



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



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

7:00 pm **Call to order, adopt agenda and approve previous meeting's minutes.**

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

7:10 **Community Presentations:**

1. Dr. Joy Kinard, National Parks Service
2. Dr. Montgomery of Options Public Charter School

7:30 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 18*

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

7:40 **Single Member District reports** (2 minutes each)

Standing Committee Reports:

7:55 **Community Outreach** *pg. 20*

1. Approve committee report.
2. Next meeting - 7:30pm, Dec. 20, 2010

8:00 **Alcohol Beverage Licensing** *pg. 22*

1. Approve committee report.
2. **Recommendation:** ANC 6A not protest the license renewals of SOVA, Chapter II (Fruit Bat), or Rose's Dream.
3. **Recommendation:** ANC protest the application for a substantial change by Rose's Dream for a rooftop patio unless ANC 6A has an amended, signed and approved VA prior to the petition date of December 20, 2010.
4. Next meeting - 7pm, Dec. 14, 2010 (NOTE: not the 3rd Tuesday)



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**2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
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8:05 Transportation and Public Space Committee pg. 24

1. Approve committee report.
2. **Recommendation:** ANC 6A send a letter regarding construction fence blocking public space around Capitol Hill Oasis town homes.
3. **Recommendation:** ANC 6A send a letter of recommendation regarding Circulator Planning Study.
4. Next meeting - 7pm, Dec. 20, 2010 (3rd Monday)

8:10 Economic Development and Zoning Committee pg. 29

1. Approve committee report.
2. **Recommendation:** ANC 6A send a letter to DCRA requesting that vacant properties within its boundaries be included in the next phase of the pilot program to map vacant properties and list their exemptions on a DCRA website.
3. **Recommendation:** ANC 6A approve the ED&Z Framework for Considering Zoning Cases.
4. Next meeting - 7pm, Dec. 15, 2010 (3rd Wednesday)

8:20 Unfinished Business

1. Language governing the use of the ANC 6A logo. (Robinson)

8:25 New Business

1. Motion to set the ANC 6A meeting day and time for 2011 meetings for the second Thursday at 7:00 at Miner Elementary School. (Holmes)
2. Notice of intent to update ANC 6A bylaws. (Holmes)
3. Motion to thank the retiring members of the Commission for their service. (Holmes)

8:30 Community Comments Round II, time permitting (2 minutes each)

8:35 Adjourn



Advisory Neighborhood Commission 6A Meeting Minutes of November 11, 2010



Advisory Neighborhood Commission 6A Minutes Miner Elementary School November 11, 2010

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

The meeting was convened at 7:05 p.m.

1. Agenda

Mr. Robinson asked to have the issue of ANC logo use placed under Unfinished Business, and a request to have the ABRA fact-finding on XII re-opened and discussion of an appeal of the permits for 138 12th Street NE added to New Business. The agenda was accepted as amended without objection.

2. Minutes

Mr. Robinson submitted corrections to the October minutes. The minutes of the September meeting, as amended, were adopted without objection.

3. Community Comment

Greater DC Cares

Andrea Sledd of Greater DC Cares announced a meeting for prospective volunteers in Northeast on November 30th. She discussed the various projects they are planning to undertake in Northeast DC, passed out flyers, and announced that there were mini-grants—up to \$300—available to organizations for clean-ups and other neighborhood projects.

4. Officers' Reports

Treasurer

Mr. Alberti presented the Treasurer's Report. It shows that the opening checking account balance was \$22,751.05 and the savings account balance was \$4,202.49. There was an interest payment to the savings account of \$.35. There were disbursements of \$180 to Roberta Weiner for taking and transcribing the September 2010 minutes (Check #1482); \$200 to Heather Schoell for the September Agenda package (Check #1483); \$559.23 to FedEx Office (Sept. 2010) (Check #1484); and \$650 to the Capitol Hill Garden Club for a grant (Check #1485); leaving a balance of \$21,181.82 in the checking account and \$4202.84 in the savings account. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

Motion: Mr. Alberti moved/Mr. Marshall seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each



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Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion to accept the Quarterly Report for the 4th Quarter of FY 10 as presented. The motion passed without objection.

Chair

Mr. Robinson recognized the newly elected 6A commissioners: Adam Healy (6A 01); Sharee Lawler (6A 05); Andrew Hysell (6A 06); and Lia Veenendaal-Selck (6A 08).

Mr. Robinson reminded the Commission that in December 2009 it voted to establish a Hospitality Committee to explore the creation of a different kind of mix on H Street, and as discussions continue on contemplating a moratorium, the ANC should keep an eye on what else is going on.

He said he had been to a meeting attended by Councilmember Jim Graham and commissioners from around the City, as well as representatives of the industry and the Restaurant Association of Washington about refining voluntary agreements. He said it was a cordial discussion, and they had agreed to disagree. He said he doesn't know how the Councilmember feels but he heard how the ANCs feel.

5. Single Member Districts

Mr. Marshall reported that he had gone to a couple of restaurants and found the doors wide open; at one establishment the door was propped open with a bar stool. He said he wants to ask Mary what the regulations are. He reported a robbery in the 800 block of K Street on the south side; it was workers who had equipment taken. He said that he had received information from DDOT that the transformer for the trolley will not be built on Wylie Street. He also reported that the issue with the parking signs hasn't been resolved and that one deals with a different person every time one goes to DDOT. Damon Harvey says that he worked a deal that the signs would not go up on the north side of 10th, 11th, and 12th Streets until construction is finished.

Mr. Alberti said he had nothing to report. However, he did offer the information that there is an after-hours number at ABRA to report violations so they can send inspectors.

Dr. Ronneberg announced that the Zoning Commission had approved the PUD for the H Street Connection. It will probably be a couple of years before construction begins. He also reported that there will be a surplus property hearing for 1113-1117 H Street NE, and the consensus is that the site should be surplus. He reported that a group to improve the Sherwood Recreation Center had met, and mentioned that Mr. Marshall and Mr. Healy had been present. He further reported that the Atlas Room had had a soft opening, and that the transformer will be built at 12th and H Streets NE, and it may be buried.

Mr. Schultheiss reported that DCHA, after four years, started repairs on two vacant properties.

Mr. Holmes reported that the National Marathon will run down C Street, and cars will have to be moved although there's no place to put them. East Capitol Street will also be closed. He also reported that tree boxes are being widened and deepened, but they are



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ignoring boxes that have decorations. They will be working on Massachusetts Avenue, and the widening will be two feet on either side. It is being done to help the trees breathe. He also said that a façade improvement program for H Street is being funded through the Eighth Street Main Street grant program, which has a very short deadline.

Mr. Robinson reported that he had attended a PSA 103 meeting and people are very concerned about crime on C Street NE. He said that at 304 16th Street NE there is a pop-up store as well as vacant properties that seem to be ongoing problems.

6. Committees

Public Space and Transportation

Motion: Mr. Schultheiss moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation that the ANC 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. Committee chair Omar Mahmud said that the changes will enhance the Starburst intersection and be an asset to the community. The motion passed without objection.

The report of the Committee was accepted without objection.

