applicant.

As an initial matter, ANC 6A has not consented to the termination of this establishment's Settlement Agreement. Further, although the SA has been in place for more than four years and this is the time period of the establishment's license renewal, the other prerequisites for the Board's consideration have not been met. Namely, a "good-faith attempt to negotiate a mutually acceptable amendment to the [Settlement Agreement]" has not taken place. DC Code § 25-446(d)(4)(A).

Neither I, nor any other Commissioner of ANC 6A, have been approached by anyone representing Little Miss Whiskey's Golden Dollar to discuss amending or terminating its SA. I am easy to locate and contact, as my contact information is prominently displayed on the ANC 6A website, and I regularly email all ANC 6A licensees regarding upcoming ABL Committee meetings. Therefore, there is no way that Little Miss Whiskey's Golden Dollar can establish that it complied with the requirements of § 25-446(d)(4)(A).

For the reasons listed above, ANC 6A requests that the Board reject the establishment's request because it did not undertake the necessary good-faith negotiation with the ANC under DC Code § 25-446(d)(4)(A). Should the Board determine that a good-faith effort *was* undertaken (which is unlikely, given that no meeting whatsoever has taken place), the ANC will be prepared to present at a hearing arguments and evidence to the Board to show that Little Miss Whiskey's Golden Dollar's request does not meet the standards set forth in DC Code § 25-446(d)(4)(B) and (C).

Please do not hesitate to contact me if you have any questions or would like additional information.

On behalf of the Commission,

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





# Commission Letters of October 14, 2013 Meeting



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



October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board’s agenda for Wednesday, October 30<sup>th</sup>, 2013 by Joe Englert, on behalf of Vendetta (1210 H Street NE) (the “establishment”), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment’s Settlement Agreement with ANC 6A, I write on behalf of ANC 6A in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement (“SA”) can be considered. Specifically:

- (d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
- (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
  - (A) During the license's renewal period; and
  - (B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.
- (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
- (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:
  - (A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or
  - (ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;
  - (B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant’s establishment is located; and



# Commission Letters of October 14, 2013 Meeting



**District of Columbia Government  
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October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board's agenda for Wednesday, October 30<sup>th</sup>, 2013 by Joe Englert, on behalf of H Street Country Club (1335 H Street NE) (the "establishment"), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment's Settlement Agreement with ANC 6A, I write on behalf of ANC 6A in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement ("SA") can be considered. Specifically:

(d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.

(2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:

(A) During the license's renewal period; and

(B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.

(3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.

(4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:

(A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or

(ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;

(B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and



# Commission Letters of October 14, 2013 Meeting



**District of Columbia Government  
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October 28, 2013

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

Dear Ms. Miller,

I am writing in reference to a request on the Board’s agenda for Wednesday, October 30<sup>th</sup>, 2013 by Joe Englert, on behalf of Rock N Roll Hotel (1353 H Street NE) (the “establishment”), to terminate its Settlement Agreement. Assuming this is a reference to a request to terminate this establishment’s Settlement Agreement with ANC 6A, I write on behalf of ANC 6A in response.

As you are no doubt aware, DC Code § 25-446 sets forth the requirements for when an application for termination of a Settlement Agreement (“SA”) can be considered. Specifically:

- (d) (1) Unless a shorter term is agreed upon by the parties, a voluntary agreement shall run for the term of a license, including renewal periods, unless it is terminated or amended in writing by the parties and the termination or amendment is approved by the Board.
- (2) The Board may accept an application to amend or terminate a voluntary agreement by fewer than all parties in the following circumstances:
  - (A) During the license's renewal period; and
  - (B) After 4 years from the date of the Board's decision initially approving the voluntary agreement.
- (3) Notice of an application to amend or terminate a voluntary agreement shall be given both to the parties of the agreement and to the public at the time of the applicant's renewal application according to the renewal procedures required under §§ 25-421 through 25-423.
- (4) The Board may approve a request by fewer than all parties to amend or terminate a voluntary agreement for good cause shown if it makes each of the following findings based upon sworn evidence:
  - (A) (i) The applicant seeking the amendment has made a diligent effort to locate all other parties to the voluntary agreement; or
  - (ii) If non-applicant parties are located, the applicant has made a good-faith attempt to negotiate a mutually acceptable amendment to the voluntary agreement;
  - (B) The need for an amendment is either caused by circumstances beyond the control of the applicant or is due to a change in the neighborhood where the applicant's establishment is located; and



(C) The amendment or termination will not have an adverse impact on the neighborhood where the establishment is located as determined under § 25-313 or § 25-314, if applicable.

