



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for February 12, 2015**



Second (2nd) Thursdays at 7pm, Miner Elementary, 601 Fifteenth (15th) Street NE
Public Meeting - All Are Welcome to Attend

- 7:00 pm **Call to Order**
- 7:02 pm **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:05 pm **Community Presentations** *pg. 7*
Ward 6 Councilmember Charles Allen (30 minutes)
Lindsay Wallace/Nony Dutton, FreshFarm Markets
1. Consider letter of support for H Street Farmers Market (5 minutes)
- 7:40 pm **Community Comments** (2 minutes each)
- 7:50 pm **Officer Reports**
Chair (2 minutes)
Vice-Chair (2 minutes)
Secretary (2 minutes)
Treasurer (2 minutes) *pg. 30*
1. Approve Treasurer's Report
- 8:00 pm **Standing Committee Reports:**
Community Outreach *pg. 32*
1. Approve committee report
2. Next meeting - 7:00 pm, February 23, 2015 (rescheduled from the 3rd Monday due to the holiday)
- 8:01 pm **Alcohol Beverage Licensing** *pg. 35*
1. Approve committee report
2. **Recommendation:** The ANC oppose the request by Andy Lee Liquor (914 H Street NE) for an exemption from the Ward 6 singles ban, and authorize the ABL Co-Chairs to represent the ANC in this matter.
3. **Recommendation:** The ANC oppose the request by Me & My Supermarket (1111 H Street NE) for an exemption from the Ward 6 singles ban, and authorize the ABL Co-Chairs to represent the ANC in this matter.
4. Next meeting - 7:00 pm, February 17, 2015 (3rd Tuesday)
- 8:15 pm **Transportation and Public Space Committee** *pg. 42*
1. Approve committee report
2. **Recommendation:** ANC 6A send a letter to DDOT requesting conversion of current 2-way stop to a 4-way stop at the intersection of D Street NE and 8th Street NE.
3. **Recommendation:** ANC 6A send a letter of support for the 2015 Rock 'N' Roll Marathon to the Department of Homeland Security (DHS) contingent on the following commitments from the event organizers:
a. There will be no amplified music in Lincoln Park;
b. Trash trucks will not be permitted to idle;



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- c. Public notification will include door hangers on houses both on the race route and nearby, course signs to be posted a week in advance along course route, advertising in the Hill Rag, tips on how to navigate street closings to be posted on the website, runRockNRoll.com/community;
 - d. Gloves and Mylar blankets will not be distributed; and
 - e. Trash pickup will happen immediately following the race; all signs will be removed the day after the event.
4. Next meeting - 7:00 pm, March 16, 2015 (3rd Monday)

8:25 pm

Economic Development and Zoning pg. 46

1. Approve committee report
2. **Recommendation:** ANC write a letter to DHCD expressing appreciation for the three applicants who gave presentations regarding their proposals for redeveloping the 1600 block of Kramer Street NE, and stating that the community expressed its preference for the proposed redevelopment of the block to provide on-site parking, emphasize affordability, be of moderate density, furnish green space, and retain the architectural integrity of the neighborhood.
3. **Recommendation:** ANC write a letter of support to BZA regarding the requested zoning relief for 1371 to 1375 H Street NE (BZA 18940), specifically the applicant's request for a variance from the off-street parking requirements under § 2101.1, and a special exception from the roof structure setback requirements under §§ 411.11 and 770.6, to construct a six-story multi-family residential building with ground floor retail, provided that: 1) covenants be recorded in the District land records for each unit stating that it is not eligible for RPP, that the by-laws for the homeowner's association provide for an enforcement mechanism including fines should any homeowner obtain RPP, and that a separate covenant be recorded in the District land records providing that this by-law provision may not be amended or removed; 2) the applicant furnish a suitable plan for deliveries and pick-ups from the site; 3) the applicant obtain the written support of the property owner at 1350 Maryland Avenue NE for the roof structure setback; 4) the applicant revise the design of the proposed building to comply with the H Street Design Guidelines; and 5) the applicant consider supporting a Capital Bikeshare station.
4. **Recommendation:** ANC write a letter to BZA regarding the requested zoning relief for 1102 Park Street NE (BZA 18930), in support of the applicant's request for relief from the court requirements of § 406.1 and opposing the applicant's request for relief from the lot occupancy requirements under § 403.2 and the nonconforming structure requirements under § 2001.3 unless the applicant can reach agreement with the neighbors across the alley on the design of the proposed renovation of the garage.
5. **Recommendation:** ANC write a letter to BZA taking no position on the requested zoning relief for 721 Eleventh (11th) Street NE (BZA 18931), specifically, the applicant's request for special exceptions under § 223, for not meeting the lot occupancy requirements under § 403.2, the rear yard setback requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, in view of the fact that, in the ANC's view, additional zoning relief from the accessory building



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height requirements under § 2500.4 should be required for the proposed structure.

6. **Recommendation:** ANC write a letter to the Zoning Administrator requesting that the pending application for zoning relief for 721 11th Eleventh (11th) Street NE (BZA 18931) be reviewed to determine whether additional zoning relief from the accessory building height requirements under § 2500.4 is required for the proposed structure and stating that, in the ANC's view, such relief should be required.
7. Next meeting - 7:00 pm, February 18, 2015 (3rd Wednesday)

8:45 pm **New Business**

1. Consideration of contract for agenda package and website services (Toomajian)

8:50 pm **Single Member District reports (2 minutes each)**

8:55 pm **Community Comments Round II, time permitting (2 minutes each)**

9:00 pm **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of January 8, 2015



Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School January 8, 2015

Present: Commissioners Matthew Levy, J. Omar Mahmud, Patrick Malone, Sondra Phillips-Gilbert, Phil Toomajian, Calvin Ward, Chris Ward and Stephanie Zimny

The meeting was convened at 7:00 pm.

1. Election of Officers

The rules of the Commission were accepted without objection.

The decision to vote for ANC Officers as a slate was made without objection.

Motion: Mr. Mahmud moved/Ms. Phillips Gilbert seconded a motion to nominate the following as officers for ANC 6A for 2015: Chair - Phil Toomajian; Vice Chair - J. Omar Mahmud; Secretary - Calvin Ward; and Treasurer - Stephanie Zimny. The motion passed unanimously, 8-0.

A Motion to elect Committee Chairs and Committee members as a slate was accepted without objection.

Motion: Mr. Mahmud moved and his motion was seconded for the nominations of the following as Chairs of ANC 6A Committees for 2015: *Economic Development and Zoning* - Dan Golden and Andrew Hysell, Co-Chairs; *Transportation and Public Space* - Todd Sloves and J. Omar Mahmud, Co-Chairs; *Alcohol Beverage Licensing* - Jay Williams and Christopher Seagle, Co-Chairs; and *Community Outreach* - Dana Wyckoff, Chair. The motion passed unanimously, 8-0.

Motion: Ms. Phillips-Gilbert moved to add Rafael Marshall as Co-Chair of the Community Outreach Committee. The motion as amended passed unanimously, 8-0.

Motion: Mr. Toomajian moved/Mr. Mahmud seconded the nominations of the following as members of ANC committees for 2015: *Economic Development and Zoning*: Laura Gentile, Missy Boyette, Brian Carlson, Justin Thornton, Michael Hoenig and Stephanie Zimny; *Transportation and Public Space*: Jeff Fletcher, Andrea Adleman, DeLama Hardy, Lara Levison, Christine Ennis, Hassan Christian and Elizabeth Nelson; *Alcohol Beverage Licensing*: David Oberting, Michael Herman, Roger Caruth and Adam Healy; *Community Outreach*: Pat Joseph, Roni Hollman, Shirley Worthy, Gladys Mack and Jean Kohanek.

Amendment: Ms. Phillips-Gilbert sought to add Jerry Goodwin to the Alcohol Beverage Licensing Committee and Joyce West to the Community Outreach Committee. The amendment failed 2-5. She then offered an amendment to have Joyce West added to the Community Outreach Committee that passed unanimously 8-0. The motion, as amended, passed unanimously, 8-0.

Motion: Mr. Toomajian moved/Mr. Mahmud seconded a motion to authorize the Chair to write notifications to the various appropriate officers of the city government of the newly elected Commission Officers, Committee Chairs and Membership. The motion passed unanimously, 8-0.



Advisory Neighborhood Commission 6A Meeting Minutes of January 8, 2015



Motion: Mr. Toomajian moved and his motion was seconded to adopt a schedule of monthly meetings, on the second Thursday of each month, for 2015: February 12, March 12, April 9, May 14, June 11, July 9, no August meeting scheduled, September 10, October 8, November 12, December 10. The motion passed unanimously, 8-0.

Motion: Mr. Toomajian moved/Mr. Mahmud seconded a motion to authorize the Treasurer to write a check for \$25.00 to participate in the ANC Security Fund. The motion passed unanimously, 8-0.

2. Minutes/Agenda

The minutes for the December 2014 meeting were approved without objection. The agenda for the January 2015 was accepted without additions or objections.

3. Officers Reports

Chair

Mr. Toomajian reported that Ward 6 Councilmember Charles Allen will address the February 2015 meeting of the ANC.

Vice Chair

Mr. Mahmud mentioned the importance of providing key topics for the meeting with Councilmember Allen via email.

Treasurer's Report

Mr. Mahmud presented the Treasurer's Report. The opening balance in the checking account was \$15,461.45 and the savings account balance was \$13,720.10. There was an allotment to the ANC from the DC Government of \$4,607.82 and an interest deposit of \$0.23 to the savings account. There were disbursements of \$200.00 to Roberta Weiner for transcription of the November 2014 minutes (Check #1681); \$200.00 to Irene Dworakowski for the December 2014 agenda package (Check #1682); \$1,500.00 to Stephen Kukoy as a deposit for ANC web development (Check #1683); and \$177.76 to FedEx Office for the December 1, 2014 invoice (Check #1684, leaving a balance of \$17,991.51 in the checking account, and \$13,720.33 in the savings account. The report was accepted without objection.