Community Outreach

Advertising Expenditures

Committee Chair Elizabeth Nelson gave a report on potential advertising resources for the ANC.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion to support the committee's recommendation to 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. The motion passed without objection.

She then raised the possibility of using the Washington Informer, saying that there have been concerns off and on that the Hill Rag doesn't reach every demographic. The Informer is a weekly publication, making it unsuitable for advertising of particular meetings but quarterly ads would create a general awareness of the commission. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to accept the committee's recommendation that the ANC approve the expenditure of \$1500 (not to exceed) to pay for quarterly 1/5 page ads in the Washington Informer for a period of a year. The motion passed without objection,

She also suggested trying TheHillsHome blog, saying that the ANC hadn't done anything like that before, and it would be a good idea to experiment with this new form of advertising. She said that details of the advertising rates (size and number of page views) were included in the COC report but that she had recently been informed that the rates would change (favorably). She said she would get information on how many page views the commission would get for its money. In answer to a question from Mr. Holmes, Ms. Nelson said that one pays for a certain number of page views and after they are used up,



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the ad disappears. Commissioner-elect Sharee Lawlor, who works with TheHillsHome said that one pays for 10,000 page views—the ad appears on a story, but on a different story you have a different page view. She said that a \$350 investment will last about three months. Mr. Robinson asked how the ANC would determine the effectiveness of the ad. Ms. Nelson said that she will request that the host of the ANC website, Gallaudet University, assist the ANC in determining how many visits to the ANC website originate from the ad on the THIH.com. Motion: Dr. Ronneberg moved/Mr. Alberti seconded a motion to accept the committee's recommendation to approve the expenditure of \$350 (not to exceed) to pay for advertising in TheHillsHome. The motion passed without objection.

New Committee Member

The appointment of Pat Joseph (6A 05) to membership on the Community Outreach committee was approved without objection.

The report of the Committee was accepted without objection.

ABL Committee

In the absence of Ms. Beatty, Mr. Robinson presented the report of the ABL Committee.

Motion: Mr. Robinson moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation that ANC 6A not protest the license renewals of Little Miss Whiskey, Show Bar, Liberty Tree, The Pug and the Star and Shamrock, The motion was accepted by a vote of 5-0-1, with Mr. Alberti not voting.

The report of the Committee was accepted without objection.

Economic Development and Zoning Committee

New Member

Motion: That the ANC accept the nomination of Julie Santoboni for membership on the Committee. The motion passed without objection.

The report of the Committee was accepted without objection.

7. Old Business

Mr. Robinson asked to move the discussion of language governing the use of the ANC 6A logo to the December meeting.

8. New Business

Proposed Parking, Bicycle Parking and Loading Regulations

Dr. Ronneberg presented a letter to the Zoning Commission regarding the section of the draft Comprehensive Zoning Regulations review on parking, bicycle parking and loading. He said that the letter says the ANC is generally in support of the new regulations, particularly the portions that codify curb cut and driveway standards established in



Advisory Neighborhood Commission 6A Meeting Minutes of November 11, 2010



DDOT's Design and Engineering Manual, the prohibition of parking between buildings and the street, and the requirement to preferentially use alleys over streets for access to parking. However, the letter also identifies issues that should be addressed before the new language is codified. It goes on to catalog a number of suggested modifications to the language. The letter also authorizes Dr. Ronneberg, Mr. Holmes, Mr. Schultheiss and Omar Mahmud to represent the Commission in this matter. **Motion:** Mr. Ronneberg moved/Mr. Holmes seconded a motion to approve the letter to the Zoning Commission on proposed parking, bicycle parking and loading regulations. The motion passed 6-0-0, without objection.

Streetcar Funding Hearing

Dr. Ronneberg requested support of the ANC for a letter authorizing Dr. Ronneberg, Mr. Robinson, or any member of the ANC to represent the Commission at a November 19th City Council hearing on funding for the streetcars.

Settlement with the 7-11

Dr. Ronneberg reported that a resolution of the outstanding issues is coming along and that a final agreement with 7-11 is close. If the ANC signs the agreement it has the flexibility to withdraw the appeal that has been filed to their Certificate of Occupancy (C of O). Mr. Alberti said that he hates horse-trading and holding businesses hostage, and the ANC should either file an appeal of the C of O or not. He said he wasn't sure whether one thing has anything to do with the other. Mr. Holmes reminded the ANC that the same thing had been done with the Teachers' Federal Credit Union. Mr. Schultheiss said he agreed that trash is an ongoing problem, and it's a cultural problem as well as an owner problem.

Dr. Ronneberg said that the regulations for fast food establishments were written to deal with extra trash that impacts neighbors. There's the potential of either losing at BZA or 7-11 successfully applying for a permit as a fast food establishment without any trash mitigation. He said that he had met with with Matt LeGrant (Zoning Administrator), and it appeared that DCRA doesn't want to enforce the regulations. The agreement is the best thing for the residents and for the ANC. It would be a significant thing. Mr. Holmes asked what happens if they don't comply with the agreement, and Dr. Ronneberg said there would be bad press for the 7-11 if they failed to comply with the agreement. Mr. Marshall said he walks by the 7-11 two or three times a day, and some days there's no trash and some days there's a lot. It's the consumers that make the difference. He said there are people who think the 7-11 is the best thing that's come to H Street. Dr. Ronneberg said that the agreement requires 7-11 to have its employees pick up trash daily on the 700 block of 10th St. NE.

Mr. Robinson suggested that some of the language in the agreement needs a little clean-up. Mr. Ronneberg said that the document is time sensitive. A resident asked about language that talks about debarment and was assured it was customer debarment that was being spoken about.

Motion: Mr. Robinson moved/Mr. Holmes seconded a motion that ANC 6A enters into negotiation with 7-11 on the items in the agreement, and, if successful, will withdraw its



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appeal of the Certificate of Occupancy. The document can be technically amended over the next week.

Mr. Schultheiss asked about a timeline and Mr. Ronneberg said that the 7-11 has a ten-year lease. It opened in August, got its C of O appealed because of safety and trash issues. Their best option is to sign the agreement. Mr. Marshall asked if they were independently owned or a franchise and was told they are a franchise. The new construction begins in three or four years. Mr. Marshall asked whether the security is for employees or customers and was told that there are two people in the store at all times - one can go out and patrol while the other takes care of the indoors. Mr. Alberti complimented Dr. Ronneberg on his hard work and said that he would support the motion because it's probably in the best interest of the community. The motion passed without objection.

Letter Regarding Issues at XII

Dr. Ronneberg presented a letter requesting ABRA to reopen its fact-finding hearing on XII So that the ANC had an opportunity to testify or submit comments, as the ANC was not notified of the October 28th hearing. **Motion:** Dr. Ronneberg moved/Mr. Holmes seconded a motion to send a letter to ABRA requesting that it re-open its fact-finding process in the matter of XII. Adam Healy asked about who would attend the hearing if Ms. Beatty was unavailable, and Mr. Robinson replied that for a serious matter, the presence of a Commission member is needed. The motion passed without objection.

Appeal of Permits for 138 12th Street NE, Apple Tree School

Mr. Alberti reviewed the history of the site. It is a non-conforming building at 138 12th Street NE that requires a variance for the renewal of its building permits. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion that ANC 6A appeal the renewal of the building permits for 138 12th Street NE because it requires a re-issuance of permits first issued in early 2007.

