



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for December 13, 2012**



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

7:00 pm **Call to order, Approve November Minutes, Adopt Agenda**

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

7:10 **Community Presentation:** Hear from Pepco about the court-ordered cleanup of the closed Benning Road power plant lots and the nearby Anacostia River, and about any pollution that may have directly affected ANC 6A

7:20 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 32*

Standing Committee Reports:

7:30 **Community Outreach** *pg. 34*

1. Approve committee report
2. Next meeting - 7:30pm, Dec. 17, 2012 (3rd Monday)

7:35 **Alcohol Beverage Licensing** *pg. 38*

1. Approve committee report
2. **Recommendation:** ANC write a letter to the Alcoholic Beverage Control Board requesting that the restriction on the hours of operation for Cusbah's public space patio be eliminated
3. Next meeting - 7pm, Dec. 18, 2012 (3rd Tuesday)

7:40 **Transportation and Public Space Committee** *pg. 39*

1. Next meeting - 7pm, Dec. 17, 2012 (3rd Monday)

7:45 **Economic Development and Zoning** *pg. 40*

1. Next meeting - 7pm, Dec. 19, 2012 (3rd Wednesday)

7:50 **Unfinished Business**

Changes to bylaws. Holmes moves that:

1. In Article 5, Section 7, add to the end of the paragraph: "*When a motion has been adopted by the ANC and the designated representative is unable to attend, the Chair and the Vice Chair of the Commission are designated to be the representatives of the ANC for the purposes delineated in the motion*";



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3. In Article VIII, create new section 2 (b) 3: *“If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor.”*; and
Renumber the old VIII, section 2 (b) 3 as VIII, section 2 (b) 4.

7:55 New Business pg. 41

1. Formalize Standing Rule of ANC 6A (Holmes)
2. Meeting dates for 2013. Holmes moves that: *The ANC shall hold its organizational meeting on January 10, 2013; and the Commission shall meet at 7:00 pm on the second Thursday of each month thereafter, except that when the District of Columbia closes its offices and schools the meeting scheduled for that date shall be postponed to a day determined by the Chair in consultation with the Commission.*
3. Consider Alcohol Beverage Control Board changes made to the voluntary agreement with Maketto and Avery's Bar and Lounge (Healy)
4. Change the standard CR/CT voluntary agreement with the modifications required by the Alcohol Beverage Control Board (Healy)

8:00 Community Comments Round II, time permitting (2 minutes each)

8:05 Single Member District reports (2 minutes each)

8:30 Adjourn



Advisory Neighborhood Commission 6A Meeting Minutes for November 8, 2012



Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
November 8, 2012

Present: Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Ronneberg
Absent: Commissioners Mack, Veenendaal-Selck

The meeting was convened at 7pm

1. Minutes

The minutes for October 2012 were approved by unanimous consent.

2. Agenda

Mr. Hysell asked to have a discussion of ANC support of appeal of the DC building permit for 1400 Maryland be added to New Business. Mr. Alberti requested that a discussion of an allocation of funds for advertising in the Hill Rag and the Fagon Community Guide be added to New Business. The agenda was approved as presented by unanimous consent.

3. Community Comment

New Commissioners

Sondra Phillips-Gilbert, Calvin Ward, Jay Williams and Omar Mahmud who will join the Commission in January were introduced.

4. Community Presentation

17th and 19th Street NE Safety Improvement Study

Michelle Frishberg and William Carlson reported on a study they have undertaken for DDOT on the traffic situation on 17th and 19th Streets NE between Benning Road and Potomac Avenue. The process began in May with a community meeting, followed by two charettes with the goal of making the streets safer for the schools and students as well as other users. A consensus was reached that the most effective solution involved pavement markings; bulb-outs and curb extensions, as well as more parking along both corridors, with 25 percent more 24-hour parking along both streets.

On 17th Street, additional parking, curb sections will be brought into the street. There will a raised crosswalk at Gales Street on the north side with signage at the crosswalks, Rosedale Street will have a raised crosswalk at C Street, and 17th Street south of E. Capitol will be a single lane.

It will take six months for the design phase, and they plan to implement everything simultaneously. Nineteenth St. will have one receiving lane at C Street, and there will be a joint bicycle/parking lane. Mr. Holmes assured those attending that there would be an opportunity for the community to review the plans before they are implemented. The consultants have not presented drawings to the community or commissioners, and had with them only the set they were using to illustrate their plans.



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5. Officers' Reports

Chair

Barry Hearing on Litigation Postponed

Mr. Holmes reported that the hearing called by Councilmember Marion Barry on legislation he introduced that would authorize ANCs to litigate in their own behalf against the city government was once again cancelled, and is finished for the rest of this session. The ANC has voted to support the bill.

Rave Run Relocated

The Rave Run, the details of which were not defined at the last ANC meeting, is no longer being run on the streets adjacent to ANC 6A. It will be confined to the stadium parking lots, and C St. and East Capitol St. will not be used.

Volunteers for Committees

Mr. Holmes said he had sent out a message asking for volunteers for committees and he asked that the request be forwarded to listservs, Google groups, followers and friends. He said that the Community Outreach Committee was full, but that EDZ can use an additional member and ABL and Transportation need several.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$17,325.76 and the savings account balance was \$9044.52. There was an interest payment to the savings account of \$.15. There were disbursements of \$200 to Heather Schoell for the October 2012 agenda package (Check #1574); \$180 to Roberta Weiner for September transcription of ANC minutes (Check #1575); and \$356.98 to FedEx Office for photocopying for October 1 (Check #1576), leaving a balance of \$16,598.79 in the checking account, and \$9044.67 in the savings account.

Approval of the disbursements was agreed to by unanimous consent

The Treasurer's Report was agreed to by unanimous consent.

6. Single Member District Reports

Ms. Lawler thanked the members of the Commission for their kindness and efforts in her behalf while her husband was ill. She said she was well-taken care of and very appreciative.

Mr. Alberti reported that HPRB had denied a raze permit requested by the House of God, as it is a historic structure.

Dr. Ronneberg said he was separated by four votes from his election opponent and is awaiting the counting of the absentee and special ballots.

Mr. Healy announced that he is excited that Mr. Mahmud has won the election to replace him. He also said he is still waiting for permanent visitor parking passes.



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7. Alcoholic Beverage Licensing Committee

The report of the committee was accepted without objection.

Avery's Bar and Lounge - 1370 H Street NE

Motion: The committee moved/Mr. Healy seconded a motion to accept the Committee's recommendation that the ANC protest the new license for Avery's Bar and Lounge unless there is a signed, approved VA prior to the petition date. The motion passed 5-0-1 with Mr. Alberti not voting.