5. Committee Reports

Alcoholic Beverage Licensing

The report of the Committee was accepted without objection.

Motion: The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to protest the Class C Tavern License Partners LLC, t/a Copycat Co., at 1110 H Street NE unless a signed settlement agreement is submitted prior to the date of the protest hearing. The resolution passed unanimously, 8-0.

Motion: Mr. Mahmud moved/Mr. Chris Ward seconded a motion authorizing Mr. Toomajian to sign that agreement if it was finalized. The motion passed unanimously, 8-0.

Motion: The Committee moved/Mr. Toomajian seconded a motion that the ANC accept the Committee's recommendation to oppose the request by 1101 Convenience Mart at 1101 H Street NE for an exemption from the Ward 6 singles ban. The motion passed unanimously, 8-0.



Advisory Neighborhood Commission 6A Meeting Minutes of January 8, 2015



Motion: The Committee moved/Mr. Calvin Ward seconded a motion that the ANC accept the Committee's recommendation that the ANC approve an amendment to its settlement agreement with Cusbah at 1125 H Street NE, stating that 1) the establishment's sidewalk café close at 11:00 pm on weeknights and 1:30 am on weekends, and 2) no noise from the sidewalk café will be heard from any nearby residence, and that the ANC withdraws its protest of Cusbah's license renewal. The motion passed 7-0.

Transportation and Public Space

The report of the Committee was accepted without objection.

Motion: The Committee moved/Mr. Calvin Ward seconded a motion that the ANC accept the Committee's recommendation that the ANC send a letter to the District Department of Transportation (DDOT) requesting additional pedestrian crossing signage at the intersections where Sixteenth (16th) Street NE crosses C Street and North Carolina Avenue, with an additional request that DDOT also consider installation of crosswalk lighting, if available. The motion passed 8-0.

Economic Development and Zoning

The report of the Committee was accepted without objection.

240 9th Street NE

Motion: The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to send a letter of support to the Bureau of Zoning Adjustment (BZA) regarding the requested zoning relief for 240 Ninth (9th) Street NE supporting the applicant's requests for variances from the alley setback requirements under §2300.4, and the accessory building height requirements under §2500.4, and for a special exception from the lot occupancy requirements under §403.2, to permit the construction of a second story rear addition on an existing garage in the R-4 district. The motion passed unanimously, 8-0.

Motion: The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to send a letter of support to the Historic Preservation Review Board (HPRB) regarding the design of the proposed second story on the existing garage at 240 Ninth (9th) Street NE. The motion passed unanimously, 8-0.

815 8th Street NE

Motion: The Committee moved/Mr. Toomajian seconded a motion that the ANC accept the Committee's recommendation to write a letter to BZA taking no position on the requested zoning relief for 815 Eighth (8th) Street NE, specifically the applicant's request for special exceptions under §223, for the construction of a two-story rear addition to an existing single family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under §404.1, the open court requirements under §406.1 and the nonconforming structure requirements under §2001.3, in view of the fact that, in the ANC's view, additional zoning relief from the accessory building height requirements under §2500.4 should be required for the proposed structure. The motion passed 6-1.

Motion: The Committee moved/Mr. Toomajian seconded a motion that the ANC accept the Committee's recommendation to write a letter to the Zoning Administrator requesting that the pending application for zoning relief for 815 Eighth (8th) Street NE be reviewed to determine whether additional zoning relief from the accessory building height requirements under §2500.4 is required for the proposed structure and stating that, in the ANC's view, such relief should be required. The motion passed unanimously, 8-0.



Advisory Neighborhood Commission 6A Meeting Minutes of January 8, 2015



915 C Street NE

Motion: The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to write a letter of support to the BZA regarding the requested zoning relief for 915 C Street NE, supporting the applicant's requests special exceptions under §223 for the construction of a two-story rear porch addition to an existing single-family dwelling not meeting the lot occupancy requirements under §403.2, the minimum lot size requirements under §401.3, the open court requirements under §406.1 and the nonconforming structure requirements under §2001.3 in the R-4 District. The motion passed unanimously, 8-0.

Motion: The Committee moved/Mr. Toomajian seconded a motion that the ANC accept the Committee's recommendation to write a letter of support to HPRB regarding the design of the proposed two-story rear porch addition at 915 C Street NE, on the condition that the downspout not be visible from the facing porch and that the applicant address and future concerns raised by HRPB. The motion passed unanimously, 8-0.

1020 F Street NE

Motion: The Committee moved/Mr. Toomajian seconded a motion that the ANC accept the Committee's recommendation to write a letter of support to BZA regarding the requested zoning relief for 1020 F Street NE, supporting the applicant's request for special exceptions under §223 for the construction of a third-floor addition to an existing single family dwelling not meeting the lot occupancy requirements under §403.2, the rear yard requirements under §404.1 and the nonconforming structure requirements under §2001.3 in the R-4 District. The motion passed unanimously, 8-0.

5. Single Member District (SMD) Reports

Ms. Zimny reported that her constituents are concerned about parking and alley issues, particularly weekend parking, and she is collecting signatures to forward to DDOT.

Mr. Levy said he is looking forward to working with his fellow Commissioners, and to working to develop a communication strategy for the Commission.

Mr. Mahmud said he is working to get the Department of Public Works (DPW) to come to the table on the situation with the alleys in the ANC. He also mentioned that he has monthly office hours before the Public Space Committee meetings at Capitol Hill Towers.

Mr. Toomajian reported on the new playground at Sherwood Recreation Center and he is working with the city on the punch list of things yet to be done. He also said the School-Within-School at Goding School Improvement Team is now meeting and that the building would be renovated over the next two years.

Mr. Malone reported that he is working with the District on snow removal, and that he, too, is concerned with the alleys and pedestrian safety in his SMD.

The meeting was adjourned at 8:55 pm.



Advisory Neighborhood Commission 6A Community Presentations



2/4/2015

Advisory Neighborhood Commission 6A:

FRESHFARM Markets respectfully requests that ANC 6A provide a letter of support to DDOT for the H Street NE FRESHFARM Market (13th street NE between H Street NE and Wylie Street NE). Our proposed dates are April 18 until December 19, 2015 (with the street closed each Saturday from 8am to 1pm).

We have one additional request: Last year ANC 6A recommended to DDOT that the market be permitted to operate during its regular time frame and location on the day of the H Street Festival. (In 2012, the H Street Festival moved the market to the grassy lot behind the library, which proved unsuccessful. In 2013, we were forced to cancel market during the day of the festival.) We respectfully request that the ANC 6A make the same recommendation to DDOT as last year: that the market not be moved on the day of the H Street Festival. We will make every effort to breakdown the market as quickly as possible, which we did effectively during the 2014 H Street Festival.

As we did last year, FRESHFARM Markets will:

- Have all necessary D.C. permits
- Have an on-site market master during all hours of market operation
- Have an on-site EBT Coordinator to process SNAP (Food Stamps) during market hours
- Keep the market site clean and tidy
- Have insurance coverage for market operations (all farmers maintain individual liability and product liability insurance)

Thank you in advance for your time.

Sincerely,

Lindsay Wallace

Market Manager & FoodPrints coordinator



Advisory Neighborhood Commission 6A Community Presentations



February 12, 2015

Mr. Leif A. Dormsjo
Director, Department of Transportation
55 M Street SE Washington, DC 20003

RE: FRESHFARM Markets at H and 13th Streets NE

Dear Director Dormsjo:

ANC 6A strongly supports the continuation of the FRESHFARM Markets' H Street NE farmer's market in 2015 at the same site as last year – on 13th Street NE, north of H St NE and south of Wylie Street NE. The Commission voted [X - X], with five required for a quorum, to support the continued operation of our local market. The vote took place at our regularly scheduled publicly announced¹ monthly meeting.

We appreciate and support, as well, the continuation of the current market schedule and the use of public space at the corners of 13th St and H Street. The H Street Market well-serves our community by providing wonderful and healthy local products to a wide range residents. The permit for the use of this space should be granted for every Saturday from April thru December from 8 am until 1 pm as agreed to by DDOT and FRESHFARM Markets.

Please ensure again this year, that our very popular H Street Festival does not prevent the market from opening. Last year, the market continued until its normal closing time on the day of the festival and the market vendor vehicles exited north on 13th St without disrupting the festival activities. This arrangement appeared to work well for both our popular market and our popular festival.

Thank you for giving great weight to the recommendation of ANC 6A.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

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



Commission Letters of January 8, 2015 Meeting



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



January 20, 2015

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

Re: Notice of ANC Representation for ZC Case 14-20

Dear Ms. Schellin,

At a regularly scheduled and properly noticed meeting¹ on April 10, 2014, our Commission voted 7-0-0 (with 5 Commissioners required for a quorum) to request that the majority of the western half of Square 1070 be rezoned from a C-2-A district to a R-4 District. The Office of Zoning accepted the Commission’s application for a map amendment to rezone fourteen (14) lots in Square 1070 on October 20, 2014 (ZC Case 14-20).

At a regularly scheduled and properly noticed meeting on December 11, 2014, our Commission voted 5-0-1 (with 5 Commissioners required for a quorum) to designate Commissioner Calvin Ward, Nick Alberti, Todd Sperry, and the current ANC 6A Chair and Vice Chair as the representatives for our Commission on all matters relating to ZC Case 14-20.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the listserves anc6a-announce@yahogroups.com, anc6a@yahogroups.com and newhilleast@yahogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: HPA # 15-134 (240 9th Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the design of the proposed second-story addition to the garage located at 240 9th Street, NE.

The applicant proposes to add a second story to the existing garage at the rear of the property to create a two-story carriage house consistent with what the applicant believes was present originally at the site. The ANC supports the proposal and believes it will provide an aesthetically pleasing fit with the remainder of the block.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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



Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: BZA Case No. 18933 (1020 F Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the minimum lot size requirement (§ 401.3), the rear yard requirement (§ 404.1), and for additions to a nonconforming structure (§ 2001.3), in the above-referenced application. The applicant seeks the foregoing relief to permit the construction of a third-floor addition to an existing rowhouse structure.