At the time the original applications were filed, it was a matter-of-right project. However, the Zoning Commission changed the Zoning Regulations and made schools on such a small lot a non-conforming use. The site has been vacant since October 2007—there has been no construction. New permits were issued on September 17, 2010. The building has never been used as a public school, so it is a change of use. If a non-conforming use has not been in use for three years, the building reverts to its original use, so a new variance is needed. Current zoning regulations should apply after three years; the statutes were written so that variances could be up-to-date.

Mr. Schultheiss pointed out that there were similarities between this case and 1400 Maryland Ave. NE. Mr. Alberti added that the clock started ticking in October 2007, when the appeal is filed. Dr. Ronneberg pointed out that there was a two year window to start construction, and if not one has to go back to BZA.

Mr. Robinson said that he is on the opposite side. He said it concerns him that the ANC keeps coming back to the issue and keeps getting rejected, and now you're trying again. He said he would vote in opposition. And those opposing it should leave the school alone and learn to be good neighbors.



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Mr. Alberti responded that they are doing this because the zoning laws should be applied appropriately. He said they may stop the ANC again, but that shouldn't stop the attempt. Mr. Holmes added that AppleTree received the permits in violations of the laws and we are purely trying to correct an illegal permit.

Margaret Holwill said that Apple Tree brought the zoning problems on themselves. No school in DC could locate there as a matter-of-right. They circumvented the zoning code—there have been no safety studies, no traffic studies and when DCRA tried to revoke the permits, they circumvented the regulations.

The motion passed 4-1-1, with Mr. Robinson in opposition, and Mr. Marshall not voting.

The meeting was adjourned at 8:50 pm.



Commission Letters from November 9, 2010 Meeting



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



November 15, 2010

District Department of Transportation
Public Space Committee
2000 14th Street, NW, 6th Floor
Washington, DC 20009

Re: Application for Use of Public Space by Argonaut Restaurant (1433 Maryland Avenue NE)

Dear Sir/Madam:

At our regularly scheduled meeting on November 11, 2010, the Commission voted unanimously to support the Argonaut's application for public space currently before your committee. Specifically, the Commission supports the Argonaut's plans to improve the public space area adjacent to the restaurant on Maryland Avenue NE as follows:

- Increase seating in the current outdoor patio area;
- Install an overhead patio cover or canopy;
- Install a service counter opening with barstools for a portion of the patio area; and
- Install an outdoor "garden" seating area.

In addition, the Commission supports the Argonaut's use of public space adjacent to the restaurant for an enclosed area housing trash dumpsters serving the restaurant.

All above described improvements are more fully described on plans which were presented to the Commission and the ANC 6A Transportation and Public Space Committee.

Thank you for considering this letter of support in your deliberation regarding the Argonaut's application. Should you have any questions about this matter, please feel free to email Omar Mahmud of our ANC's Transportation and Public Space Committee at familymahmud@yahoo.com.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A



Commission Letters from November 9, 2010 Meeting



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



April 8, 2010

Mr. Gabe Klein
Director
Department of Transportation
2000 14th Street, NW, 6th Floor
Washington, DC 20009

Re: Status of Curbcut Appeal for 701 10th St NE

Dear Mr. Klein:

In January of 2006, DDOT notified our ANC of a pending public space application for a curbcut and driveway to access on-site parking for a 2-unit building ("flat") at 701 10th St. NE. According to the Zoning Regulations, a flat must provide one on-site parking spot. 701 10th St NE is a corner lot, and in January of 2006 it lacked both alley access and street access to on-site parking spaces.

A flat was constructed on this lot without first obtaining a zoning variance from the BZA or curbcut permit from DDOT. The building permits were issued in error by DCRA because the owner submitted plans showing a non-existent curbcut and driveway off G Street that accessed two on-site parking spots.

ANC 6A has opposed new curbcuts within residential areas in order to promote the walkability of our neighborhood and minimize vehicle-pedestrian conflicts. Our ANC wrote a letter to DDOT on February 14, 2006 requesting that the public space curbcut application be denied because it would 1) eliminate on-street parking spaces 2) create a safety risk for children going to the Sherwood Recreation Center, 3) eliminate public green space and 4) invite illegal parking on public space.

Despite the fact that the Ward 6 Transportation Planner, Christopher Delfts, agreed with the ANC position, DDOT's Office of Public Space granted a public space permit for a curbcut and driveway and notified our ANC on December 11, 2006.¹ Commissioner Fengler subsequently appealed the public space permit on to Public Space Manager, Ms. Denise Wiktor of DDOT and her supervisor, Acting Associate Director Ms. Ann Mason-Simpson. Ms Simpson-Mason denied the appeal on December 18, 2006.

Commissioner Fengler then appealed the public space permit to the former DDOT Director Michelle Pourciau on December 21, 2006. There was no response from Ms. Pourciau to this appeal. Ms. Pourciau was replaced by Emeka Moneme in January 2007. Commissioner Fengler appealed the public space permit to Director Moneme on January 4, 2007. Director Moneme responded "Thank you for bringing this issue to my attention. This is an important issue, and I will speak with ... the appropriate DDOT staff to get a response to your request." However, no response was received. When Mr. Moneme spoke at the May 2007 ANC 6A meeting he indicated that he would refer the appeal to the Public Space Committee. When Linda Argo spoke at the September 2007 ANC 6A meeting, she said that a Certificate of Occupancy would not be issued until the curbcut appeal had been resolved. To date, the appeal has not been referred to the Public Space Committee or officially denied by the DDOT director.

ANC 6A has invested significant effort in this appeal and would like it to be referred to the Public Space Committee for the adjudication. The flat has been vacant for the last 3 years, so it is still possible to act on the appeal before a decision would affect residents living at this address. We still believe that the best course of action would be to deny the application, close the curbcut and require that the owners of 701 10th St NE apply for a zoning variance.

¹ Although the letter was dated November 8, 2006, it was not sent to ANC 6A until December 11, 2006.



Commission Letters from November 9, 2010 Meeting



Letter to Mr. Gabe Klein
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The full appeal is included as Attachment A and former Director Moneme's response to the appeal is included as Attachment B. Please let us know how DDOT will proceed on disposition of ANC 6A's curbcut appeal for 701 10th St NE as soon as possible.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Linda Argo, Director, DCRA
Matt LeGrant, Zoning Administrator
Nicholas Majett, Deputy Director, DCRA
Christopher Delfts, DDOT
Lennox Douglas, DCRA Permitting
Tommy Wells, Councilmember, Ward 6

Attachments



Commission Letters from November 9, 2010 Meeting



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



November 12, 2010

Mr. Charles Brodsky
Chairman, Alcohol Beverage Control Board
Alcohol Beverage Regulatory Administration
1250 U Street, NW, Third Floor
Washington, DC 20009

RE: Request to Reopen Fact Finding for Case #10-251-00198

Dear Chairman Brodsky:

At a regularly scheduled and properly noticed meeting on November 11, 2010, our Commission voted 5-0-1 (with 5 Commissioners required for a quorum) to request that the Alcohol Beverage Control Board reopen its fact finding for Case #10-251-00198. This case concerned a felony assault that took place inside XII Restaurant and Lounge on August 24, 2010.