XII - 1123-1125 H Street NE

Mr. Healy said that all VAs Have "Cure" provisions through which establishments are given 10 days to correct or respond to a violation of the agreement prior to a referral to ABRA, and in consultation with Dr. Ronneberg, it has been decided that is time to invoke that provision against XII. Neighbors have consistently complained about the noise, and ABRA has initiated investigations. Dr. Ronneberg believed that cracked windows that the owner has not dealt with are partly at the root of the problem, and fixing them could mitigate the problem. It was pointed out that Smith Common, when faced with a similar problem, dealt with it immediately and the problem disappeared. Calvin Ward asked what steps have to be taken by people who live nearby. Dr. Ronneberg said the establishment signed an agreement saying that it would not create excess noise in the neighborhood. Mr. Holmes added that there has been a refusal on XII's part to make certain their cracked windows are repaired. The noise can be heard in someone's home, and, he said, that's a clear violation of the law.

Motion: The Committee moved/Mr. Healy seconded a motion to invoke the cure provision of the ANC's VA with XII (Twelve) located at 1123-1125 H Street NE, due to continued noise complaints from neighbors. An official letter should be sent saying they had been invited to appear, and now corrections are expected within 10 days or it will be reported to ABRA. Recommendations for correcting the problems (e.g. fixing cracked windows) should be included in the letter. The motion passed 5-0-1, with Mr. Alberti not present.

8. Economic Development and Zoning Committee

The Committee report was accepted without objection.

Gallaudet Campus Plan

This is a request for support for Zoning Commission approval of a 10-year campus plan, which is required every 10 years. They have already received support from ANC 5B and will seek support from ANC 6C. The school is physically located in 5B, but borders on the other commission areas. (The complete summary of the plan can be found in the Committee's report.) **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation to send a letter of support to the Zoning Commission for the Gallaudet campus plan. The motion passed unanimously, 6-0.

1133 Park Street NE

This is a request for support for a Historic Preservation case which would increase the size of a kitchen and create an improved connection to the back yard. The proposed renovation will enclose an existing dogleg. The house is the only wooden structure remaining on the block. Letters have not yet been received from neighbors. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to adopt the Committee's recommendation and write letter of support to the Historic Preservation



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Review Board, contingent on receipt of letters of support from neighbors. The motion passed unanimously, 6-0.

901 D Street NE

Two motions were presented to the ANC as a result of actions at two EDZ meetings concerning 901 D Street NE. First was a motion in support of the concept presented by the developer for the massing and density of the project, to be considered by the HPRB, which was discussed again at the second meeting, with emphasis on the window heights and the facades of the townhouses.

Motion: The Committee moved/ Dr. Ronneberg seconded a motion that the ANC adopt the Committee's recommendation that it support the conceptual massing and design of the redevelopment of 901 D Street before HPRB. The motion passed unanimously, 6-0.

The second, which came after a lengthy discussion at the October 23 EDZ meeting, caused by the addition of several units to the project, necessitating consideration of zoning variances and parking requirements. Questions remained as to what the cap would be on the number of apartments, and the amount of parking that would be provided.

The committee voted to recommend that the ANC

- Not agree to greater density than is allowed by-right;
- But authorize the Chairs of the EDZ Committee and ANC to continue further negotiation to provide limits on the street parking to be permitted to residents of 901 D Street NE;
- That the future fee-simple residence, to be located to the west of 913 D Street NE, incorporate a dogleg to provide adequate light and air to the next door residence.

Motion: The Committee moved/Mr. Holmes seconded a motion that the ANC adopt the Committee's recommendation that it oppose before the BZA increased density at 901 D Street NE unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in the neighborhood; and that the future 913 D Street NE incorporate a dogleg. The motion passed unanimously, 6-0.

R.L. Christian Library Site

A special EDZ Committee meeting was held after an earlier presentation meeting sponsored by DMPED to introduce six potential developers for the R.L. Christian Library site to the community. This meeting was to select two developers that would be asked for best and final offers by DMPED. Members of the Committee asked questions and commented on the various proposals and then each member voted for their top three choices: Proposals by Argos and Rise Developers each received five votes, with the other four ranging between two and no votes. (The complete discussion appears in the EDZ Committee minutes of October 23, 2012.)

Motion: The Committee moved/Dr. Ronneberg seconded a motion that the ANC adopt the Committee's recommendation that it support the selection of the Rise and Argos groups' proposals for the RL Christian site redevelopment and request that DMPED issue a call for "best and final offer." The motion passed unanimously, 6-0.

409 15th Street NE

This is a request for support for a BZA variance to operate a deli at this address. This address was previously erroneously issued a Certificate of Occupancy (C of O) as a deli despite being in an R-5-B district. The current tenant, Alex Cho, operating a taco carry-out, signed a five year lease, but has



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had his C of O flagged for being in an illegal zone and has been told he requires a zoning variance in order to operate. Mr. Cho says he was not aware of the issue when he signed the lease, and he intends to use the space as a carryout operating until 9pm. A neighbor suggested that lighting in the front and in the alley, and surveillance cameras would mitigate the situation. **Motion:** The committee moved/Dr. Ronneberg seconded a motion that the ANC accept the Committee's recommendation that it support a variance limited to five years with the conditions that the deli be open from 11am to 9pm for service and that the owner provide lighting and surveillance cameras at the front and at the alley. The motion passed unanimously, 6-0.

607 14th Place NE

A building permit has been issued improperly for this address. The Committee determined that it should be appealed to BZA because DCRA issued the permit in error, as the project requires a variance. **Motion:** The committee moved/Dr. Ronneberg seconded a motion that the ANC accept the Committee's recommendation to send a letter of appeal to the BZA stating that the project at 607 14th Place NE requires a variance. The motion passed unanimously, 6-0.

9. New Business

ABRA Change to Spot on H Street VA

ABRA reviewed a VA signed by the ANC and the Spot on H and modified several sections, which have not previously been changed in any other VAs submitted by the ANC. Mr. Healy questioned why the changes were being made, when they are not universal:

- **Section 1 (Public Cleanliness...):** Remove subsection f.
- **Section 2 (Business Operations and Practices):** Remove subsection i.
- **Section 3 (Music, Dancing/Entertainment):** Modify the following sentence from subsection d: "if the patio has been open for business...expanded hours of operation on the patio," so that it reflects that the ANC will consider modifying the Voluntary Agreement to allow for expanded hours on the patio, rather than the existing language that indicates the licensee may submit a change of hours application. (The language was modified and approved by ABRA).
- **Section 3 (Music, Dancing/Entertainment):** Remove subsection g.
- **Section 7: (Enforcement):** Remove subsection b.

Motion: Mr. Healy moved/Dr. Ronneberg seconded a motion to send a letter to ABRA accepting the modifications, but questioning the reason why the changes were made and requesting an explanation. The motion passed 5-0-1, with Alberti not voting and not present.