(5) To fulfill the good faith attempt criteria of paragraph (4)(A)(ii) of this subsection, a sworn affidavit from the applicant shall be filed with the Board at the time that an application to amend a voluntary agreement by fewer than all parties is filed stating that either:

(A) A meeting occurred between the parties which did not result in agreement; or

(B) The non-applicant parties refused to meet with the applicant.

As an initial matter, ANC 6A has not consented to the termination of this establishment's Settlement Agreement. Further, although the SA has been in place for more than four years and this is the time period of the establishment's license renewal, the other prerequisites for the Board's consideration have not been met. Namely, a "good-faith attempt to negotiate a mutually acceptable amendment to the [Settlement Agreement]" has not taken place. DC Code § 25-446(d)(4)(A).

Approximately two months ago, I met with Joe Englert briefly to discuss his request to modify his Settlement Agreements for a number of his businesses, including Rock N Roll Hotel. His request for Rock N Roll Hotel was limited to the hours of the rooftop deck. I suggested that he bring his request before the ABL Committee, which he did on August 20, 2013. At that meeting, the Committee ultimately took no action, and noted to Mr. Englert that the ANC would soon be addressing rooftop deck (and public space patio) hours in a community meeting, and that the ANC was interested in addressing such concerns in a holistic manner, rather than on an individual basis. See August 20, 2013 ABL Committee Meeting Minutes, available at <http://anc6a.org/minutes/ABLM0813.pdf>.

Now, it appears that Mr. Englert is requesting that the *entire* Settlement Agreement between his establishment and ANC 6A be terminated. I do not believe that a good-faith effort was made to discuss this, as Mr. Englert only raised the issue of a limited amendment related to rooftop deck hours, a conversation we are still willing to have with him, along with all other businesses in ANC 6A. Given that our discussions only concerned an amendment to a small portion of the Settlement Agreement, and not a complete termination, as Mr. Englert has now requested, I do not believe that a good-faith attempt to negotiate as required by section (4)(A) has taken place.

For the reasons listed above, ANC 6A requests that the Board reject Mr. Englert's request because he did not undertake the necessary good-faith negotiation with the ANC under DC Code § 25-446(d)(4)(A). Should the Board determine that a good-faith effort *was* undertaken, the ANC will be prepared to present at a hearing arguments and evidence to the Board to show that Mr. Englert's request does not meet the standards set forth in DC Code § 25-446(d)(4)(B) and (C).



## Commission Letters of October 14, 2013 Meeting



Please do not hesitate to contact me if you have any questions or would like additional information.

On behalf of the Commission,

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



# Commission Letters of October 14, 2013 Meeting



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



November 6, 2013

Ms. Gretchen Pfaehler  
Chair  
Historic Preservation Review Board  
1100 Fourth Street, SW, Suite E650  
Washington, DC 20034

Re: 1301 North Carolina Avenue NE, HPA #13-545

Dear Ms. Pfaehler:

At a regularly scheduled and properly noticed<sup>1</sup> meeting on October 12, 2013, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to oppose the current plans for the installation of rooftop antennas and a generator on the roof of 1301 North Carolina Avenue NE.

We agree with the State Historic Preservation Office determination that the antenna arrays "...would alter this contributing building and the surrounding National Register-listed historic district in a manner that diminishes their integrity of design, setting, feeling, and association...(and)... disagrees with the assertion that the proposed screening will reduce the visual impact of the proposed undertaking,(...advising) that unscreened antennas would also constitute an adverse effect."

The antenna array and generator would be visible from much of Lincoln Park, a national landmark.

The Commission asks that the Board deny the permit request because it fails to meet the Historic Preservation Review Board's guidance for rooftop additions and installations, and because it is inappropriate in this historic district, next to a landmarked park.

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

For the Commission,

David Holmes  
Chair

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