ANC 6A was given no notice of the October 27, 2010 fact-finding hearing and it appears that this hearing was only posted on the ABRA website on October 25, 2010. Because we were unaware of the hearing, we were unable to provide the Board with evidence that Mr. Allen Whittaker, ABC manager for XII, made false statements to Inspector Jones when he communicated that “the aggressor was taken directly to the two MPD Reimbursable Detail officers, who are hired every weekend, and who were waiting outside.” (ABRA Investigative Report #10-251-00198, p. 2). Our ANC contacted Mr. David Kamperin, Commander, First District, regarding this incident and Commander Kamperin replied that “There was not clubzone working that night at the establishment or the H St detail. No indication on report that the suspects were given to any MPD members-and it appears Lt. Micciche’s account is accurate as the victim was apparently driven to the hospital and the first report of the assault to MPD was apparently at the hospital.” (email from Commander Kamperin is attached as Exhibit A) Commander Kamperin’s statement is supported by the fact that the police report for this incident was filed in the Fifth District, where the Hospital is located rather than the First District where the assault took place.

Making false statements to an ABRA investigator is a very serious matter and I hope the ABC board would investigate further in a fact finding hearing. If the ANC is provided reasonable notice, we can provide a representative to attend the hearing.



Commission Letters from November 9, 2010 Meeting



Letter to Mr. Charles Brodsky
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Please be advised that any ANC 6A Commissioner, as well as Adam Healy and Phil Toomajian are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner 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 November 9, 2010 Meeting



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



November 30, 2010

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

RE: Appeal of Building Permit No. B1010205

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on November 11, 2010, Advisory Neighborhood Commission 6A voted 4-1-1 (with 5 Commissioner required for a quorum) to appeal the administrative decision of the Department of Consumer and Regulatory Affairs' Building and Land Regulation Administration to issue Building Permit No. 1010205 for the property at 138 12th St NE. A statement of the basis for the appeal is attached.

On behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Russ Williams, Appletree Institute
Jack McCarthy, Appletree Institute
Linda Argo, DCRA
Matthew LeGrant, DCRA



Commission Letters from November 9, 2010 Meeting



Before the

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:)
)
Advisory Neighborhood Commission 6A from the)
Administrative Decision of DCRA on)
DCRA Building Permit No. B1010205)
Renewal of Existing Building Permit)

Statement of the Applicant

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment (the Board) GRANT the Appeal from the Administrative Decision of the Department of Consumer and Regulatory Affairs Building and Land Regulation Administration issuance of Building Permit No. 1010205 at 138 12th St NE and in support of its appeal states the following:

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant the Building Permit No.1010205. The property, which is the subject of this appeal, is located at 138 12th St NE. It lies within an R-4 Zoning District. The Building Permit No. B1010205 was issued as a ‘Renewal of Existing Building Permit’. Because no construction was begun on the property within two years of when the existing building permit was issued, that permit lapsed on 10/26/2009. ANC 6A asserts that because the existing building permit was allowed to lapse any renewal or new permit for the property must comply with current zoning regulations. DCRA erred when it issued Building Permit No.1010205 because the proposed use for the property, as a ‘public school’ is a nonconforming use in an R-4 Zoning District under Title 11 DCMR.

DISCUSSION

The building permit referred to in Building Permit No.1010205 is Building Permit No. B89587. That permit was issued on 10/26/2007. However, during the period from 10/26/2007 to 9/17/2010, a period of more than two years (2) and ten months (10), no construction was begun on the structure at 138 12th St NE.

Title 11 DCMR § 3202.4 (a) which requires that ‘The permit holder shall begin construction work with two (2) years of the date on which the permit is issued’. ANC 6A asserts that since no work was begun on the structure within two years of the date the existing building permit (No. B89587) was issued it lapsed on 10/26/2009.



Commission Letters from November 9, 2010 Meeting



Additionally, ANC 6A also asserts that, since the original building permit was allowed to lapse, any new or renewed building permit must comply with current zoning regulations. The property is located in an R-4 Zoning District. The proposed use by the current owners is as a public charter school. This proposed use is not a matter of right use in an R-4 Zoning District because the property does not meet the lot size and lot width requirements of an R-4 District. Title 11 DCMR §401.3 stipulates that for a 'public school' to be a matter of right use in an R-4 district, the property must have a minimum lot size of 9,000 sq. ft. and a minimum lot width of 120 ft. This property is 4,230 sq. ft. in area with a width of 36 ft.

REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to:

- 1) Declare that Building Permit No. B89587 (the existing permit) lapsed as of 10/26/2009, and
- 2) Revoke the Building Permit No. B1010205, because the proposed use of the structure does not comply with current zoning regulations.



Officer Reports - Treasurer



ANC 6A Treasurer's Report November 2010

Period Covered 11/01/10 - 11/30/10

Checking Account:

Balance Forwarded \$ 22,751.05

Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 21,181.82

Disbursements:

Heather Schoell (Nov. '10 Agenda Package) Ck #1486 \$ 200.00
FedEx Office (Oct. '10 Statement) Ck #1487 \$ 391.13
Roberta Weiner (Oct. '10 Minutes) Ck #1488 \$ 180.00

Total Disbursements \$ 771.13

Ending Balance \$ 20,410.69

Savings Account:

Balance Forwarded \$ 4,202.84

Receipts:

Interest (10/29/10) \$ 0.36
Transfers from Checking Account

Total Receipts \$ 0.36

Total Funds Available \$ 4,203.20

Disbursements \$ -

Ending Balance \$ 4,203.20

Prepared November 30, 2010



Officer Reports - Treasurer



ANC 6A Treasurer's Report November 2010

PETTY CASH SUMMARY

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

Prepared November 30, 2010



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee
November 22, 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, Louis Barbash, Jean Kohanek, Pat Joseph

Committee members absent: Necothia Bowens, Mark Roy

- I. Agenda
 1. Adopted.
Status report on ANC/COC activities. The ANC voted at the November 11 meeting to support the recommendations of the COC regarding advertising.
- II. Status report on November 11 ANC meeting.
 1. The ANC voted to support the recommendations of the COC regarding advertising.
 2. Pat Joseph was confirmed as a member of the COC.
- III. Discussion of advertising in Hill Rag and Fagon Guide
 1. While the content of these ads will need to be updated to reflect the new Commissioner/Officers, the format will not change. After the Chair has been elected at the January ANC meeting, Ms. Nelson will forward the updated information to Andrew Lightman, the person who will create both ads.
- IV. Discussion of advertising in TheHillsHome:
 1. Funding has been approved for 3 small “square” ads.
 2. Given the size of these ads, the content must be brief, “catchy”, and encourage the viewer to visit the website for further information. After extended discussion, it was decided that, while there should be a unifying theme, each of the ads should be slightly different and should incorporate animation so as to attract the eye of the viewer. The theme will be “Who Cares?” [the ANC, of course]. Each ad will feature a different area of constituent concern and will rotate through three panes including a statement of the concern, the “who cares?” tagline, and then the ANC 6A logo with a link directly to the website. For example: Frustrated with City services.../Who cares?/ANC 6A.
 3. Ms. Kohanek will develop three sample ads and will share them, via email, with the COC members to obtain feedback before submitting the final versions.