Bylaws Change

Mr. Holmes announced that bylaws changes would be presented for a vote at the December meeting.

One change, motivated by the fact that the ANC's position on an important issue cannot be heard if a hearing is called on short notice and the Commission has not previously authorized someone to represent the body, would enable the Chair or other representative of the ANC to testify.



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The other change, suggested by Gottlieb Simon, states:

New Article VIII, section 2 (b) 3: “If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor.”;

and renumber the old VIII, section 2 (b) 3 as VIII, section 2 (b) 4.

1400 Maryland Avenue NE Building Permit Appeal

Motion: Dr. Ronneberg moved/Mr. Hysell seconded a motion to appeal the a second DCRA building permit this one granted for constructing a convenience store at the site of the gas station at 1400 Maryland Avenue NE. The motion passed unanimously 6-0. Mr. Hysell said he had spoken with Councilmember Wells about supporting the effort.

Gas Tank Investigation

Mr. Holmes said that the gas tanks for the gas station have been put into the ground and he has doubts that any testing was done. He said there appears to have been no inspection of the site and no one knows what’s in there. **Motion:** Dr. Ronneberg moved/Mr. Hysell seconded a motion to send a letter to the acting director of the District Department of the Environment requesting information on whether underground tanks had been removed and installed at 1400 Maryland Avenue NE without a permit. The motion passed unanimously, 6-0.

Letter of Support to Valor Development

Valor Development is going where the ANC is not authorized to go, and is taking the gas station to court, as it is across the street from an apartment house they are building. (Mr. Holmes pointed out that this is the situation that Councilmember Barry’s postponed legislation attempts to cure.) **Motion:** Mr. Hysell moved/Dr. Ronneberg seconded a motion to send a letter of support to Valor Development if they take the case to court. The motion passed unanimously, 6-0.

Allocation of Funds for Advertising

Motion: Mr. Alberti moved/Mr. Hysell seconded a motion to allocate up to \$3,815.00 for monthly ANC ads in the Hill Rag, and a quarter-page ad in the Fagon Community Guide. He said the Rag provides one of the two ways the ANC is required to advertise its meetings. Mr. Alberti also pointed out that the ANC is given a substantial discount and favorable placement of the ads. Ms. Nelson added that the Rag staff creates the layout of the ads (which not all publications do) and is very flexible about last minute changes to the text of the ads. Ms. Lawler said that she is not convinced that the Rag is a good source for us. Sondra Phillips Gilbert asked about other advertising sources such as the Afro-American. Ms. Nelson said that the committee had looked into it and it wasn’t cost-effective, but that she was perfectly happy to look into it again. The motion passed unanimously, 6-0.

The meeting was adjourned at 9:10 pm



Commission Letters of November 8, 2012 Meeting



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



November 9, 2012

Ms. Reyna Alorro and Mr. Ethan Warsh
Office of the Deputy Mayor for Planning & Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004

Re: ANC 6A recommendations for the redevelopment of the RL Christian Library Site at 1300 H Street NE.

Dear Ms. Alorro and Mr Warsh,

At a regularly scheduled and properly noticed meeting¹ on November 8, 2012, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to recommend to the Deputy Mayor for Planning and Economic Development that the Rise Development and Argos Group proposals be selected to make best and final offers for the redevelopment of the R. L. Christian Library site at 1300 H Street, NE. ANC 6A would appreciate the opportunity to provide feedback on the best and final offer proposals.

The Commission evaluated the 6 proposals primarily based on the following factors:

1. Buildings with four stories are preferred to avoid overwhelming the mass of existing buildings on the 1300 block of H Street, NE.
2. The building's design should fit into the existing architectural fabric of neighboring structures.
3. The proposed commercial use should be retail. In addition, the Commission strongly prefers that the retailers be local, rather than large chains.
4. Whether our ANC has had positive prior working relationships with the team members.
5. Whether the project includes a public safety aspect and/or arts-related uses.
6. Whether the proposal incorporate a tribute to R. L. Christian.

Our Commission believes that the Rise Development and Argos Group proposals best meet these criteria. In addition, our Commission was impressed with the Argos' incorporation of the adjacent cleaners into their proposal and with the Rise model of local ownership.

We would like to see the following issues addressed by the two teams' best and final offer proposals:

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com list, the ANC6A email group (not run by the ANC), the HillEast email group, through print advertisements in the *Hill Rag*, and on our website, ANC6A.org.



Argos Group

1. Design – emphasize verticality in the window bays.
2. Retail concept – better development of the retail concept for the portion of the building that is not devoted to the cleaners.
3. Emphasis on artist housing for the affordable units.
4. Incorporation of a physical tribute to RL Christian.

Rise Development

1. Design – elimination of the projecting balconies from the facade (juliet balconies are acceptable)
2. Incorporation of a physical tribute to RL Christian into the design.
3. Incorporation of a public safety aspect into the proposal.

Please be advised that David Holmes and Drew Ronneberg are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Ronneberg can be reached by phone at 202-431-4305 or by email at ronneberg6a02@gmail.com.

On behalf of the Commission,

David Holmes
Chair

cc: Tommy Wells, Councilmember



Commission Letters of November 8, 2012 Meeting



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



November 10, 2012

Ms. Catherine Buell, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street SW, Suite E650
Washington, DC 20024

Re: HPA #13-028 (901 D Street, NE)

Dear Ms. Buell,

At our regularly scheduled and properly noticed¹ meeting on September 13, 2012, our Commission voted 6-0-0 (five are required for a quorum), to support the redevelopment plans for the Edmonds School site.

The applicant presented massing and architectural plans to our Economic Development and Zoning Committee's August 15, 2012 meeting. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and David Holmes are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or Holmes6A3@gmail.com.

On behalf of the Commission,

David Holmes
Chair

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Commission Letters of November 8, 2012 Meeting



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



October 16, 2012

Nicholas Majett
Director
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW
Washington, DC 20024

Re: Underground Tank Permit at 1400 Maryland Avenue, NE

Dear Director Majett,

Commissioner Drew Ronneberg has made two email inquiries to Mr. Rabbiah Sabbakhan of the DCRA Permitting & Inspections Office on July 6 and August 20 regarding the fact that the contractor at 1400 Maryland Avenue NE has installed an underground gasoline tank without an underground tank permit. The application for underground tank permit #UT1200057 for the site has applied for but has not been issued.

ANC 6A is contacting you formally regarding this matter because we never received a response to our inquiry. According to D.C. Code § 1-309.10(h)(1), our ANC should have received acknowledgment of this appeal within 10 days and a response from your office within 60 days. Given the fact that this is an ongoing construction project, we would appreciate a quicker response than is required by statute.