The Commission supports granting the requested special exception because the proposed addition will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: BZA Case No. 18914 (240 9th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for variances from the alley setback requirements (§ 2300.4), and the accessory building height requirements (§ 2500.4), and a special exception from the lot occupancy requirements (§ 403.2), in the above-referenced application. The applicant seeks the foregoing relief to permit the addition of a second story to an existing accessory structure currently serving as a garage.

The Commission supports granting the requested variances because, in view of the fact that a utility pole is located immediately behind the garage, strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant. Specifically, the location of the utility pole limits the applicant's ability to use the existing garage for any purpose other than storage of a vehicle because it necessitates parking within the garage at an angle. The applicant is thereby deprived of the full use of the space within the existing garage structure. Furthermore, the applicant proposes to build up to a height no greater than that of the neighboring garage party wall, which will result in more cost-effective construction for the applicant.

The Commission also supports granting the requested special exception because the proposed addition of a second story to the garage will not unduly affect the light and air available to the neighboring properties, nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: BZA Case No. 18939 (915 C Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the minimum lot size requirement (§ 401.3), the open court requirement (§ 406.1), and for additions to a nonconforming structure (§ 2001.3), in the above-referenced application. The applicant seeks the foregoing relief to permit the construction of a two-story rear porch addition to an existing rowhouse structure.

The Commission supports granting the requested special exception because the proposed porch will not unduly affect the light and air available to neighboring properties nor unduly compromise their privacy of use and enjoyment. Letters of support were provided by owners of the adjoining properties.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: BZA Case No. 18927 (815 8th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to take no position on the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the rear yard requirement (§ 404.1), and the open court requirements (§ 406.1), and for additions to a nonconforming structure (§ 2001.3), given its view that additional zoning relief is required in this case including, at minimum, a variance from the accessory building height limit set forth at § 2500.4.

The applicant proposes to raze an existing one-story garage at the rear of the property and to construct a two-story replacement structure measuring 21 feet in height. The applicant proposes to use a portion of the first floor of the new structure as a garage, and to use the remainder of the first floor and the entirety of the new second floor as a two-bedroom residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis. The portion of the new structure comprising the residential unit will be inaccessible from the portion of the new structure comprising the garage.

The applicant has indicated that, in his view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction does not represent a "rear addition" to an existing structure, but rather the construction of an entirely new accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations. Moreover, even if the reasoning of BZA's prior decisions on this issue could be considered persuasive, those decisions are distinguishable from this case.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning Commission in addressing the issue of what may constitute a "meaningful connection" between two

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Commission Letters of January 8, 2015 Meeting



structures such that they should be considered a single “building” for zoning purposes. As Commissioner May recognized in raising this issue, there was considerable confusion regarding BZA’s approach to this question.

In its most recent revised draft of the District’s revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission’s request by including a proposed definition of “Building, Separate” that states the following: “Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

Moreover, even absent the Office of Planning’s recent guidance, the relief sought here cannot be justified under BZA’s prior precedent. In this case the garage portion of the new structure (to which the trellis is attached) is entirely separate from the two-bedroom residential unit portion of the new structure. Thus there exists no “meaningful connection” between the primary residence on the lot and nearly three-quarters of the secondary building. This case therefore presents an even more attenuated “connection” between the two structures than existed in prior BZA cases, e.g. BZA 18263-B, in which a trellis connected the primary structure directly to the residential unit in the second structure.

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



Commission Letters of January 8, 2015 Meeting



January 20, 2015

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Notice to ZA of Additional Required Zoning Relief (815 8th Street, NE)

Dear Mr. Le Grant,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to request that you review the plans submitted in connection with BZA Case No. 18927, which seeks zoning relief in connection with the razing of an existing accessory building and the construction of a replacement structure that would front on the alley at the rear of the property and measure two stories (21 feet) in height. The applicant proposes to use a portion of the first floor of the new structure as a garage, and to use the remainder of the first floor and the entirety of the new second floor as a two-bedroom residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis. The portion of the new structure comprising the residential unit will be inaccessible from the portion of the new structure comprising the garage.

Notwithstanding the requirement that an accessory building be no greater than one story or fifteen feet in height under § 2500.4, the applicant's current request for zoning relief simply seeks special exceptions for the construction of a two-story "rear addition" to an existing single-family dwelling not meeting the lot occupancy requirements under § 403.2, the rear yard requirements under § 404.1, the open court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3 in the R-4 District. The applicant has indicated that, in his view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction does not represent a "rear addition" to an existing structure, but rather the construction of an entirely new accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations. Moreover, even if the reasoning of BZA's prior decisions on this issue could be considered persuasive, those decisions are distinguishable from this case.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning

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



Commission Letters of January 8, 2015 Meeting



Commission in addressing the issue of what may constitute a “meaningful connection” between two structures such that they should be considered a single “building” for zoning purposes. As Commissioner May recognized in raising this issue, there was considerable confusion regarding BZA’s approach to this question.

In its most recent revised draft of the District’s revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission’s request by including a proposed definition of “Building, Separate” that states the following: “Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

Moreover, even absent the Office of Planning’s recent guidance, the relief sought here cannot be justified under BZA’s prior precedent. In this case the garage portion of the new structure (to which the trellis is attached) is entirely separate from the two-bedroom residential unit portion of the new structure. Thus there exists no “meaningful connection” between the primary residence on the lot and nearly three-quarters of the secondary building. This case therefore presents an even more attenuated “connection” between the two structures than existed in prior BZA cases, e.g. BZA 18263-B, in which a trellis connected the primary structure directly to the residential unit in the second structure.

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to evaluate the proposed construction in this case, recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com. I would appreciate a response to this issue at your earliest convenience.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



Commission Letters of January 8, 2015 Meeting



January 20, 2015

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

Re: HPA # 15-XXX (915 C Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting¹ on January 8, 2015, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the design of the proposed two-story rear porch addition to the existing single-family dwelling located at 915 C Street, NE.

The applicant proposes to construct a two-story rear porch addition at the rear of the property. The ANC has reviewed the proposed plans and, provided that steps are taken by the applicant to conceal the downspout so that it is not visible from the porch opposite as well as to address comments that may be forthcoming from Historic Preservation Office, the ANC supports the proposal and believes it will provide an aesthetically pleasing fit with the remainder of the block.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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



Commission Letters of January 8, 2015 Meeting



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



January 22, 2015

Ms. Tanya Mitchell
District of Columbia Homeland Security and Emergency Management Agency
(HSEMA)
2720 Martin Luther King, Jr. Avenue SE
Washington, DC 20032

Re: 2015 Capitol Hill Classic Races

Dear Ms. Mitchell,

At a regularly scheduled and properly noticed meeting on December 11, 2014, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the 2015 Capitol Hill Classic 10K and 3K races.¹

ANC 6A stresses the importance of the race organizers working with MPD and local houses of worship to devise safe bump-cross routes to be used during the race to allow vehicles to cross when runners are not approaching and allow worshippers to cross on their way to and from services.

ANC 6A supports this race because it supports the Capitol Hill Cluster School, a group of DC Public Schools that serve children from ANC 6A and other nearby communities.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

cc: Jason Levine, Capitol Hill Classic

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



Commission Letters of January 8, 2015 Meeting



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



January 12, 2015

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

Re: ABRA #096474 (Lattice Partners LLC t/a Copycat Co.), 1110 H Street NE

Dear Ms. Miller,

Advisory Neighborhood Commission 6A has reached a Settlement Agreement with Copycat Co. (1110 H Street NE). The jointly signed SA is attached.

At its January 8, 2015 meeting, the ANC voted 8-0 to protest the applicant's license renewal unless a signed Settlement Agreement is submitted. Now that a Settlement Agreement has been reached, the ANC will not pursue a protest of Copycat's license renewal.

Five Commissioners are required for a quorum. This monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast Yahoo Groups, on the Commission's website, and through print advertisements in the *Hill Rag*.

If you have any questions regarding this SA, please do not hesitate to contact me.

On behalf of the Commission,

Jay Williams
Chair, ANC 6A ABL Committee



Commission Letters of January 8, 2015 Meeting



Made this 11th day of January, 2015

by and between

Lattice Partners LLC t/a Copycat Co. (ABRA #096474)
1110 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

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

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

The community and Applicant understand and agree that the changes imposed upon the operations of 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 Class C Tavern 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 immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
 - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit



- d. properly and remain fully closed except when trash or garbage is being added or removed.
- d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
- e. Assisting in maintenance of the curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.
- f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
- g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
- h. Requiring the owner and employees not to park on public space between the building and the curb.
- i. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.

2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage.
- d. Applicant will not provide or sell alcoholic beverages “to go.”
- e. Applicant agrees not to promote or participate in bar or pub “crawls” or any other event of this nature unless the event has been reviewed and approved by the ABC Board.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
- g. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
- h. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
- i. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed;
 - iii. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance; and
 - iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- j. Upon request of the Board, Applicant’s call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant’s license.



Commission Letters of January 8, 2015 Meeting



- k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
 - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
3. **Music / Dancing / Entertainment.**
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
 - b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
 - c. In order to mitigate noise on Applicant's summer garden the following steps will be taken:
 - i. Applicant shall not offer any type of entertainment or pre-recorded music on the summer garden;
 - ii. A fence or other barrier will enclose the entire perimeter;
 - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume; and
 - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.
 - d. 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.
 - e. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
 - f. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.
4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
6. **Miscellaneous.**
- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.