Committee Reports

Community Outreach Committee (COC)



4. There was also discussion of the best timing for launching new ads. It was decided that 7-10 days in advance of an ANC meeting might be best. So, we plan to launch the first ad on January 3. The schedule can be modified after we have some experience and feedback from users.
 5. At the November ANC meeting, Sharee Lawler, representing The Hill Is Home, alluded to a favorable change in rates. Ms. Kohanek will discuss that with her and develop a plan for payment and for launching of the ads.
- V. Discussion of advertising in Washington Informer:
1. These quarterly ads will contain the same information as that in the Fagon Guide, though they will be laid out slightly differently due to the shape of the advertising space. Complete information will not be available until after the January ANC meeting.
 2. When Ms. Nelson receives the proof of the Fagon Guide ad, she will forward to Ms. Kohanek who will create the Informer ad.
 3. Ms. Bowens, who was not present at the meeting, will negotiate a favorable rate with the Informer.
 4. It is anticipated that both the ad layout and payment plan will be in place for the ad to run for the first time in February or March. As the ad presents general information (the publication schedule does not lend itself to advertising of specific meetings), the timing is not critical.
- VI. As there is no pressing business expected in December and quorum might be difficult to achieve, the December meeting of the COC is canceled. **The next meeting will take place Monday, January 17, at 7:30 p.m. at 1235 C St. NE**

Meeting adjourned at 8:45 p.m.



Committee Reports

Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee November 16, 2010, 7-9 PM Minutes

Meeting called to order at 7 pm

Committee members present: Adam Healy (Commissioner-Elect 6A01 - acting chair); Michael Herman; Anne Marie Koshuta; Tish Olshefski

Committee members absent: Commissioner Mary Beatty (ANC 6A05); Jaki Downs

Commissioners: Drew Ronneberg (ANC6A02)

Community: Mark Busby; Danny Roberts, Veronica Roberts (Rose's Dream); Ivan Lee

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. No objections.
- d. **Minutes** - Motion to accept minutes presented at last ANC meeting (October 2010). No objections.

II. COMMUNITY COMMENT-Issue raised by Danny Roberts about lights in the alley near his establishment.

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

- 1) License Renewals - Little Miss Whisky, Show Bar, Liberty Tree, The Pug, The Star and the Shamrock not protest these, the ANC concurred with our recommendation and did not protest those renewals.
- 2) Meeting on November 8 with CM Graham, lengthy discussion two meetings ago regarding some of the difficulties we've had rejecting language in voluntary agreements. CM Graham held a hearing last month. Invited stakeholders.
- 3) ANC 6A letter to ABRA, this came up after last ANC meeting. Cause/fact finding hearing relative to the August 2010 incident at XII (beating). ANC never notified of the hearing. Commissioner found out about it 2 days before the hearing. We sent a letter and hopefully they will have another fact-finding to present Commander Kamperin's email that there was no police detail that night. Other evidence at odds is that the police report was filed in the 5th district - should have been in the 1st district, and there are other inconsistencies.

IV. NEW BUSINESS

- 1) **Argonaut Expansion** - Scott from the Argonaut was here to present plans for the substantial change for their outdoor license. In the mail received at the ANC meeting, nothing in the mail informing us of their extension. We may not have been notified yet or they didn't file it yet. We have contacted ABRA to find out. No response from them yet. **No action.**
- 2) **SOVA Espresso & Wine Bar Renewal** - SOVA applied for their renewal. No complaints that we are aware of. **Adam Healy moves, Michael Herman seconds, that we recommend that the ANC not protest the renewal. Unanimous.**
- 3) **Chapter II Renewal (doing business as Fruit Bat-1236 H St NE)** - because of the timing there is nothing that we can do to protest this. On October 22 they applied for the renewal and it goes before ABRA on December 6. **Adam Healy moves, Anne**



Committee Reports

Alcohol Beverage and Licensing (ABL)



Marie Koshuto seconds, that the ANC not protest Chapter II (DBA Fruit Bat) license. Unanimous.

- 4) **Rose's Dream Renewal and Substantial Change (rooftop summer garden)** - Renewal is standard and are seeking permission for alcohol on the rooftop. Number of patrons on the roof is estimated to be 40. Still subject to inspection by DCRA. Any desire to open for brunch/lunch? No kitchen, they are limited in what they can do. No plans for recorded or live music on the rooftop. No entertainment endorsement requested for the rooftop. Hours of operation for the summer garden are the same as for the establishment. The owner is willing to make an addendum to the VA re: sound abatement to make sure that any noise on the rooftop garden doesn't negatively impact the neighborhood; is willing to have a trial period with earlier ending hours during the typical warm weather period but wants to be able to use the outdoor deck prior to that time as soon as it is available. **1) Adam Healy moves, Anne Marie Koshuto seconds, that the ANC not protest the renewal of Rose's Dream existing license. Unanimous. 2) Adam Healy moves, Tish Olshefski seconds, that the ANC protest the application for a substantial change by Rose's Dream unless we have an amended, signed and approved VA prior to the petition date of December 20, 2010. Unanimous.**
- 5) **ANC 6A Standard VA Modifications** - Reviewed changes made since October meeting. Additional language in the section on reimbursable detail. After review, recommending that the language be reorganized to make the ANC the instigator of action rather than the approver of action. Michael Herman reminded about needing a definition for intoxicated in section 2/a. Change language in 2/j about surveillance cameras to establish a trigger for requiring operation of surveillance cameras (this still needs to be worked on). Commissioner Ronneberg reminded about discussion in last meeting about language to be inserted in 1/h about parking owner/employee vehicles on public space between building and curb; and 1/i language about not locating chairs, trash bins, benches, tables or other equipment on public space without a valid public space permit. Suggestion made that Adam and Mary revisit this document and bring another revised document to the December meeting.

V. Adjourn

Meeting adjourned at 8:53 pm. Next meeting will be moved to December 14, 2010.



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes
Capitol Hill Towers (900 G Street NE)
November 15, 2010

- I. Call meeting to order at 7:05 pm
- II. Introductions - Committee members Marlon Smoker and Omar Mahmud (Chair); Ali Shakeri from the District Department of Transportation (DDOT); Margaret Gentry with Mactec; Commissioner Gladys Mack; and Commissioner-elect Adam Healy, Mark Busby, Marie-Claire Brown and Katie Bohri. **The committee met without a quorum.**
- III. Community Comment - None
- IV. Announcements
 - A. Mr. Mahmud announced that the City Council is holding a hearing regarding the DDOT Streetcar plan on November 17 at 2:00 pm and informed attendees that written testimony regarding the plan may be submitted to the committee by 5:00 pm the day of the hearing.
- V. New Business
 - A. Mactec Update Regarding H Street/Benning Road Construction Project - Mahmud
 - i. Mr. Mahmud introduced Ms. Gentry and Mr. Shakeri and thanked them for agreeing to provide a presentation and update on streetscape construction.
 - ii. The following H Street construction schedule update was provided:
 1. The north and south center lanes from 3rd to 13th Street NE have been completed.
 2. Streetcar track on the north side of the street has been completed.
 3. Intersections spanning 3rd to 13th Street NE have been completed.
 4. Construction team and DDOT worked closely with H Street Main Street to get 7th to 14th Street NE in shape for the H Street Festival this summer.
 5. Current work (November to December) is focused on 3rd to 7th Streets NE, including installation of streetcar tracks on south side. Hope to be in the 400 block of this span by early next week, with one block a week completed assuming good weather.