The Commission would like written answers to the following questions:

1. Is an approved underground tank permit required to install an underground gas tank in the District of Columbia?
2. If an approved underground tank permit is required to install an underground gas tank in the District of Columbia, why has your office not issued a stop work order despite the fact that this issue has been raised multiple times with DCRA?

On behalf of the Commission,

David Holmes
Chair



Commission Letters of November 8, 2012 Meeting



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



November 9, 2012

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

Re: BZA Case No. 18451 (409 15th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on November 8, 2012, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to conditionally support the applicant's request for a variance under §3103.2 to permit a commercial use (a deli) in a residential (R-5-B) zone.

Our commission finds that:

1. There are unusual circumstances associated with the property. The property was historically used for commercial purposes and DCRA previously erred in issuing a certificate of occupancy for a deli in a residential zone.
2. The applicant has demonstrated hardship because the building cannot be used for residential purposes.
3. The public good will not be infringed if the conditions outlined below are included as part of the zoning order. The ANC's support of this request for variance is predicated on Mr. Alexander Cho's (the lessee) statements to us that he will accept the following enumerated conditions:
 - a. The hours which retail sales will be permitted will be between 11 am and 9 pm. This purpose of this condition is to prevent students of the nearby schools from congregating at the deli before classes.
 - b. The front and side of the building will be well lit.
 - c. Security cameras will be used to monitor the front and side of the building.
 - d. The variance will be valid for five years from the date of the zoning order.

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Commission Letters of November 8, 2012 Meeting



Please be advised that David Holmes and Drew Ronneberg are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Ronneberg can be reached by phone at 202-431-4305 or by email at ronneberg6a02@gmail.com.

On behalf of the Commission,

David Holmes
Chair



Commission Letters of November 8, 2012 Meeting



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



November 11, 2012

Ms. Catherine Buell, Chair
Historic Preservation Review Board
Office of Planning
1100 Fourth Street SW, Suite E650
Washington, DC 20024

Re: HPA #12-618 (1133 Park Street, NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed¹ meeting, our Commission voted 6-0-0 to recommend support for the proposed project at 1133 Park Street, NE. Five Commissioners are required for a quorum.

Jennifer Fowler of Fowler Architects presented massing and architectural plans on behalf of the applicant at the October 17th meeting of our Economic Development and Zoning Committee. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or Holmes6A3@gmail.com.

On behalf of the Commission,

David Holmes
Chair

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Commission Letters of November 8, 2012 Meeting



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



November 10, 2012

Mr. Paul Connor
Deputy Director, Environmental Services Administration
District Department of the Environment
1200 First Street, NE
Washington, DC 20002

Re: Request for Information on the Permitting of Underground Tanks at 1400 Maryland Avenue, NE

Dear Mr. Connor,

At a regularly scheduled and properly noticed meeting¹ on November 8, 2012, our Advisory Neighborhood Commission (ANC) voted 6-0-0 to request that your agency investigate whether an unpermitted removal and installation of gasoline tanks occurred at 1400 Maryland Avenue NE, discover if proper remediation occurred, and report the results of your investigation to our ANC.

Capitol Petroleum is currently building a gas station at 1400 Maryland Avenue, NE, per building permit #B1107494. They also applied for Underground Tank Permit #UT1200057 on April 18, 2012. Their application was to furnish and install a new fueling system to include “1-20,000 gal double wall fiberglass tank, 1-6,000 gal fiberglass double wall tank, 2-dispenser Islands, associated fiberglass [sic] double wall piping and 1- 20’x50’ Canopy”. DCRA’s on-line permitting system shows that DDOE held the application for corrections (HFC) on May 7, 2012 and the permit was never issued. However, the underground tank has already been installed at the site. After several unsuccessful attempts to contact DCRA’s permitting office to find out why the underground tank was installed without an approved underground tank permit, ANC 6A sent the attached letter to the DCRA director asking for information regarding this issue.

ANC 6A is concerned about a number of issues and requests DDOE investigate and clarify the following matters:

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com list, the ANC6A email group (not run by the ANC), the NewHillEast email group, through print advertisements in the *Hill Rag*, and on our website, ANC6A.org.



Commission Letters of November 8, 2012 Meeting



1. Was an old underground tank removed from the site? This appears likely because the site had previously been a gas station. If one was removed, was it done with the proper permits and DDOE inspections?
2. If an underground tank was removed, was the surrounding soil tested for fuel contamination? If so, was this done with DDOE knowledge, and were the proper procedures followed? Has any pollution possibly draining from the decades-old removed tanks been remediated?
3. Was the new underground tank installed with DDOE's knowledge, approval and inspections?

Our ANC is concerned that proper procedure might not have been followed in this case and that an underground tank was installed without a permit or DDOE approval. We are also concerned that an old tank may have been removed without DDOE knowledge or proper approvals, and that there may be improperly tested or remedied soil contamination.

Your assistance in this matter will be greatly appreciated.

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A



Commission Letters of November 8, 2012 Meeting



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October 16, 2012

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1100 Fourth Street, SW
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Re: Underground Tank Permit at 1400 Maryland Avenue, NE

Dear Director Majett,

Commissioner Drew Ronneberg has made two email inquiries to Mr. Rabbiah Sabbakhan of the DCRA Permitting & Inspections Office on July 6 and August 20 regarding the fact that the contractor at 1400 Maryland Avenue NE has installed an underground gasoline tank without an underground tank permit. The application for underground tank permit #UT1200057 for the site has applied for but has not been issued.

ANC 6A is contacting you formally regarding this matter because we never received a response to our inquiry. According to D.C. Code § 1-309.10(h)(1), our ANC should have received acknowledgment of this appeal within 10 days and a response from your office within 60 days. Given the fact that this is an ongoing construction project, we would appreciate a quicker response than is required by statute.

The Commission would like written answers to the following questions:

1. Is an approved underground tank permit required to install an underground gas tank in the District of Columbia?
2. If an approved underground tank permit is required to install an underground gas tank in the District of Columbia, why has your office not issued a stop work order despite the fact that this issue has been raised multiple times with DCRA?

On behalf of the Commission,

David Holmes
Chair



Commission Letters of November 8, 2012 Meeting



GOVERNMENT OF THE DISTRICT OF COLUMBIA District Department of the Environment Environmental Services Administration

November 20, 2012



Mr. David Holmes
Chair, Advisory Neighborhood Commission 6A
P. O. Box 75115
Washington, DC 20013

Re: 1400 Maryland Avenue, NE

Dear Mr. Holmes:

Thank you for your letter received by email on November 14, 2012, requesting information about the construction of a gas station at 1400 Maryland Avenue, NE. Our response gives you the information that we have about this project and we have attached additional records in pdf format, FYI. If you would like to meet to discuss this project in more detail, please call me at (202) 481-3847 or Fianna Phill at (202) 535-2326.