Commission Letters of January 8, 2015 Meeting



7. Enforcement.

- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately notify the Applicant and file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
- b. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: _____ Date: _____

Signature: _____

Advisory Neighborhood Commission 6A Representative:

By: Phil Toomajian, Chair Date: 1/11/15

Signature: *Phil Toomajian*



7. Enforcement.

- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately notify the Applicant and file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
- b. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Kim Gandy Date: 1/8/15

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____



Commission Letters of January 8, 2015 Meeting



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



January 21, 2015

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

Re: ABRA #088779 (Cusbah), 1128 H Street NE

Dear Ms. Miller,

Advisory Neighborhood Commission 6A has reached a Settlement Agreement addendum with Cusbah (1128 H Street NE). The jointly signed SA addendum is attached.

At its January 8, 2015 meeting, the ANC voted 7-0-1 to approve the enclosed Settlement Agreement addendum. Now that a Settlement Agreement has been reached, the ANC is withdrawing its protest of Cusbah’s license renewal. Both parties to this protest have agreed to the ANC’s withdrawal.

Five Commissioners are required for a quorum. This monthly meeting was publicly announced and properly noticed. ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast Yahoo Groups, on the Commission’s website, and through print advertisements in the *Hill Rag*.

If you have any questions regarding this SA addendum, please do not hesitate to contact me.

On behalf of the Commission,

Jay Williams
Chair, ANC 6A ABL Committee



Commission Letters of January 8, 2015 Meeting



Made this 11th day of January, 2015

by and between

Cusbah (ABRA # 088779)
1128 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

The Settlement Agreement between the parties listed above (fully executed on December 19, 2010), and the addendum between the two parties (fully executed on February 14, 2013) is amended with the following agreement, which shall become an addendum to the current SA.

The Parties Agree As Follows:

The addendum reached between the two parties on February 13, 2013, removing the restriction on the hours of operation for the patio or summer garden located on public space is hereby deleted and is no longer part of the parties' Settlement Agreement.

Section 3(d) of the above-referenced Settlement Agreement is hereby modified to replace "12:00 am on Friday and Saturday evenings" with "1:30am on Friday and Saturday evenings." The parties agree that the intent is for the Applicant's sidewalk café to close at 11:00pm on Sunday through Thursday evenings (as stated in the original Settlement Agreement) and 1:30am on Friday and Saturday evenings (one and a half hours later than the original Settlement Agreement).

Applicant agrees that no sound, noise, music or voice(s) emanating from the sidewalk café of the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sounds, noises, music or voice(s) occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.

[Signatures follow on next page]



Commission Letters of January 8, 2015 Meeting



In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: SARAH HUSSAIN Date: 1/21/2015

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: Phil Toomajian, Chair Date: 1/11/15

Signature: [Handwritten Signature]



Officer Reports - Treasurer



ANC 6A Treasurer's Report January 2015

Period Covered 01/1/15 - 1/31/15

Checking Account:

Balance Forwarded \$ 16,250.39

Receipts:

\$ -

Total Receipts

\$ -

Total Funds Available

\$ 16,250.39

Disbursements:

ANC Security Fund (Treasurer Bond)	Ck #1685	\$ 25.00
Roberta Weiner (Dec. 2014 Minutes)	Ck #1686	\$ 200.00
Roberta Weiner (Jan. 2015 Minutes)	Ck #1687	\$ 200.00
Irene Dworakowski (Agenda Dec. 2014)	Ck #1688	\$ 200.00
FedEx Office (Jan. 01, 2015 Statement)	Ck #1689	\$ 240.50
Reimbursement Phil Toomajian ABRA training	Ck #1690	\$ 18.25

Total Disbursements

\$ 883.75

Ending Balance

\$ 15,366.64

Savings Account:

Balance Forwarded \$ 13,720.10

Receipts:

Interest	01/31/15	\$ 0.24
Deposit -		
Transfers from Checking Account		

Total Receipts

\$ 0.24

Total Funds Available

\$ 13,720.34

Disbursements

\$ -

Ending Balance

\$ 13,720.34

Prepared Feb. 10, 2015



Officer Reports - Treasurer



ANC 6A Treasurer's Report January 2015

PETTY CASH SUMMARY

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

Prepared Feb. 10, 2015



Committee Reports

Community Outreach Committee (COC)



Minutes

ANC 6A Community Outreach Committee (COC) of
the Advisory Neighborhood Commission (ANC) 6A
Regular Meeting - January 26, 2015
Maury Elementary School
1250 Constitution Avenue NE, Washington, DC

Meeting called to order at 7:00 pm.

COC members present: Roni Hollmon, Jean Kohanek, Gladys Mack, Raphael Marshall (Co-Chair), Joyce West, Shirley Worthy, Dana Wyckoff (Co-Chair) (Quorum)

COC members absent: Pat Joseph

ANC Commissioners present: Matt Levy, Sondra Phillips-Gilbert, Calvin Ward

Community members present: Perry Roots, Pete Maki, Hannah Lewis, Ed Gilbert

I. **Agenda**
Adopted.

II. **Old Business**

1. Grant Application Revisions: Per the COC recommendations and ANC approval at the December 11, 2014 ANC meeting, the Committee discussed several issues pertaining to the ANC 6A Grant process, including revising the cover sheet/instructions; adding a 'statement of compliance' requirement at the end of the grant period; and updating the ANC 6A grant website page. Committee Member Jean Kohanek also suggested the Committee revise the current application to make it more user-friendly. Committee Member Gladys Mack stressed the importance of accountability in the end-use of grant funds. The Committee agreed to a suggestion that members review samples of the grant applications/instructions of several ANCs throughout the city that Co-Chair Dana Wyckoff had surveyed online. The examples will be forwarded to Committee members by email before the next meeting for comments/suggestions to prepare drafts for consideration at the next COC meeting.
2. ANC 6A Website Conversion and Maintenance Update: Co-Chair Wyckoff reported that she had been informed by Ms. Elizabeth Nelson, former Chair of the COC, that the contractor is continuing to migrate the old files to the new platform, and that the creation of new website is underway. Committee Member Kohanek will follow up with the contractor before the next meeting.
3. ANC 6A Flier: Committee Member Kohanek has prepared a revised version of the ANC 6A flier, available online and for printing/distribution. Co-Chair Raphael Marshall said that contact information for Co-Chairs of all committees should be included. General discussion of possibly adding Committee descriptions or more information ensued. Committee Member Kohanek demonstrated that the tri-fold design of the flier prevents major design or copy changes. From the floor, Commissioner Matt Levy said that he has a new phone number which he will provide Committee Member Kohanek. From the floor, Mr. Ed Gilbert, a community member, reminded Committee Member Kohanek of the importance of accessibility for visually impaired readers. Committee Member Kohanek assured him that the online version is scalable.



Committee Reports

Community Outreach Committee (COC)



Committee Member Kohanek will contact ANC Commissioners and Committee Co-Chairs for sign-off on contact information and revise the document for the next meeting.

III. New Business

1. Development of Mission Statement: Co-Chair Marshall introduced and members discussed the need for the Committee to develop a Mission Statement to submit to the ANC for approval. A Mission Statement would help define the Committee's role for ANC residents, and establish goals for the Committee in the areas of outreach and communications. Co-Chair Wyckoff, in a survey of DC ANC websites, had collected examples of mission statements for COC and other types of ANC committees throughout the city. These examples will be emailed to Committee members before the next COC meetings for an online discussion/creation of a draft Mission Statement for the next COC meeting.
2. Outreach Review: A review of outreach procedures as part of the development of a COC mission statement/goals was suggested by Co-Chair Wyckoff. A partial list of current and potential outreach/communication tools including the ANC 6A website, Twitter, email; other listserves and blogs, signage/posting locations, mailings, and in-person contacts was distributed, and will be updated to include COC member suggestions.
3. Grant Funding and Outreach: There were no grant applications received for the cycle ending before the COC meeting. At the December 2014 ANC meeting, Commissioners had approved the COC recommendation that the grant cycle remain the same: 'smaller' grants (i.e. \$300.00 or below) reviewed on a monthly basis and 'larger' grants (i.e. over \$301.00) on a twice-yearly basis.

The COC discussed the amount of money available for grants for FY 2015 (\$2,000.00); some Committee members were unsure of why grant funds were reduced for FY 2015 from FY 2014 levels. The new ANC Treasurer will forward the exact amount of available funds before the next COC meeting. Committee Member Kohanek noted that the grant amounts varied from year to year and that ANC budgets have been reduced over the years across the city.

The COC discussed ways to improve outreach and publicity for the grants, including improvements to the ANC 6A website grant page and community calendar; postings on listserves and blogs; flier distribution; postings at businesses, recreation centers, and libraries; contacts with ANC-based non-profits by ANC Commissioners and COC members; and media alerts.

Co-Chair Marshall recommended that COC members attend a 'grant-writing workshop' being sponsored by the COC of nearby ANC 6C. The workshop will be February 7, 2015 at 10:00 am. Co-Chair Marshall forwarded the information to COC members and to ANC Commissioners present. Co-Chairs Marshall and Wyckoff plan to attend the workshop.



Committee Reports

Community Outreach Committee (COC)



4. **Block Captains/Outreach Reps:** Co-Chair Wyckoff opened a discussion of block captains or outreach representatives for communication/outreach within the ANC. Committee Member Roni Hollmon was concerned that this duplicated and burdened the MPD Police Service Area (PSA) Representatives/Block Captains but Co-Chair Wyckoff said that the role would not be for safety, but for communication/outreach and apologized for any confusion. Committee Member Joyce West suggested the term ‘engagement’ instead of outreach. Co-Chair Marshall noted that, when he was an ANC Commissioner, he always walked his Single Member District (SMD), spoke with residents and left information and materials. Committee Member Hollman said that outreach needs varied from SMD to SMD. From the floor, Commissioner Levy said that he had used ‘block captains’ during his campaign and that it was a good communication strategy for getting information out even after the election. From the floor, Commissioner Sondra Phillips-Gilbert said that she felt it necessary to meet personally with SMD residents, and that she wanted them to see her face, not that of another person. From the floor, Pete Maki and Perry Roots, community members who run an Adopt-A-Block cleanup program in the Kramer Street/Gales Street area both said that personal interaction is important and that they communicate about their events by visiting neighbors, talking to people on the street, distributing fliers, posting signs, sending email, and holding block parties; their membership has grown from twelve (12) to nearly one-hundred (100) people. Committee Member West requested more information about their program to possibly develop a similar program in her neighborhood.