Committee Reports

Transportation and Public Space (TPS)



6. High power electrical conduits are being installed from 7th to 13th Streets NE. Hope to be done with this by end of December.
 7. The Starburst Intersection (where H Street, Benning Road, Maryland Avenue and 15th Street meet) is nearly complete. Street furniture and trees need to be installed. The murals are in place, but they are still covered. A Capital Bikeshare station has been installed as well. Hope to be done by early December.
 8. After December, weather permitting, the goal is to pour concrete for sidewalks from 7th to 13th Streets NE.
 9. The original contract end date was in July of 2011. The contract has been revised to reflect an end date in October 2011 to account for lost work dates due to weather over the last two years.
- iii. Questions from those in attendance:
1. Mr. Mahmud asked when if benches, trees, planters, bike racks, etc. will start being installed along the portions of the street already completed. Mr. Shakeri indicated he would ask the contractor when these items will be installed, but that he believes they may begin installation on sections of the sidewalk already finished on the north side of the street.
 2. Mr. Healy asked where he could find information about the types of benches being installed. Mr. Shakeri indicated this information is in the plans, but that he could forward on more information to the committee.
 3. Mr. Mahmud asked whether there are significant changes to the original plan, beyond what we've already heard regarding the new end date. Mr. Shakeri responded that there aren't any at this time, but that WMATA's decision to combine and relocate certain bus stops has prompted some minor changes. Mr. Mahmud asked whether plans to eliminate bus stops along H Street have been finalized yet. Mr. Shakeri indicated he didn't know since he is only aware of plans to relocate bus stops. For instance, he knows of a plan to move a bus stop one block and he doesn't know of any stops being eliminated at this time. Mr. Shakeri promised to send an update to the committee if this changes.
 4. Ms. Brown asked if the street benches are divided or not since she is concerned about people sleeping on the benches once they are in place. Mr. Shakeri indicated he is not sure since he is not on the team choosing benches, but that he could follow up with the committee. If the benches are not to the community's liking and depending on where the city is at in the ordering process,



Committee Reports

Transportation and Public Space (TPS)



Mr. Shakeri indicated there may be an opportunity to modify the design.

- a. Commissioner Mack informed the committee she recalls there being input from the community before about not having benches people could sleep on. She believes the benches are slanted with middle arm rests, which would make sleeping uncomfortable.

5. Mr. Mahmud asked whether a final decision had been made on the location of the streetcar transformer. Ms. Gentry indicated DDOT has decided to move it to the sidewalk adjacent to AutoZone, but that she is not sure if the transformer will be above ground or below ground, or on public or private land. Ms. Gentry promised to send the committee the names of DDOT people who can answer this question.
- iv. Mr. Mahmud thanked Ms. Gentry and Mr. Shakeri for coming and asked them to get back to the committee on outstanding items.
- v. Ms. Gentry wrapped up by informing the committee a weekly report is generated every Friday, and that anyone interested in receiving it should let her know. Also, Ms. Gentry has received complaints that someone has painted the base of one of the new lamp posts gold. She will follow up.

B. Location of Construction Fence Surrounding Capitol Hill Oasis (12th Street NE and Florida Avenue NE)

- i. Mr. Mahmud introduced Commissioner-elect Healy and asked him to summarize the issue for the committee.
- ii. Mr. Healy provided the following information to the committee:
 1. The construction fence surrounding this property goes past the curb on the east side of 12th street, which blocks the sidewalk. The fence has been this way for years even though there doesn't seem to be any reason for the fence to block the sidewalk given exterior construction has been completed.
 2. Currently working with DDOT and the Mayor's office to address this issue. Mr. Healy recently got a letter from DDOT indicating DDOT would move the fence. Mr. Mahmud asked Mr. Healy to provide a copy of the letter.
 3. This past weekend the construction fence along the Florida Avenue side of this property was moved back so Mr. Healy hopes the other fence may move back soon as well.
- iii. Mr. Healy presented a draft letter regarding this issue to the committee for consideration.



Committee Reports

Transportation and Public Space (TPS)



- iv. Mr. Healy will inform the committee if the fence gets pushed back prior to the next ANC meeting. If so, the proposed letter will no longer be necessary.
- v. ***Mr. Mahmud made a motion that the committee recommend the ANC send Mr. Healy's letter regarding removal of the construction fence from public space along the 12th Street NE side of the Capitol Hill Oasis project. Mr. Smoker seconded the motion, which passed without objection (no quorum).***

C. Consideration of Recommendation Regarding Circulator Planning Study

- i. Mr. Mahmud informed the committee that the study currently recommends a circulator line which would service the H Street corridor, and link the corridor with other neighborhoods such as U Street and Adams Morgan.
- ii. This proposed route would provide a more direct bus route between H Street businesses on the east end of the corridor and these other communities than the 90/92 bus lines.
- iii. In addition, until the streetcar line is in place and fully implemented, the proposed Circulator route will further help promote the corridor's economic viability.
- iv. Mr. Busby asked which streets the line would travel along. Mr. Smoker pointed out that the exact streets have not been figured out, but that the approximate route will hit the neighborhoods mentioned by Mr. Mahmud.
- v. ***Mr. Mahmud made a motion that the committee recommend the ANC send a letter of support to DDOT regarding a proposed Circulator line to serve the H Street corridor. Mr. Smoker seconded the motion, which passed without objection (no quorum).***

D. Consideration of Recommendation Regarding WMATA Proposal to Eliminate Bus Stops

- i. Mr. Mahmud explained that he received a notice that WMATA plans to eliminate some X2 bus stops along the H Street corridor and that he is concerned that eliminating bus service along H Street isn't wise given ongoing construction and efforts to promote economic development.
- ii. Mr. Smoker countered that eliminating some stops, particularly the eastbound stop at 13th Street NE, probably makes sense given the length of the line and that some stops seem to be bunched together.
- iii. Mr. Healy proposed asking WMATA to attend a community meeting to present data and explain how it arrived at this decision.



Committee Reports

Transportation and Public Space (TPS)



- iv. Commissioner Mack indicated she attended a WMATA meeting and was told the X2 route is currently too long.
 - v. ***Mr. Mahmud made a motion that the committee recommend the ANC send a letter to WMATA protesting the elimination of X2 bus stops along H Street in our ANC. The motion failed for lack of a second.***
- VI. Mr. Mahmud informed the committee he would recommend to the ANC that the December committee meeting be canceled.
- VII. Additional Community Comment - None
- VIII. Adjourn meeting at 7:56 pm.



Committee Reports

Economic Development and Zoning (EDZ)



REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A November 17, 2010

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

Drew Ronneberg chaired the meeting.

Community Comments

None.