On May 4, 2012, the Department of Consumer and Regulatory Affairs (DCRA) issued a building permit (#B1107494) for the renovation, alteration and repair of an existing vehicle fuel station. The Underground Storage Tank (UST) Branch at DDOE approved the application for UST permit # UT1200057 on May 7, 2012, and sent our approval via permit expediter, to DCRA. Prior applications related to the installation of underground tanks were filed in May, 2006 and were also approved by DDOE but we are not aware of any work undertaken pursuant to the May 2006 applications.

In June 2012, the tank installation contractor contacted the UST Branch requesting that we inspect the installation of two gasoline tanks. Two DDOE inspectors were present for three installation inspections between June 26, 2012 and August 23, 2012. Because the contractor proceeded with their tank installation before DCRA had issued the tank permit, DCRA initiated an enforcement action against the owner. The enforcement action was resolved when the owner paid a \$1000 fine in July 2012.

On October 19, 2012 DCRA issued an UST Removal Permit. DDOE has inspected both a tank installation and a tank removal at this location and both activities were performed in accordance with our regulations and procedures. DDOE will perform a final inspection during installation of the dispensers and UST monitoring systems. Prior to dispensing product to the public, Capital Petroleum must register this facility with DDOE. Underground tanks in the District are inspected approximately every three years to ensure operational compliance.

Our responses to your specific questions are as follows:

1. Was an old underground tank removed from the site? This appears likely because the site had previously been a gas station. If one was removed, was it done with the proper permits and DDOE inspections?



1200 First St. NE, 5th Floor, Washington, DC 20002 | Ph: 202.535.2600 | web: ddoe.dc.gov





The DCRA database has a record from December 3, 1981 (included in the attached pdf) permitting the removal of six underground tanks from this address. The Fire Department was responsible for underground tanks at that time and DDOE has no other information about the tank removal that took place more than 30 years ago. On November 7, 2012, however, DDOE oversaw the removal of one 550-gallon heating oil tank from this location. Even though DDOE does not regulate heating oil tanks less than 1100 gallons (unless there is a release from the tank), Capital Petroleum applied for permit # UT1300003 and DCRA issued the permit on October 19, 2012. The tank removal complied with the District's UST Regulations and standard operation procedures.

2. If an underground tank was removed, was the surrounding soil tested for fuel contamination? If so, was this done with DDOE knowledge, and were the proper procedures followed? Has any pollution possibly draining from the decades-old removed tanks been remediated?

DDOE routinely requires testing of soil when a tank is removed from the ground. For the tank removal conducted on November 7, 2012, DDOE issued a site directive for the sampling and laboratory analysis of soils and submission of a Tank Closure Assessment Report by December 7, 2012. This report will confirm whether the soil is contaminated above regulatory standards. Our recent onsite inspections did not reveal strong petroleum odors, stained soils or other indications of contamination. However, DDOE will not make any decisions about the need for remediation until we review the Tank Closure Assessment Report due on December 7, 2012.

3. Was the new underground tank installed with DDOE's knowledge, approval and inspections?

Yes, on May 7, 2012, DDOE approved the tank installation permit application submitted to DCRA. DDOE conducted three inspections between June 26 and August 23, 2012. DDOE inspected the installation of the two petroleum tanks and the removal of the 550 gallon heating oil tank. Each of these activities was performed in a manner that complied with the District's regulatory requirements.

If the tank removal report indicates that the site is contaminated, this office will ensure that corrective actions are implemented for the protection of human health and the environment. Note, corrective action is feasible after the commencement of construction and operation at any contaminated site.

We have attached a pdf document with additional information for your information. I hope this correspondence addresses the concerns of the ANC. Please do not hesitate to contact us for additional information.

Sincerely yours,

Paul Connor
Deputy Director

cc: Mr. Keith Anderson, Interim Director, DDOE
Ms. Linda O'Brien, Council
Mr. Andrew Hysell and Mr. Drew Ronneberg ANC Commissioners
Mr. Bellur Ravishankar, Deputy Division Chief, Permit Operations Division

Attachment



Commission Letters of November 8, 2012 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
919 Massachusetts Avenue, NE
Washington, DC 20002



November 29, 2012

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

Re: Spot on H (1255 H Street, NE) #089941

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of November 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted with great reluctance, by 5-0-1, with Commissioner Alberti not voting and not present in the room, to accept the changes in our Voluntary Agreement specified in the recent letter from the ABC Board.

Several of these provisions have been previously accepted by the Board. Please tell the Commission what has changed legally or in the Board's decisions that requires these changes in our standard Voluntary Agreement. The Board is rejecting previously acceptable provisions without providing any rationale or citing any modifications in regulatory language.

Should you have any questions, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes
Chair

¹ ANC 6A meetings are announced electronically on the anc6a-announce@yahoo.com email list and the ANC6A@yahoogroups.com (not controlled by the ANC) email list, the ANC's own website (ANC6A.org), and through print advertisements in the *Hill Rag*.



Commission Letters of November 8, 2012 Meeting



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



November 30, 2012

Mr. Clifford Moy,
Secretary to the Board of Zoning Adjustment
441 4th Street NW, Room 200
Washington, DC 20001

Dear Mr. Moy,

Advisory Neighborhood Commission 6A (ANC) has voted to oppose any additional density without mitigation measures.

The BZA should be aware that parking anywhere near the intersections of 9th and 10th and D Streets is fraught with tension and a long history of unpleasant confrontations. There is nowhere near enough on-street parking for the existing residents. There are two large apartment buildings on the south side of Maryland Avenue (no off-street parking); a large apartment building on 10th next to D Street; the staff and visitors of the Specialty Hospital of Washington and the DaVita Dialysis Center on 8th Street; the student interns and staff of the Christian College Association on 8th, plus an over-saturation of rooming houses and multi-unit condos in the immediate area. These are all within one block or across the separating street, e. g. a large apartment building across Maryland Avenue on E Street.

There have, in my time as Commissioner, been fist-fights over parking spaces, keying of cars, and much intemperate language. The church directly across the street at 9th and D Streets fills the neighborhood with out-of-state cars (week and weekend, afternoon, evening and night) - a problem that will only get worse after the Credit Union leaves, construction begins, and the Credit Union parking lot closes. People park blocks away from their home in the late evening/night or park illegally close by because they do not feel safe walking any distance at night. The requested additional density will be a substantial problem.

Because of the careful and sympathetic presentations of CAS Riegler and Ditto Residential, the ANC and the neighborhood authorized a proposal of two, and only two, additional residential units in exchange for the purchase of a small Capitol Bikeshare station to be installed in the immediate vicinity and the payment of the public space fee for a period of five years of an on-street parking space for a ZipCar to be located adjacent to 901 D.