IV. Meeting adjourned at 8:31 pm.

**The next regular meeting of the ANC 6A COC
Monday, February 23, 2015 at
7:00 pm
Maury Elementary School, 1250 Constitution Ave NE
(enter from 200 block of Thirteenth (13th) Street)**



Committee Reports

Alcohol Beverage and Licensing (ABL)



Minutes

Alcoholic Beverage Licensing (ABL) Committee

Advisory Neighborhood Commission (ANC) 6A

January 20, 2015

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm on January 20, 2015 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Michael Herman, and Roger Caruth.

Committee Members Absent: Adam Healy, David Oberting.

Commissioners Present: Phil Toomajian.

Community Members Present: Matt Weiss (Me & My Supermarket), Joe Englert (various), Devin Gong (Copycat Co.), Brittany Urse (Copycat Co.).

I. Call to Order

Co-Chair Williams called the meeting to order at 7:05 pm. The meeting having been duly convened was ready to proceed with business with a quorum. There were no additions or edits to the agenda as published.

II. Community Comment

None.

III. Old Business

Co-Chair Williams announced that the ANC had reached Settlement Agreements with Pizza Parts and Service as well as Copycat Company and would thus be withdrawing its protests of those licenses.

IV. New Business

Co-Chair Williams noted that nobody from Andy Lee Liquor was present, and suggested that the Andy Lee Liquor discussion be moved to after the discussion of Me & My Supermarket in case a representative arrived late. There being no objection, the agenda was modified.

A. Discussion of request by Me & My Supermarket (at 914 H Street NE) for an exemption from the Ward 6 Singles Ban.

- Co-Chair Williams introduced Mr. Weiss, who is an owner of Me & My Supermarket.
- Mr. Matt Weiss introduced himself and stated that he owned and operated the establishment with his wife, Emily. They are new owners of the store.
- According to Mr. Weiss, since opening the store has made many upgrades and shifted its focus to offering different products, healthier food options, organic products, and improve the quality of its beer and wine offerings.
- Mr. Weiss stated that he has added over 300 craft beers/microbrews and the store has attracted many new customers.
- Mr. Weiss stated that he is not interested in selling “traditional” singles, such as malt liquor, 16 ounce cans, etc. Instead, he wants to sell larger-format beers, ranging in



Committee Reports

Alcohol Beverage and Licensing (ABL)



price from \$8.00 to \$32.00, and ranging in size from a pint to the size of a bottle of wine.

- According to Mr. Weiss the large-format beers are the most common thing customers are requesting that he does not carry.
- Mr. Weiss stated that he understands the reason for the singles ban in Ward 6, but that he was aware of other stores in the Ward selling singles, such as Schneider's and Hayden's.
- Co-Chair Christopher Seagle stated that the Committee had a similar discussion last month when 1101 Convenience Mart had the same request and similar reasons. He stated that he was concerned that if the ban is lifted for any one store, others nearby would demand a similar exemption. Mr. Seagle also stated that he believed it was hard to justify banning cheaper singles in favor of more expensive singles.
- Mr. Weiss argued that the current ban was written without considering larger format beers, and that the law should probably be amended to take into account the changes in what types of beers are being manufactured. He suggested the possibility of a Settlement Agreement that would allow an exemption but limit to a certain price point.
- Co-Chair Williams stated that he was uncomfortable about setting a price point for singles, because that could lead to accusations of discrimination.
- Committee Member Michael Herman said that he recalled the ANC rejected another establishment's request for an exemption based on price point.
- Mr. Joe Englert said it was a problem that other establishments in Ward 6 were already allowed to sell singles, but Mr. Williams and Mr. Herman pointed out that those stores were in different ANCs and not in the immediate area.
- Commissioner Phil Toomajian asked Mr. Weiss if he had considered offering growler fills, and Mr. Weiss said that he had, but that it takes a lot of effort to maintain the equipment, and was not an immediate plan of theirs.
- Co-Chair Williams stated that this is an issue the ANC may need to address on a broader level, and that he was hesitant to support exemptions to one establishment that could set off a domino effect in the ANC.
- Mr. Weiss stated that time was of the essence for this request, because he wants to continue growing and evolving his store.
- Commissioner Toomajian suggested that the solution was to push for legislative changes and clarify the law, not grant individual exemptions that would lead to other establishments demanding the same.
- Co-Chair Williams asked if anyone had suggestions for ways to grant a limited exemption that would still meet the goals of the singles ban. Mr. Devin Gong suggested a limitation by ABV because most craft beers are higher ABVs.
- Mr. Weiss stated that the exemption was putting him at a competitive disadvantage, and he's having customers leave his store disappointed.
- Committee Member Roger Caruth stated that he agreed with the other Committee members who were opposed to a piecemeal approach to granting exemptions.
- Mr. Weiss expressed concern that if the ANC opposed and he went forward with the request, the relationship would become adversarial. Co-Chair Williams stated that he would represent the ANC's stance at a hearing, but he would not hold any hard feelings or be overly adversarial. Co-Chair Williams expressed a willingness to continue working with Mr. Weiss even after a hearing.



Committee Reports

Alcohol Beverage and Licensing (ABL)



- Commissioner Toomajian stated that he would not be comfortable as Chair of the ANC signing a settlement agreement with a price point requirement, because it might be considered discriminatory. He also stated that if the new Whole Foods in ANC 6C is granted an exemption for singles, he expected that the ANC might reconsider its position.

Mr. Williams moved/Mr. Seagle seconded that the ANC oppose the request by Me & My Supermarket for an exemption from the Ward 6 singles ban. Motion carried 2-1, with Mr. Caruth abstaining.

B. Discussion of request by Andy Lee Liquor (at 914 H Street NE) for an exemption from the Ward 6 Singles Ban.

- Co-Chair Williams confirmed that nobody from Andy Lee Liquor was present. He then suggested that the Committee have a vote nonetheless in case the establishment submitted this request to the ABC Board.

Mr. Williams moved/Mr. Herman seconded that the ANC oppose the request by Me & My Supermarket for an exemption from the Ward 6 singles ban. Motion carried 3-1.

V. Adjourn

The Committee adjourned at 7:46 pm.



Committee Reports

Alcohol Beverage and Licensing (ABL)



Accordingly, it is this 14th day of January, 2015, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Licensee's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Licensee and ANC 6A.




Committee Reports
Alcohol Beverage and Licensing (ABL)

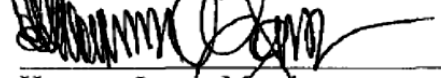


District of Columbia
Alcoholic Beverage Control Board

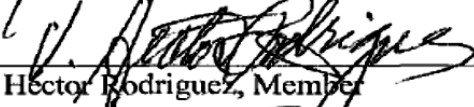

Ruthanne Miller, Chairperson


Nick Albert, Member


Donald Brooks, Member


Herman Jones, Member


Mike Silverstein, Member


Hector Rodriguez, Member


James Short, Member

Pursuant to D.C. Official Code § 25-433, any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14th Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



Committee Reports
Alcohol Beverage and Licensing (ABL)



Please see pages 22-26 of February 2015 ANC 6A agenda package for copy of the signed Settlement Agreement between ANC 6A and Lattice Partners, LCC t/a Copycat Co.



Committee Reports

Transportation and Public Space (TPS)



Meeting Minutes
Transportation & Public Space Committee (TP&S)
Advisory Neighborhood Commission (ANC) 6A
Capitol Hill Towers (900 G Street, NE)
February 9, 2015 at 7:00 pm

- I. Meeting called to order at 7:00 pm.
- II. Introductions
Committee members in attendance were Todd Sloves (Co-Chair), Hassan Christian, Elizabeth Nelson and Andrea Adleman. Also in attendance were ANC 6A Commissioner Matt Levy; and Diane Thomas representing the Rock 'N' Roll Marathon.
- III. Community Comment - Committee Member Nelson raised the issue of the illegal parking of Al's Pizza delivery vehicles at the corner of Fourteenth (14th) Street and East Capitol Street NE. They are causing a safety hazard because they are constantly driving on the sidewalk, which is heavily used by pedestrians and children on bicycles and scooters. She has had difficulty in persuading the police to intervene. Commissioner Matt Levy said he would ask the owners to modify the behavior of their drivers. Co-Chair Todd Sloves said that the matter might be a topic for a future T&PS Committee meeting.
- IV. The agenda was amended without objection to move consideration of a request for support from the Rock 'N' Roll Marathon organizers to follow consideration of a proposal for a 4-way stop at D and Eighth (8th) Streets NE.
- V. New Business
 - A. **Consideration of conversion of current two (2) way stop to a four (4) way stop at intersection of D Street NE and Eighth (8th) Street NE**
 - i. Co-Chair Sloves described the layout of the intersection and explained why nearby residents have requested the change. Commissioner Levy said he was in favor of converting to a four (4) way stop because the current situation is dangerous. Committee Member Hassan Christian asked if the ANC would be asked to provide data and Mr. Sloves replied that the District Department of Transportation (DDOT) would investigate that themselves, assuming the ANC decides to make the request. Also, there are established guidelines that they will follow.
 - ii. ***Co-Chair Sloves offered a motion that the Committee recommend the ANC 6A send a letter to DDOT requesting conversion of current 2-way stop to a 4-way stop at the intersection of D Street NE and Eighth (8th) Street NE. Mr. Christian seconded the motion, which passed unanimously.***
 - B. **Diane Thomas gave a presentation of the plans for the 2015 Rock 'N' Roll Marathon, slated for March 14, 2015. In brief:**
 - i. The course will be different from last year (map provided) to minimize effect on neighbors. Course signs will be posted a week in advance on the race route and will be removed the day after. Door hangers will be placed on all homes lining the race route and also homes within a block or two of the race route. There will be rolling closures and an ad in the Hill Rag will provide information on how to get around on race day. There will be no prohibition on parking on the race route, though cars left on the route



Committee Reports

Transportation and Public Space (TPS)



cannot be moved until the street is reopened. Clean up will take place immediately following the event. To address complaints about the Department of Public Works (DPW) trash trucks that were idling along the race route last year, a private company has been hired and given instructions not to idle. There will be no distribution of blankets and gloves and the start and finish of the race will be outside neighborhoods to reduce the amount of trash including discarded clothing. Ms. Thomas provided her cell phone number (202-439-5104) and encouraged anyone witnessing a problem of any sort to contact her, especially trash problems or streets not reopened timely.