Status Reports

Resolution of Previous BZA/HPRB Cases: Drew Ronneberg reported that the BZA approved the use variance for a 3-unit apartment building at 815-817 A St. NE.

H Street Connection Redevelopment: Drew Ronneberg reported that the Zoning Commission voted on Nov. 8 to take final action to approve plan to redevelop the H Street Connection site.

1113-1117 H St NE: Drew Ronneberg reported that DPED conducted a public hearing on Nov. 10 regarding the “surplus” of this property. DPED asked whether the property could serve any public use. There was one general comment about the need for parking spaces on H Street, but there were no comments specific to this property.

Vacant Properties: Phil Toomajian reported that DCRA was piloting a website which showed the vacant properties in the Mt. Vernon Triangle area on a map and also listed current exemptions by property. Mr. Toomajian said that this was similar to what ANC 6A had done as part of their own effort and that we should ask DCRA to include ANC 6A properties on the next phase of the pilot as we get ready to submit our updated map. It would be particularly helpful to have DCRA identify what exemptions were granted to “Vacant exempt” properties that are not subjected to the higher tax incentive. The following recommendation passed unanimously.

Recommendation: ANC 6A send a letter to DCRA requesting that vacant properties within its boundaries be included in the next phase of the pilot program to map vacant properties and list their exemptions on a DCRA website.

Zoning Regulations Rewrite: Drew Ronneberg said that he testified about the proposed parking regulations at the Zoning Commission’s Nov. 1 hearing.

7-Eleven Certificate of Occupancy Appeal: Drew Ronneberg said that negotiations were in the final stages and that he hoped an agreement would be reached with 7-Eleven.



Committee Reports

Economic Development and Zoning (EDZ)



Rezoning the Eastern End of H Street: Drew Ronneberg reported that the Zoning Commission was concerned that the affected property owners were not notified and that the case would be re-noticed for January 3 with the additions requested by the ANC.

H Street Liaisons Report: Sharee Lawler reported that ANC 6B was looking at ways of encouraging a healthy retail mix on Barrack's Row.

ZC 08-06: Comprehensive Regulations Review: Green Area Ratio

The Committee discussed the proposed Green Area Ratio regulations that would require plants and permeable surfaces for 2-unit and denser housing units. The Committee thought that the general idea was a good one and didn't identify any issues with the proposed regulations. However, there was no motion to ask the ANC to send a letter of support.

ED&Z Framework for Considering Zoning Cases

Drew Ronneberg presented a new draft of the ED&Z Framework for Considering Zoning Cases. David Holmes recommended that Item #6 in "Tips for presenting an application to the ED&Z Committee" be clarified so that it was only supplementary material that was not included in the original BZA application. The following recommendation was passed unanimously.

Recommendation: ANC 6A approve the ED&Z Framework for Considering Zoning Cases

Committee Priorities and Duties for 2011

The following were considered to be committee priorities for 2011:

- Commenting on the Zoning Regulations Rewrite
- Reporting ANC 6A Vacant Properties to DCRA
- Potential Expansion of the Capitol Hill Historic District to area that was surveyed as part of the Dreyfus Development
- Potential Commercial Historic District for Eastern End of H St. NE

Duties for 2011:

- Drew Ronneberg: 1113-1117 H St NE, Redevelopment of the AutoZone Site, Zoning Regulations Rewrite, Potential Commercial Historic District for the Eastern End of H St NE
- Sharee Lawler: ED&Z point person for HPRB cases, H St Business Liaison, Potential Commercial Historic District for Eastern End of H St NE, Guest speakers for meetings
- Charmaine Josiah: H St Business Liaison,
- Phil Toomajian: Vacant Properties, Potential Expansion of the Capitol Hill Historic District
- Dan Golden: Vacant Properties, ED&Z point person for BZA Cases
- Julie Santoboni: Zoning Cases



Committee Reports

Economic Development and Zoning (EDZ)



Potential Invited Speakers

- Melissa Bird, Office of Planning, to discuss OP initiatives for our area
- Reps from DDOT and DCRA to discuss how to resolve unpermitted electrical equipment on public space
- Matt, LeGrant, Zoning Administrator regarding an H street Overlay questionnaire.
- DCRA vacant properties director
- ANC 6B reps regarding the Barracks Row Retail Mix Taskforce

January Meeting Date

Because the CHRS presentation on the history of the properties surveyed as part of the Dreyfus PUD, will take place on Jan. 19 (the regular meeting date of the ED&Z committee), the committee would like to meet on Jan. 26, 2011.

Next Scheduled ED&Z Committee Meeting:
Wednesday, January 26, 2011
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor



Committee Reports

Economic Development and Zoning (EDZ)



Applicant's Guide for Understanding How ANC 6A's Economic Development and Zoning Committee Approaches Zoning Cases

ANC 6A relies on its Economic Development and Zoning (ED&Z) Committee to hear zoning cases and provide recommendations to the full Commission. Because ED&Z Committee recommendations are usually accepted by the full ANC, it is important for the Applicant to understand how the ED&Z committee considers zoning cases. Below is a guide which explains: 1) The differences between special exceptions and variances 2) The principles by which the ED&Z committee considers cases, 3) The types of cases where the ED&Z Committee usually recommends support or opposition and 4) Tips for the applicant on presenting information to the Committee.

Background on Zoning, Special Exceptions and Variances

The purpose of DC's zoning regulations is to:

1. Provide adequate light and air;
2. Prevent undue concentration of population and the overcrowding of land; and
3. Provide distribution of population, business and industry, and use of land that will tend to create conditions favorable to transportation, protection of property, civic activity, and recreational, educational, and cultural opportunities; and that will tend to further economy and efficiency in the supply of public services. (11 DCMR Section 101.1)

In order to achieve these objectives, zoning regulations impose restrictions on the height, mass, lot occupancy, and use of structures and also set parking and loading requirements.

Sometimes the strict application of these rules is not necessary to achieve the stated objectives and the zoning regulations offer two basic types of zoning relief: Special exceptions and Variances. Special exceptions (Section 3104) are meant for circumstances that are anticipated by the zoning regulations and for which the applicant will be granted relief if they meet the conditions spelled out in the zoning regulations. Variances (Section 3103) require a much higher burden of proof and are meant to apply to circumstances that were not anticipated by the zoning regulations. A variance requires that the applicant prove three things: 1) The lot has an unusual configuration or topological conditions, 2) The strict application of the zoning regulations would result in exceptional practical difficulties or undue hardship, and 3) Granting the requested relief won't significantly compromise the intent of the zoning regulations.



Committee Reports

Economic Development and Zoning (EDZ)



ED&Z Principles for Considering Zoning Cases:

The following items are meant to provide the applicant with a guide to how the ED&Z committee approaches certain issues common in zoning cases.

1. The ED&Z committee's primary consideration for recommending ANC support will be whether the application meets the special exception or variance standards as laid out in the Zoning Regulations. The Committee will also report to the ANC whether the applicant presented letters of support from immediate neighbors, whether there was any public support or opposition to the project and whether the Committee believes that there were unique circumstances that would justify ANC support or opposition to the BZA application.
2. The ED&Z committee will consider the precedent for future cases when making recommendations to the ANC.
3. The ED&Z committee will not consider examples of illegal construction as precedent for supporting a special exception or variance.
4. The ED&Z committee will not consider illegal construction by the applicant as a basis for hardship.
5. When a zoning case involves public space issues, the ED&Z committee shall consider whether the Applicant's use of public space could be accommodated on private land.
6. The ED&Z committee encourages adjacent neighbors to provide statements (e.g. letters and testimony) in support of or in opposition to a project. While it is desirable for an applicant to have letters of support, it is only one of the factors that the Committee considers when evaluating cases.