The ANC motion authorized the ANC Chair (myself) and the Vice Chair, Dr. Drew Ronneberg, (who also chairs the Economic Development and Zoning Committee of the ANC), to negotiate for a reduction in the on-street parking by the future residents of this condominium complex, and to raise the number from 23 if we felt there would be measures



Commission Letters of November 8, 2012 Meeting



in place to accomplish this goal. The neighborhood, Dr. Ronneberg, and I agreed to reject an offer for parking limitations to be accomplished by condo sale and incorporation documents which would have limited on-street parking to 19 additional RPP. This proposal seems to us excessively complicated, probably very difficult to enforce, with fines that weren't high enough to deter those who might seek to exceed the limits, and with the money from the fines a potential future problem.

The ANC adopted the following motion at its regularly scheduled and publicly announced¹ meeting of November 8, 2012, with six of the eight Commissioners in attendance. The vote was 6-0-0.

That the "ANC oppose before the BZA increased density at 901 D Street NE, unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in that neighborhood."

Commissioner Ronneberg and I, and thus the ANC, support 25 units on this site and no more. This reflects the consensus of the neighborhood as well, a consensus built over three public meeting devoted to the topic, discussions by and at our Zoning Committee and at the ANC meeting. I have also been the recipient of hundreds of emails from the neighbors and the developers, and of somewhere near 100 phone calls.

Many neighbors still strongly assert that there should be no additional density over the 23 allowed by-right.

There are no reasonable grounds to grant a variance without the agreement of the ANC and the neighbors. The extra two units, from 23 to 25 seemed likely to decrease the size of a couple of two-bedroom units to one bedroom, and are a response to the mitigation measures proposed by the developers.

David Holmes and Drew Ronneberg are authorized to act on behalf of the Commission in this matter. I can be reached at 202.251.7079 and at holmes6a3 at gmail.com.

On behalf of the Commission

David Holmes
Chair, ANC 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com list, the ANC6A email group (not run by the ANC), the NewHillEast email group, through print advertisements in the *Hill Rag*, and on our website, ANC6A.org.



THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:)	
)	
Briceno & William, LLC)	
t/a A Spot on H)	
)	
Applicant for a New)	
Retailer's Class CR License)	License No. ABRA-089941
)	Order No. 2012-510
at premises)	
1255 H Street, N.E.)	
Washington, D.C. 20002)	

Briceno & William, LLC, t/a A Spot on H (Applicant)

David Holmes, Chairperson, Advisory Neighborhood Commission (ANC) 6A

BEFORE: Ruthanne Miller, Chairperson
 Nick Alberti, Member
 Donald Brooks, Member
 Herman Jones, Member
 Mike Silverstein, Member

ORDER ON VOLUNTARY AGREEMENT

The official records of the Alcoholic Beverage Control Board (Board) reflect that Briceno & William, LLC, t/a A Spot on H, Applicant for a new Retailer's Class CR license, located at 1255 H Street, N.E., Washington, D.C., and ANC 6A have entered into a Voluntary Agreement (Agreement), dated September 13, 2012, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Chairperson David Holmes, on behalf of ANC 6A, are signatories to the Agreement.



Briceno & William, LLC
t/a A Spot on H
License No. ABRA-089941
Page 2

Accordingly, it is this 30th day of November, 2012, **ORDERED** that:

1. The above-referenced Voluntary Agreement submitted by the Parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order, except for the following modifications:

Section 1 (f) (Public Space Cleanliness and Maintenance) shall be removed.

Section 2 (i) (Business Operations and Practices) shall be removed.

Section 3 (d) (Music/Dancing/Entertainment) – The following sentence shall be modified to read as follows: “If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the ANC will consider modifying the Voluntary Agreement to allow for expanded hours on the patio.”

Section 3 (g) shall be removed.

Section 7 (b) (Enforcement) shall be removed.

The parties have agreed to these modifications.

2. Copies of this Order shall be sent to the Applicant and ANC 6A.



Commission Letters of November 8, 2012 Meeting



Briceno & William, LLC
t/a A Spot on H
License No. ABRA-089941
Page 3


District of Columbia
Alcoholic Beverage Control Board



Ruthanne Miller, Chairperson



Nick Alberti, Member



Donald Brooks, Member

Herman Jones, Member

Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (April 2004), any Party adversely affected by this Order may file a Motion for Reconsideration within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009.



Commission Letters of November 8, 2012 Meeting



District of Columbia Government
Advisory Neighborhood Commission 6A
919 Massachusetts Avenue, NE
Washington, DC 20002



November 29, 2012

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

Re: Spot on H (1255 H Street, NE) #089941

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of November 8, 2012, Advisory Neighborhood Commission 6A (ANC) voted with great reluctance, by 5-0-1, with Commissioner Alberti not voting and not present in the room, to accept the changes in our Voluntary Agreement specified in the recent letter from the ABC Board.

Several of these provisions have been previously accepted by the Board. Please tell the Commission what has changed legally or in the Board's decisions that requires these changes in our standard Voluntary Agreement. The Board is rejecting previously acceptable provisions without providing any rationale or citing any modifications in regulatory language.

Should you have any questions, please contact Commissioner Adam Healy, chair of the ANC's Alcoholic Beverage Licensing Committee at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes
Chair

¹ ANC 6A meetings are announced electronically on the anc6a-announce@yahoo.com email list and the ANC-6A@yahoogroups.com (not controlled by the ANC) email list, the ANC's own website (ANC6A.org), and through print advertisements in the *Hill Rag*.



Made this 13th day of September, 2012

by and between

The Spot on H (ABRA #089941)

1255 H Street NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once

Voluntary Agreement between The Spot on H and ANC6A

Page 1 of 4



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

2. Business Operations and Practices:

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron bring an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with Title 25-113(b)(5)(A)(B)(C) of the DC Municipal Code.
- d. Applicant will not provide or sell alcoholic beverages "to go." Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature.
- e. The licensed establishment will be managed by the applicant in person or a board licensed manager.
- f. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
- g. Applicant shall post a notice kept in good repair and visible from point of entry a sign, which states:
 - i. Proper ID required (proof of age 21 minimum to be served and assurances that ID's will be checked at all times prior to serving alcoholic beverages to patrons).
 - ii. Prohibition against selling alcohol to minors.
 - iii. Request to patrons to not litter, loiter, or make excessive noise in the neighborhood as they arrive or depart.
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
 - v. Request that customers do not contribute to panhandlers.
- h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment,
 - ii. Calling the Metropolitan Police Department if illegal activity is observed,
 - iii. Keeping a written record of dates and times (a call log) when the MPD is called for assistance.
 - iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment which could lead to an ABRA investigation. Each incident will contain date, time and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- i. Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving the Applicant's license.
- j. Applicant shall not support the installation of pay phones outside of the establishment on their property.
- k. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.