- ii. ***Co-chair Sloves offered a motion (seconded by Ms. Nelson) that the Committee recommend that ANC 6A send a letter of support for the 2015 Rock 'N' Roll Marathon to the Department of Homeland Security (DHS) contingent on the following commitments from the event organizers:***
- 1. There will be no amplified music in Lincoln Park***
 - 2. Trash trucks will not be permitted to idle***
 - 3. Public notification will include door hangers on houses both on the race route and nearby, course signs to be posted a week in advance along course route, advertising in the Hill Rag, tips on how to navigate street closings to be posted on the website, runRockNRoll.com/community***
 - 4. Gloves and Mylar blankets will not be distributed.***
 - 5. Trash pickup will happen immediately following the race; all signs will be removed the day after the event.***
- The motion passed, unanimously.***

VI. Community Comments - Additional. Commissioner Levy reported that some neighbors have requested a three (3) way stop at Fifteenth (15th) and A Streets NE. There was a general discussion of traffic patterns in this area. All agreed that it would be best to have this on the agenda for a future Committee meeting, perhaps in March 2015, to ensure an opportunity for community input.

VII. Meeting adjourned at 7:57 pm.



Committee Reports

Transportation and Public Space (TPS)



February XX, 2015

Mr. Leif A. Dormsjo
Acting Director, District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Traffic at intersection of 8th Street NE and D Street NE

Dear Mr. Dormsjo,

At a regularly scheduled and properly noticed meeting² on February 12, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to request that the District Department of Transportation (DDOT) examine the intersection of 8th Street NE and D Street NE for improvements to driver and pedestrian safety, including conversion of the current two-way stop to a four-way stop.

This intersection is located just a few hundred feet south of a traffic signal at Maryland Avenue NE and 8th Street NE. A similar four-way intersection on the north side of Maryland, at 8th Street NE and E Street NE, is regulated by a four-way stop. However, the intersection at 8th Street NE and D Street NE is only a two-way stop; traffic on 8th Street does not stop. Many of the intersections in the vicinity are regulated by all-way stop signs. The exception at this location creates confusion for motorists and pedestrians alike. Drivers and pedestrians approaching the intersection on D Street NE at times expect drivers on 8th Street NE to stop, assuming it to be an all-way stop. At times, motorists on 8th Street stop even though they are not supposed to, adding further to confusion.

Based on the testimony of residents in ANC 6A, the Commission strongly recommends that DDOT examine this intersection and resolve the confusion faced by roadway users, preferably by converting this location to an all-way stop.

Thank you for giving great weight to the recommendation of ANC 6A. I can be reached at philANC6A@gmail.com.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

² ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



Committee Reports Transportation and Public Space (TPS)



February XX, 2015

Ms. Tanya Mitchell
District of Columbia Homeland Security and Emergency Management Agency (HSEMA)
2720 Martin Luther King, Jr. Avenue SE
Washington, DC 20032

Re: 2015 Rock 'n' Roll USA Marathon & Half Marathon

Dear Ms. Mitchell,

At a regularly scheduled and properly noticed meeting³ on February 12, 2015, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the 2015 Rock 'n' Roll USA Marathon & Half Marathon.

We are pleased with the effects of the course changes the sponsor made for the 2013 race. These changes were maintained for this year's race, and our ANC will not be encircled by the race and its street closures. Organizers have also committed to an extensive community notification plan which includes posting road closure signs all along and near the race route, as well as leaving door-hangers at residences along and near the route. A notice will also be placed in our local community newspaper, the Hill Rag.

In years past, members of the community expressed concerns regarding pickup of trash, clothing and signs, as well as exhaust fumes of many trucks waiting to clean up the course. After meeting with race organizers, we have been assured that clean-up trucks will not be permitted to idle and that promotional clothing items (which were littered along the race course in 2013) will not be distributed. Our ANC has also been assured that trash pick-up will occur immediately following the event and all posted signs will be removed the day after.

Finally, in previous years, a concert was staged in Lincoln Park, creating loud, amplified music in a densely populated residential area. Neighbors expressed concern with the loud noise, and organizers have consequently promised that no amplified music or performances will occur in Lincoln Park this year.

Given the race organizers' responsiveness and their commitment to meeting the above conditions, ANC 6A is pleased to support this event.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

³ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



Report of the Economic Development and Zoning (EDZ) Committee of
the Advisory Neighborhood Commission (ANC) 6A
Sherwood Recreation Center, 640 Tenth (10th) Street NE
January 21, 2015

The meeting convened at 7:00 pm.

Present

Members: Missy Boyette, Dan Golden (Co-Chair), Michael Hoenig, Andrew Hysell (Co-Chair), Justin Thornton
Commissioners: Phil Toomajian, Stephanie Zimny, Matt Levy, Sondra Phillips-Gilbert
Dan Golden chaired the meeting.

Community Comment

There were no community comments at the beginning of the meeting.

Status Reports

Resolution of Previously Heard Zoning Cases: The ANC voted to adopt all of the recommendations made by the EDZ Committee at its December 2014 meeting.

New Business

1600 Block of Kramer Street NE: The Department of Housing and Community Development (DHCD) has solicited offers for the development of multiple adjoining vacant lots located on this block, including with mixed-income housing. Three organizations submitting offers to develop the property provided separate informational presentations regarding their proposals.

1. The first company to present was Mi Casa, Incorporated. The Company's representatives presented a history of the company, explaining that the company focuses on single-family houses and has owned and developed other properties on Kramer Street. It proposes to build net-zero homes, meaning homes that will produce more energy than they consume through the use of photovoltaic cells. Each home will have three (3) bedrooms and 1.5 baths. The materials used and the size and scale of the homes will be consistent with the existing homes in the neighborhood. The target price will be 65% to 80% of the median income for DC housing. Every unit will have off-street parking. The developer plans to do everything as a matter of right, within the zoning regulations.

One attendee asked whether all of the houses will look the same. Mi Casa clarified that one house will be handicap accessible and the remaining homes will be identical.

Chairman Golden asked if the energy produced by the photovoltaic cells will be used to offset the individual homeowners' energy bills. Mi Casa confirmed that would be the case.

A resident expressed that parking in the neighborhood is a concern and requested clarification that parking will not occur in the alley behind the homes. Mi Casa confirmed that the parking spaces will be located on the individual lots themselves, rather than in the alley.



Committee Reports Economic Development and Zoning Committee



Another resident expressed concern that it is difficult to maneuver in the alley behind the lots and questioned how the development will affect garbage pick-up in the alley. Mi Casa stated that they did not have an answer, but that they hoped that the city will cooperate in finding a solution. Mi Casa stated that they would be willing to participate with the ANC to develop a plan.

Another resident noted that part of the vacant property is presently used as a community garden and asked whether Mi Casa would be willing to maintain part of the property for that use. Mi Casa and Chairman Golden explained that the city set the parameters of the development, and suggested the residents raise the idea with DHCD.

2. The second company to present to the Committee was Manna, Incorporated. Company representatives began by giving a brief history of the company. It has been in business for 32 years and focuses on low- to moderate-income housing. Manna proposes to build ten (10) homes, four (4) of which will be income-restricted. Two (2) will be priced at 50% of market, two (2) at 80% of market, and the remaining six (6) at market prices. Each home will have one parking space on the lot. The home will be a mix of two (2) and three (3) bedroom houses. All of the homes will be two (2) stories. Manna asserted that the homes will be slightly wider than existing homes on the street, but will fit in with the scale of the street.

Committee Member Missy Boyette asked what the width of the houses will be and was told nineteen (19) and twenty (20) feet.

Commissioner Stephanie Zimny asked if the company will request any zoning relief, to which Manna asserted it will not. However, they do plan to subdivide the existing lots into ten (10) larger lots.

A resident asked how long the company expected construction to take and was informed approximately eight (8) months.

A resident asked whether the company was aware of drainage problems on the lot and whether the homes will continue to maintain their affordable character if resold by low-income purchasers. Manna stated that any drainage issues will be dealt with as the lots are developed. As for the homes maintaining their affordable status, there will be a covenant on the property.

Commissioner Sondra Phillips-Gilbert asked whether a preference would be given for buyers that qualify for the Home Purchase Assistance Program (HPAP). Manna's representative responded that there will.

3. Neighborhood Development Company was the final company to present to the Committee. The company representatives gave a brief history of the company and reminded the committee and attendees that the development process is still in very early stages. The company described its design philosophy and that it focuses on affordability and sustainability. Company representatives stated that most of their work is modern, yet incorporates the spirit of the place where the building will be located. The company showed other projects it has designed as examples of what it proposes for Kramer Street. Those projects, and the project it proposes on Kramer, utilize sea containers for modular apartments. The company plans to build twenty-six (26) units on the vacant lots. The company asserted that the finished unit uses 90% less energy than a typical home.



Committee Reports Economic Development and Zoning Committee



A resident expressed that the modular, sea-container design is out of place with the style of the neighborhood. The company responded that the designs are modern, but the company typically works in historic places and, though modern, work within the spirit of the place.