Examples of cases where the ED&Z committee usually recommends support:

1. The applicant proposes increasing a building's lot occupancy to less than 70%. (Special Exceptions) [Link to relevant case](#)
2. The applicant proposes increasing a building's lot occupancy to greater than 70% and can satisfy the three conditions required for a variance. In these cases, the applicant often has an extremely small lot and is asking for a small increase in the building envelope. [Link to relevant case](#)
3. The applicant is only expanding the building's envelope below ground. (Special Exceptions and Variances) [Link to relevant case](#)
4. The applicant is seeking relief from parking requirements and can show that there is no vehicular access to the property without constructing a curbcut. (Variances) [Link to relevant case](#)



Committee Reports

Economic Development and Zoning (EDZ)



Examples of cases where the ED&Z committee usually recommends opposition:

1. The applicant proposes increasing a building's lot occupancy to 70% or greater and cannot show unique conditions or undue hardship. (Variances)
2. The applicant is seeking to increase the total Floor Area Ratio (FAR) beyond what is permitted in the zone. (Variances) [Link to relevant case](#)
3. The applicant proposes a project that does not conform to the design standards and guidelines of the H Street Zoning Overlay. (Special Exceptions and Variances) [Link to relevant case](#)

Tips for presenting an application to the ED&Z Committee:

1. The dimensions on all plans and plats should be consistent.
2. Correctly calculating lot occupancy is very important. It is best that someone who is familiar with DC Zoning regulations be consulted on these calculations. For example, most people's front yards are public space and should not be included in lot occupancy calculations. In addition, doglegs less than 5 feet wide are counted against lot occupancy.
3. When requesting a special exception, the applicant should show how the project meets each of the required conditions.
4. When requesting a variance, the applicant should show how the project meets each of the 3 conditions required for a variance.
5. Letters of support from adjacent neighbors help establish that a proposed project won't adversely impact the light, air or privacy of neighboring properties.
6. Send any supplemental drawings, photographs and statements that were not in the BZA application to the ED&Z Committee Chair 10 days before the ED&Z meeting. The current Chair is Drew Ronneberg. He can be reached at 202-431-4305 or ronneberg6a02@gmail.com.
7. If you have any questions about the process, please contact the ED&Z Committee Chair.



Committee Reports

Economic Development and Zoning (EDZ)



Ms. Linda Argo
Director
Department of Consumer and Regulatory Affairs
941 North Capitol St. NE, Room 9500
Washington, DC 20002

Dear Ms. Argo:

ANC6A has worked hard to address vacant and blighted property issues over the past several years. Our Economic Development and Zoning Committee and citizen volunteers regularly assist DCRA with identifying and abating vacant properties in our neighborhoods. ANC6A is currently in the process of finishing a complete update to our vacant and blighted property map and will be transmitting that information to DCRA in the coming weeks.

ANC6A is pleased that DCRA is now partnering with community groups and ANCs on a pilot program regarding vacant property maps. We particularly applaud the effort to publicly identify any exemptions which have been granted to vacant properties. ANC6A hereby requests that the neighborhood that it represents be included in this pilot program. Because we have already created our own map of vacant and blighted properties, it should easily allow DCRA to partner with us. In addition, we very much look forward to tracking the exemptions that have been granted to some of the long-vacant properties in our bounds.

If you have any questions about this matter please feel free to contact Phil Toomajian. Mr. Toomajian can be reached at ptoomajian@hotmail.com.

On Behalf of the Commission,

Kelvin J. Robinson
Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, Councilmember, Ward 6
Muriel Bowser, Chair, Committee on Public Services and Consumer Affairs
Reuben Pemberton, III, Director, DCRA Office of Vacant Property
Michael Ruppert, DCRA Communications Director



Committee Reports

Economic Development and Zoning (EDZ)



November __, 2010

Mr. Charles Brodsky
Chairman, Alcohol Beverage Control Board
Alcohol Beverage Regulatory Administration
1250 U Street, NW, Third Floor
Washington, DC 20009

RE: Request to Reopen Fact Finding for Case #10-251-00198

Dear Chairman Brodsky,

At a regularly scheduled and properly noticed meeting on November 11, 2010, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to request that the Alcohol Beverage Control Board reopen its fact finding for Case #10-251-00198. This case concerned a felony beating that took place inside XII Restaurant and Lounge on August 24, 2010.

ANC 6A was given no notice of the October 27, 2010 fact-finding hearing and it appears that this hearing was only posted on the ABRA website on October 25, 2010. Because we were unaware of the hearing, we were unable to provide the Board with evidence that Mr. Allen Whittaker, ABC manager for XII, lied to Inspector Jones when he communicated that “the aggressor was taken directly to the two MPD Reimbursable Detail officers, who are hired every weekend, and who were waiting outside.” (ABRA Investigative Report #10-251-00198, p. 2). Our ANC contacted Mr. David Kamperin, Commander, First District, regarding this incident and Commander Kamperin replied that “There was not clubzone working that night at the establishment or the H St detail. No indication on report that the suspects were given to any MPD members-and it appears Lt. Micciche’s account is accurate as the victim was apparently driven to the hospital and the first report of the assault to MPD was apparently at the hospital.” (email from Commander Kamperin is attached as Exhibit A) Commander Kamperin’s statement is supported by the fact that the police report for this incident was filed in the Fifth District, where the Hospital is located rather than the First District where the beating took place.

Lying to an ABRA investigator is a very serious matter and I hope the ABC board would investigate further in a fact finding hearing. If the ANC is provided reasonable notice, we can provide a representative to attend the hearing.

Please be advised that any ANC 6A Commissioner, as well as Adam Healy and Phil Toomajian are authorized to act on behalf of ANC 6A for the purposed of this case. Commissioner 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



Committee Reports

Economic Development and Zoning (EDZ)



From: **Kamperin, David (MPD)** <david.kamperin@dc.gov>
Date: Mon, Sep 20, 2010 at 7:55 AM
Subject: RE: Next Tuesday's ABL Committee Meeting
To: Phil Toomajian <ptoomajian@gmail.com>
Cc: "Parker, Vendette (MPD)" <Vendette.Parker@dc.gov>

Phil

There was not clubzone working that night at the establishment or the H St detail. No indication on report that the suspects were given to any MPD members-and it appears Lt. Micciche's account is accurate as the victim was apparently driven to the hospital and the first report of the assault to MPD was apparently at the hospital. The club recently started a detail on Thursdays only- but let me double check to see if its been expanded.

Also, the VA appears that it could be stronger with regards to public safety- most of VA dealt with more cosmetic approaches then enforcement, this is something the community may want to consider. I can forward some other VAs wherein language enables MPD to establish a detail, if in the interest of public safety (current VA has no such mention of any reimbursable details).

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