Voluntary Agreement between The Spot on H and ANC6A

Page 2 of 4



Commission Letters of November 8, 2012 Meeting



l. Applicant shall provide valet parking services only with valet parking companies as defined licensed and in compliance with Title 24 DCMR Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. Music / Dancing / Entertainment:

a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate sound proofing.

b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Official Code Title 25-725.

c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:

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

In order to mitigate noise emanating from the rooftop venue, the following steps will be taken:

- 1) Seating capacity will not exceed 44 persons on the rooftop.
- 2) The patio will be used for seated guests only, that is, the applicant will not use the rooftop for persons standing, at a reception, etc.
- 3) Applicant agrees that sounds on the rooftop shall not be amplified, therefore speakers will not be used on the rooftop. This includes sounds from entertainment, a radio, jukebox, TV or microphone.
- 4) The Applicant will use plantings, walls, fencing, etc. to mitigate sounds from the patio.
- 5) The rooftop will close seating at 11:00 p.m. on Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings.
- 6) Placards or signs will be posted to notify patrons of the hours.
- 7) Placards will be posted requesting patrons to respect the neighboring residents.
- 8) Applicant will respond quickly to noise complaints which are brought through the ANC and take appropriate action to mitigate the problems.
- 9) In the event that noise on the rooftop repeatedly disturbs nearby residents, the ANC and applicant will work in good faith to negotiate an addendum to this agreement to mitigate noise through additional soundproofing measures.

d. The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio has been open for business for at least three months during the months of April through September and noise levels from the patio do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the licensee may submit a change of hours application to allow for expanded hours of operation on the patio.

e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.

f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

g. All CT license holders with an entertainment endorsement must have an ABRA accepted security plan in place.

Voluntary Agreement between The Spot on H and ANC6A

Page 3 of 4



Commission Letters of November 8, 2012 Meeting



4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.
5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.
6. Miscellaneous:
 - a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations.
7. Enforcement:
 - a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.
 - b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.
 - c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Troy D. Williams Quette Williams Date: 9/19/12

Signature: Troy Williams Quette Williams

Advisory Neighborhood Commission 6A Representative:

By: DAVID HOLMES, CHAIR Date: 9/22/12

Signature: David Holmes



Officer Reports - Treasurer



ANC 6A Treasurer's Report November 2012

Period Covered 11/01/12 - 11/30/12

Checking Account:

Balance Forwarded		\$	16,588.78
Receipts:			
District Allotments:	\$	-	
Transfers from Saving Account	\$	-	
Other:	\$	-	
Total Receipts	\$	-	
Total Funds Available	\$	16,588.78	

Disbursements:

Band Shoppe (Grant - Eastern HS PTSA)	Ck #1577	\$	533.00
A.D. R. Bulbs Inc. (Grant Capitol Hill Garden	Ck #1578	\$	650.00
Heather Schoell (Agenda Package Nov. 2012)	Ck #1579	\$	200.00
Roberta Weiner (Minutes Oct. 2012)	Ck #1580	\$	180.00
Total Disbursements		\$	1,563.00

Ending Balance ----- \$ 15,025.78

Savings Account:

Balance Forwarded		\$	9,044.67
Receipts:			
Interest 11/30/12		\$	0.19
Deposit - District Allotment 4th Q FY12		\$	4,669.76
Transfers from Checking Account			
Total Receipts		\$	-
Total Funds Available		\$	13,714.62
Disbursements		\$	-
Ending Balance -----		\$	13,714.62

Prepared December 1, 2012



Officer Reports - Treasurer



ANC 6A Treasurer's Report November 2012

PETTY CASH SUMMARY

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

Prepared December 1, 2012



Committee Reports

Community Outreach Committee (COC)



ANC6A Community Outreach Committee

November 19, 2012 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), Pat Joseph, Louis Barbash, Rose Williams (quorum)

Committee members absent: Jean Kohanek

- I. Agenda
 - Adopted with addition of ANC flyer discussion.

- II. Status report on ANC/COC activities and revised grant guidelines.
 1. Ms. Nelson has been in touch with the incoming commissioners to get their contact information for the website. She will publish the revised Commissioner page in early January. The group photo will be taken at the January 10 at the ANC meeting.
 2. The commissioners voted in October to accept the COC recommendation that ANC 6A provide \$533 toward the cost of storage carts and pole bags as requested in the grant application from the Eastern SHS PTSA. A check has since been provided made out to the vendor. The Treasurer has the letter and invoice; Ms. Nelson will follow up to ensure that we receive the receipt. The amount of this grant will come out of the FY2013 grants budget.
 3. Ms. Nelson reported that the commissioners have approved the committee's recommended approach to the grant making process. The application form on the website has been updated to reflect this. Committee members are asked to review it. The grants budge for FY 2012 is \$5,000 less the \$533 provided to the Eastern PTSA. Divided as per the new guidelines, this means that there will be \$1,967 in the winter cycle, divided in half into large (>\$300) and small (<=\$300) grants, and \$2,500 for the summer cycle (also divided into large and small grants). There is a possibility that additional funds will become available if expenses are less than projected.
 4. Ms. Nelson was approached by two organizations about the possibility of making a grant request. However, they did not meet the guidelines, particularly the timing. In one case, Ms. Nelson was able to refer them to the Capitol Hill Community Foundation. Both organizations have been asked to consider other activities for which they might want to apply for grant money and to approach the COC earlier in the process in future.

- III. Discussion of print media advertising.
 1. Ms. Nelson received the bid from Capital Community News (Hill Rag/Fagon Guide) the day of the November ANC meeting - with payment due December 1, if the ads are to continue. As the funds had already been budgeted, the COC has been unanimously in support of this expenditure in the past, and timing was critical, the matter was brought before the commissioners under New Business. The commissioners unanimously supported it. However, there was some discussion of the necessity of print advertising and whether the Hill Rag was the right publication. Incoming



Committee Reports

Community Outreach Committee (COC)