Another resident asked about parking and was informed that there will be no parking offered on the lots. The Company claimed this is in keeping with the character of the existing neighborhood. Several residents in attendance expressed concern that the Company plans to build twenty-six (26) units, but offers no plan to off-set parking issues.

Another resident expressed concern that twenty-six (26) units on the vacant lots would double the existing units on the block, creating a density problem. Several residents echoed that concern. The Company asserted that it would consider limiting the number of units, but if it does so, it will not be able to build as many affordable units.

At the end of the presentations, Chairman Golden moved that the Committee recommend that the ANC write a letter to DHCD expressing appreciation for the three (3) applicants who gave presentations and stating that, during the course of the presentations, the community expressed its preference for the proposed redevelopment of the block to provide on-site parking, emphasize affordability, be of moderate density, furnish green space, and retain the architectural integrity of the neighborhood. The motion was seconded by Commissioner Phillips-Gilbert and passed unanimously.

1371-1375 H Street NE (BZA 18940): The applicant, New Legacy Partners, seeks a variance from the off-street parking requirements under § 2101.1, and a special exception from the roof structure setback requirements under §§ 411.11 and 770.6, to construct a six (6) story multifamily residential building with ground floor retail in the HS-A/C-3-A District. The Company's representative briefly described the company's history and other work it has done in Washington, DC. It plans to build a mixed-use development with twenty-seven (27) condos above retail space. The ground floor will contain 2,400 square feet of retail and will be fourteen (14) feet high. The upper five (5) stories will be condominiums. The top floor will be set back to deemphasize the building's height and will contain a green roof. The design will incorporate concrete and glazing and, according to the company, be modern but in keeping with the neighborhood.

The company seeks relief for the roof structure set-back. Under the design, the upper floor is not set back enough. But, according to the company, the design does not infringe on the spirit of the regulation. It does not infringe the light and the air, and the overall set-back of the building mitigates any negative effects the design may have had. The company noted that the only building that would be affected by the design is the Maryland (1350 Maryland Avenue NE), which has stated it does not object to the design.

The company also seeks relief from the parking requirements. The site is land locked with no alley access, and no curb-cut existing or possible on H Street NE. Under the regulation, the building is required to provide fourteen (14) spaces. The company will provide none. The company asserted that it will take steps to mitigate the need for parking and that its target market for the units is carless. It will build a large bicycle storage room, will have screens in the lobby with real-time Metro information, and buyers will receive introductory memberships to car and bike share services. The company is also willing to do whatever they need to restrict resident access to Residential Parking Permits (RPP).

Chairman Golden clarified that he spoke with the District Department of Transportation (DDOT) and was informed that the building will not be eligible for RPP and the residents will be ineligible to obtain permits for street parking.



Committee Reports Economic Development and Zoning Committee



A resident asked the Committee to explain how the ANC has attempted to restrict parking in the past. Chairman Golden informed her that a covenant is placed on the deed stating that the unit will not be eligible for RPP. Additionally, the condominium association passes a bylaw that no one is allowed to obtain RPP, and places monetary fines on doing so. The building then also has a covenant that the by-law restricting RPP can never be changed.

The Resident asked if the ANC can restrict condo owners from owning a car, and was informed that it cannot.

Several residents in attendance expressed concern that the building's design does not retain the character of the neighborhood. One attendee stated that he moved to that part of H Street in particular due to character of the street. He noted that everything else is three (3) stories or less and the design as presented takes away from the aesthetics of the neighborhood. Another stated that the design does not reflect the character of the H Street corridor and pushed back on the idea that this will work with the design of the neighborhood. The Developer responded by stating that H Street is changing and the street is becoming a commercial corridor with a more modern look.

Former Commissioner and EDZ Committee Chair Drew Ronneberg informed the developer that the H Street Corridor has certain design guidelines with which developers must adhere and document how they went about doing so. The developer responded that he was unaware of such guidelines, but would review them in connection with the project.

Committee Member Boyette inquired about the rear yard property line and was informed that the developer could not obtain a piece of property from the existing owner and, as a result, the rear yard has an unusual property line.

Committee Member Andrew Hysell asked about the plan for a bio-retention garden and was informed that it is a way to collect and filter storm water.

A resident asked about trash storage and disposal and was informed that the building would have a trash room and that all trash would be collected from the front of the building. When asked where trash trucks would park, since there is no loading or unloading on H Street due to the street car, the Company informed the Committee that the city set aside the corners of adjoining streets as loading and unloading zones. Committee member Hoenig expressed concern that the Company planned to cart garbage for 2,400 square feet of retail and twenty-seven (27) residences down the sidewalk on H Street multiple times a week.

A resident requested that the Committee get written confirmation from DDOT that the building will be ineligible for parking. He was informed that Chairman Golden had received such written confirmation by email.

Committee Member Boyette asked about the architectural details of the building contained in the renderings presented by the developer. The developer's architect discussed several of the design details. Committee Member Boyette offered to work with the developer with respect to the design of the building.



Committee Reports Economic Development and Zoning Committee



Commissioner Zimny inquired as to what the retail space will be used for. The company declined to get into specifics, but stated that a letter of intent had been signed and the use would not be a restaurant or a bar.

Mr. Ronneberg suggested that the company sponsor a bikeshare station to further mitigate the parking concerns.

Committee Member Justin Thornton asked what the general pricing for the units will be and was informed “Expensive. North of \$500 per square feet.”

Chairman Golden moved that the Committee recommend that the ANC support the project with the following conditions:

1. That the developer record covenants in the District land records for each unit stating that it is not eligible for RPP; that the by-laws for the homeowner's association provide for an enforcement mechanism including fines should any homeowner obtain RPP; and that a separate covenant be recorded in the District land records providing that this by-law provision may not be amended or removed;
2. That the applicant furnish a suitable plan for deliveries and pick-ups from the site;
3. That the applicant obtain the written support of the property owner at 1350 Maryland Avenue NE for the roof structure setback;
4. That the applicant revise the design of the proposed building to comply with the H Street Design Guidelines; and
5. That the applicant consider supporting a Capital Bikeshare station.

The motion passed unanimously.

1102 Park Street NE (BZA 18930): Chairman Golden recused himself from this matter, and Co-Chairman Hysell sat as Chair.

Applicant seeks a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the open and closed court requirements under § 406.1, and the nonconforming structure requirements under § 2001.3, to expand an existing garage and construct a two (2) story rear addition to an existing single-family dwelling in the R-4 District. Jennifer Fowler, on behalf of the applicant, explained that the project, stating that the applicant seeks to tear down the existing garage, which stands at just under eleven (11) feet tall, and replace it with a new garage that includes a second story for storage and a roof deck. It will not contain living space and will be twenty (21) feet high. The owner has received letters of support from some of the surrounding neighbors, including the neighbors on both sides of the lot on which the garage will be built.

Committee Member Boyette asked whether the alley on which the garage sits has been developed, to which Ms. Fowler informed her that the west end of the alley has not seen much development, but some of the structures on the east end have been renovated.

Committee Member Boyette also asked the reason for the height. The applicant explained that health issues require more easily accessible storage space.

Upon seeking public comment on the project, the neighbor immediately across the alley expressed an objection to the project on the grounds that the roof deck and second story windows will interfere with the privacy of the surrounding neighbors. She also noted that the height of the structure will interfere



Committee Reports Economic Development and Zoning Committee



with the light and air of the surrounding properties. In addition to her objections, she also read a letter of objection submitted by the neighbor located at 245 Eleventh (11th) Street. The neighbor noted that although she initially approved of the project, she did not understand that the design included a roof deck and second story windows. Through the letter, the neighbor requested that the design not include windows on the second story or a roof deck.

In response, Ms. Fowler noted that the windows are there to break up the façade, and no one will reside in the second story.

Committee Member Michael Hoenig asked whether the building is located within the historic district, and Ms. Fowler confirmed it is, but the owner is not seeking historic review from the ANC at this time. Committee member Hoenig also expressed concern with the design in light of the neighbors' objections. He suggested that the owner work with the neighbors to find a compromise on the design.

Committee Member Boyette asked about drainage from the roof and suggested that setting the roof deck further back may alleviate some of the privacy concerns.

Chairman Hysell made a motion to recommend the ANC support the special exception related to closing the dogleg (the court-width exception). The motion was seconded and passed unanimously.

Chairman Hysell also moved that the Committee recommend that the ANC not support the remaining relief related to the rebuilding of the garage unless the neighbors and the owner can reach an agreement on the design. The motion was seconded and passed unanimously.

721 11th Street NE (BZA 18931): Applicant seeks a special exception under § 223, not meeting the lot occupancy requirements under § 403.2, the rear yard setback requirements under § 404.1, and the nonconforming structure requirements under § 2001.3, to convert an existing two-story garage into a second (2nd) story apartment and construct a covered walkway in the R-4 District.

A neighbor in attendance located several lots away expressed concern regarding the height of the proposed structure. The applicant's architect, Jennifer Fowler, indicated that the zoning regulations do not protect views, but rather light, air, and privacy.

Chairman Golden discussed the fact that this case presented nearly the same issues that had been raised in BZA 18927 (815 Eighth (8th) Street NE), specifically the use of a trellis to establish that the two buildings actually constituted a single "building" within the meaning of the zoning code, thereby allowing the owner to avoid the accessory building height and story-limit requirements, among other possible restrictions.

Ms. Fowler noted that this case was somewhat different from BZA 18927 in that no portion of the garage structure was partitioned off. Chairman Golden agreed that the argument in favor of there being no meaningful connection with the entirety of the structure that was raised in BZA 18927 was not as applicable in this case. However, the use of the trellis to establish a single building was, in Chairman Golden's opinion, still problematic. Ms. Fowler also claimed that the Office of Planning's new proposed definition for a "separate building," under which a trellis would not establish a single building had not yet gone into effect and that therefore the ANC should follow the Bureau of Zoning Adjustment's (BZA) current precedents. Chairman Golden disagreed, stating that the issue was an ambiguity in the existing regulations and that the Office of Planning was indicating that, in its view, the BZA had been misinterpreting the zoning regulations.