- commissioner Sondra Phillips-Gilbert asked that consideration be given to advertising in the African American.
2. In response to Ms. Phillips-Gilbert's suggestion, Ms. Williams attempted to contact the African American to get pricing and circulation information. She reported that she has called twice but has not yet received a response. She will continue to try. She noted that, so far as she has been able to determine, the only location in ANC 6A where the publication is available is a box on Benning Road. At one time, it was available at Safeway (a useful location, though not in 6A) but that has been discontinued.
 3. To answer questions raised by the commissioners (at the November ANC meeting) regarding the location of distribution points in ANC 6A, a list was requested; it appears at the end of the minutes. Andrew Lightman (managing editor) repeated his offer to add locations on the advice of the commissioners. Email was sent twice to all commissioners (and incoming commissioners) requesting their suggestions. There was only one response - that Rosedale Recreation Center be added (already on the list to be added) and a box at 18th and D Sts. NE. This last request has been forwarded. Ms. Nelson will inquire of Dr. Lightman whether the managers at the two recreation centers (Sherwood and Rosedale) have agreed to accept the publication.
 4. The COC wishes to reaffirm our position that it is important to continue advertising in the Hill Rag/Fagon Guide. We have a fairly robust electronic presence, posting meetings and documents on our website and two listservs. But print advertising reaches a somewhat different audience. Even where there is overlap, print serves as a good reinforcement of the message. Plus the Hill Rag provides coverage of ANC meetings and other topics of interest to ANC 6A constituents - and gives both a large discount and favorable placement of the ads. Lastly, the ANC is required to advertise through two methods.
- IV. Discussion of revision of ANC 6A flyer (topic added by Ms. Williams).
1. All agreed that a new flyer needs to be created to be available on the website in January when the existing flyer becomes obsolete. Ms. Kohanek did it last year and will be asked if she can do it again - though she was not present at the meeting.
 2. The ANC budget is much tighter than it has been and copying enough flyers for door-to-door distribution is very expensive. It is also a very time consuming process to do the distribution and some commissioners have found it onerous. While it served its purpose in the past, the COC no longer feels that it the cost/benefit supports continuing the practice. Instead, we will use a portion of the committee's photocopying budget to print a few copies to be distributed at ANC 6A meetings (including committee meetings). Commissioners can also print them as they need them.
 3. In short, the flyer will be available on the website and in small quantities at meetings but there will not be a wholesale printing and distribution effort.
- V. Meeting adjourned at 8:30 p.m.
- VI. The next meeting will be held December 17, 7:30 p.m. at 1235 C St. NE.



Committee Reports

Community Outreach Committee (COC)



Rag Distribution

Locations in 6A

12 & H NE Box
12th & East Capitol NE Box
13th & East Capitol NE Box
13th & H NE Box
13th & N. Carolina NE Box
15th & East Capitol NE (inside)
7th & C ST NE Box (inside)
8th & E Capitol NE
The Pug Box
The Queen Vic Box
Argonaut Box
Hogs on the Hill Box
JO Wilson Elementary School
Granville Moore Box
Maury School Box
Stadium Armory Boxes Both Entrances
The Cupboard (inside)
The Cupboard Box
Sidamo (inside)
Sova & Sova Box
Kenny's at 8th & MD

Also:

A box is being installed on the 1300 block of D St. between the bikeshare and the dog park.

Delivery to the NE Branch Library has been suspended during renovation but will be reinstated upon completion.

The box that was at Rosedale was removed during construction. Dr. Lightman is attempting to make contact with the manager to see whether they would prefer to have the box returned or would like to have the copies inside the facility.

Dr. Lightman is also contacting Raphael Marshall at Sherwood to see if he would take them inside the facility.



Committee Reports

Community Outreach Committee (COC)



Capital Community News, Inc.
 Hill Rag MidCity DC East of the River
 Fagon Community Guides
 The Education Edition
 Billing Address: PO BOX 15477
 Washington, DC 20003-9997

Invoice

Month of Service	Invoice #
12/1/2012	62068

ANC 6A
Nick Alberti
Box 75115
Washington, DC 200013

PO/IO Number	Terms	Due Date	Rep
	Due on receipt	12/1/2012	AL

Quant...	Description	Item Price	Publication	Amount
12	1/4 Page -- 12x Frequency -- Vertical	415.00	GOV - Hill Rag	4,980.00
	Subtotal		GOV - Hill Rag	4,980.00
	Special Discount Rep Andrew Lightman	-30.00%	GOV - Hill Rag	-1,494.00
	Subtotal			3,486.00
1	1/4 Page -- Fagon Community Guide	470.00	GOV - Hill Rag	470.00
	30% Pre-payment Discount	-30.00%	GOV - Hill Rag	-141.00
	Subtotal			329.00
	Subtotal			3,815.00

Please send your checks to:
 Capital Community News, Inc.
 PO BOX 15477
 Washington, DC 20003-9997

Total this Month	\$3,815.00
Payments/Credits	\$0.00
Balance Due Month	\$3815.00

Thank you for your business.

Phone #	Fax #	E-mail	Web Site
202-543-8300 (12)	202-544-8941	carolina@hillrag.com	www.capitalcommunitynews.com



Committee Reports

Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee ANC 6A November 20, 2012

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on October 16, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy and Katy Thomas
Committee Members Absent: Michael Herman and Anne Marie Koshuta
Commissioners Present: None
Community Members Present: Sarosh Hussain and Roger Caruth

I. Call to Order

Chairman Healy called the meeting to order at 7:03 pm. The meeting having been duly convened was ready to proceed with business without a quorum.

II. Community Comment

None.

III. New Business

Request to extend public space patio hours for Cusbah

The owner of Cusbah located at 1128 H St NE requested that the ANC amend their voluntary agreement to allow for their public space patio to remain open during their ABRA licensed hours. He indicated that they are at a competitive disadvantage because Khan’s, which is located directly across the street, has no restriction on their public space patio hours.

Mr. Healy explained the rationale for the ANC limiting the hours for public space patios because of the limited ability for an establishment to erect soundproofing material around them. However, he agreed that it is a fairness issue and nearby neighbors have not contacted him about noise concerns from Cusbah’s patio. Since Khan’s public space patio license was granted before the ANC began restricting hours of operation, the ANC can’t retroactively limit Khan’s hours. Several months ago Khan’s owner declined to voluntarily limit their patio hours to match the standard in the updated voluntary agreements. If problems develop with the public space patio hours in the future, the ANC could work with owners during their license renewal periods to limit patio hours.

Mr. Healy moved/seconded by Ms. Thomas that the ANC write a letter to the Alcoholic Beverage Control Board requesting that the restriction on the hours of operation for Cusbah’s public space patio be eliminated. Motion carried (2-0) without a quorum present.

IV. Adjourn

The Committee adjourned at 7:18 pm.



Committee Reports

Transportation and Public Space (TPS)



Transportation & Public Space Committee did not meet in November.



Committee Reports

Economic Development and Zoning (EDZ)



Economic Development and Zoning Committee did not meet in November.



New Business



To formalize a long-standing practice:

Standing Rule of ANC 6A

Each Commissioner may speak for up to two minutes on each motion eligible for debate, except that the presenter of an original (not an amendment) motion may speak for up to five minutes. No Commissioner may speak more than twice on any motion. Residents of the Commission may speak for up to two minutes with additional recognition at the discretion of the Chair.

Gottlieb Simon suggested formalizing some of our practices as standing rules. This particular motion has been the normal practice since 2003.