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Chairman Golden moved that the Committee recommend the ANC take no action with respect to the requested relief because, in its' view, additional zoning relief is required, including, at minimum, a variance from the accessory building height requirements. The motion was seconded and passed unanimously.

Chairman Golden also moved that the Committee recommend that the ANC write to the Zoning Administrator to express its view that additional zoning relief is required, including, at minimum, a variance from the accessory building height requirements. The motion was seconded and passed unanimously.

The meeting adjourned at 9:00 pm.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, February 18, 2015
7:00-9:00 PM
640 Tenth (10th) St NE
Sherwood Recreation Center, Second (2nd) Floor**



Committee Reports Economic Development and Zoning Committee



February XX, 2015

Mr. Karanja Slaughter
PADD Division Manager
Department of Housing and Community Development
1800 Martin Luther King Avenue, S.E.
Washington, DC 20020

Re: Solicitation for Offers for 1600 Block of Kramer Street, N.E.

Dear Mr. Slaughter,

At a regularly scheduled and properly noticed meeting on February 12, 2015,⁴ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to write to you regarding the above-referenced solicitation of offers. At the January 21, 2015 regularly scheduled meeting of the Commission's Economic Development and Zoning Committee three organizations that plan to submit offers in response to the solicitation gave brief presentations regarding their respective plans for the site. Those organizations were: 1) Mi Casa, Inc.; 2) Manna, Inc.; and 3) Neighborhood Development Co. The Commission wishes to express its appreciation to each of those organizations for taking the time to engage with the community with respect to their plans.

During the course of the presentations, a number of community members, including many living near the 1600 block of Kramer Street, expressed their thoughts regarding the development of the site. The general sentiment of the community members who attended was that DHCD should select an organization to develop the site with the following criteria in mind:

- * Providing adequate off-street parking
- * Ensuring affordably-priced housing
- * Promoting moderate density development
- * Preserving green space
- * Maintaining the architectural integrity of the neighborhood.

We understand that offers are due on this project on February 19. We look forward to engaging with you going forward as you select an organization to develop the site. Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

⁴ ANC 6A meetings are advertised electronically on the anc6a-announce@googlegroups.com, ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



February XX, 2015

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

Re: BZA Case No. 18940 (1371 H Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on February 12, 2015,⁵ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support, under certain conditions discussed below, the Applicant's request for a variance from the off-street parking requirements set forth at § 2101.1, and for a special exception from the roof structure setback requirements of §§ 411.11 and 770.6. The applicant seeks the requested relief to permit the construction of a six-story multi-family residential building with ground floor retail in the C-3-A/HS-A District.

The Commission supports granting the requested variance from the off-street parking requirements because strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. However, the Commission supports granting of the off-street parking variance only on the condition that: 1) covenants be recorded in the land records for each unit prohibiting the owner or resident of the unit from obtaining a residential parking permit; 2) the bylaws for the building prohibit any owner or resident of a unit from obtaining a residential parking permit, require a regular review as to whether this bylaw provision has been violated, and provide an enforcement mechanism in the event that it has been violated; and 3) a covenant be recorded in the land records that provides that this by-law provision may not be amended or removed.

The Commission supports granting the requested special exception because the proposed roof structure will not unduly affect the light and air available to neighboring properties nor will it unduly compromise their privacy of use and enjoyment. The neighboring property at 1350 Maryland Ave., N.E. has indicated in writing that it supports the requested special exception.

Finally, the Commission further conditions its support for the entirety of the relief requested on the applicant's adherence both to the trash, delivery, and move-in plan provided to the Commission by the applicant and to the H Street Design Guidelines as reflected in the applicant's revised February 2015 drawings for the building.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Committee Reports Economic Development and Zoning Committee



February XX, 2015

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

Re: BZA Case No. 18930 (1102 Park Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on February 12, 2015,⁶ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the court-width requirements (§ 406.1), and for additions to a nonconforming structure (§ 2001.3) in connection with the construction of a rear addition to the existing structure and the renovation and expansion of an accessory structure adjoining the alley at the rear of the property. However, the Commission supports the requested relief only on the condition that the accessory building not exceed 16 feet in height, as measured from the alley, and that the deck to be constructed as part of the accessory building be situated behind (at the same level as) the storage area proposed as the second floor of the accessory building so that the deck does not directly overlook the alley.

The Commission supports granting the requested special exceptions because, if the foregoing conditions are imposed, the proposed addition and accessory structure will not unduly affect the light and air available to neighboring properties nor will they unduly compromise their privacy of use and enjoyment. The applicant has been willing to work with the neighbors located across the alley to revise his plans to accommodate their concerns.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Committee Reports Economic Development and Zoning Committee



February XX, 2015

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

Re: BZA Case No. 18931 (721 11th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on February 12, 2015,⁷ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to take no position on the Applicant's request for special exceptions from the lot occupancy requirement (§ 403.2), the rear yard requirement (§ 404.1), and for additions to a nonconforming structure (§ 2001.3), given its view that additional zoning relief is required in this case including, at minimum, a variance from the accessory building height limit set forth at § 2500.4.

The applicant proposes to renovate and expand an existing two-story garage at the rear of the property resulting in a two-story structure measuring 23 feet in height from the alleyway. The applicant proposes to use the first floor of the new structure as a garage and the second floor as a residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis.

The applicants have indicated that, in their view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction represents the construction of an accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning Commission in addressing the issue of what may constitute a "meaningful connection" between two structures such that they should be considered a single "building" for zoning purposes. As Commissioner May recognized in raising this issue, there was considerable confusion regarding BZA's approach to this question.

In its most recent revised draft of the District's revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission's request by including a proposed definition of "Building, Separate" that states the following: "Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free

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Committee Reports Economic Development and Zoning Committee



and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



Committee Reports Economic Development and Zoning Committee



February XX, 2015

Mr. Matthew Le Grant
Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 Fourth Street, SW, Room 3102
Washington, DC 20024

Re: Notice to ZA of Additional Required Zoning Relief (721 11th Street, NE)

Dear Mr. LeGrant,

At a regularly scheduled and properly noticed meeting on February 12, 2015,⁸ our Commission voted X-X-X (with 5 Commissioners required for a quorum) to request that you review the plans submitted for with BZA Case No. 18931, which seeks zoning relief in connection with the renovation and expansion of an existing accessory building resulting in a two-story structure measuring 23 feet in height as measured from the alleyway. The applicant proposes to use the first floor of the new structure as a garage, and to use the second floor as a residential unit. The applicant further proposes to include a footpath running from an entrance at the rear of the primary residence to the entrance to the garage and to cover that footpath with a wooden trellis.

Notwithstanding the requirement that an accessory building be no greater than one story or fifteen feet in height under § 2500.4, the applicant's current request for zoning relief simply seeks special exceptions for the construction of a two-story "rear addition" to an existing single-family dwelling not meeting the lot occupancy requirements under § 403.2, the rear-yard setback requirements under § 404.1, and the nonconforming structure requirements under § 2001.3 in the R-4 District. The applicants have indicated that, in their view, BZA precedent supports the conclusion that the accessory structure and the primary residence constructed on the lot comprise a single building because the footpath between the accessory building and the primary structure is covered by a wooden trellis. As articulated below, it is the considered view of the ANC that, notwithstanding the presence of the trellis, the proposed construction represents the construction of an accessory structure that requires, at minimum, a variance from the height requirements of § 2500.4.

The ANC recognizes that prior BZA decisions have concluded that, in some circumstances, a footpath, covered by a trellis, may establish a "meaningful connection" between two separate buildings such that they can be considered a single "building" for zoning purposes. However, the Office of Planning's most recent proposed revisions to the District's zoning code evidence its intention that the BZA no longer adopt this interpretation of the zoning regulations.

As part of the Zoning Commission's ongoing review of the District's zoning regulations, it directed the Office of Planning at its July 10, 2014 public meeting to provide comments to assist the Zoning Commission in addressing the issue of what may constitute a "meaningful connection" between two structures such that they should be considered a single "building" for zoning purposes. As Commissioner May recognized in raising this issue, there was considerable confusion regarding BZA's approach to this question.

In its most recent revised draft of the District's revised zoning regulations, dated November 2014, the Office of Planning responded to the Zoning Commission's request by including a proposed definition of "Building, Separate" that states the following: "Structures or sections shall be considered parts of a single building if they are joined by an enclosed connection that is fully above grade, is heated and artificially lit; and either a common space shared by users of all portions of the building, such as a lobby or recreation room, or space that is designed and used to provide free

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Committee Reports Economic Development and Zoning Committee



and unrestricted passage between separate portions of the building, such as an unrestricted doorway or walkway.” The Zoning Commission did not raise any issue with this proposed definition and voted to approve the zoning regulation review for proposed action at its most recent meeting in December. Under this most recent guidance from the Office of Planning, a wooden trellis covering a walkway would not create a “meaningful connection” such that it could create a single “building” out of two separate structures as it is neither “enclosed” nor “heated and artificially lit.”

The practical implications of treating the new accessory structure as part of a single “building” are significant in this case, as they permit the applicant to evade review under the more demanding standard of an area variance and simply to seek more lenient special-exception review. Simply by including a structure as ephemeral as a wooden trellis, which could be removed with little cost and effort once construction is completed, an applicant may evade entirely, among other zoning code provisions, the restrictions on accessory building height set forth at § 2500.4. As the Office of Planning correctly recognized, this is a perverse result and should not be permitted. We therefore urge you to evaluate the proposed construction in this case, recognize the new structure as an accessory building, and require that the applicant demonstrate entitlement to, at a minimum, a variance from the accessory-building height requirements set forth at § 2500.4.

Please be advised that Andrew Hysell and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Hysell can be contacted at hysell6a06@gmail.com. I would appreciate a response regarding this issue at your earliest convenience.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



Advisory Neighborhood Commission (ANC) 6A Service Contract for ANC Coordinator for Agenda Package Preparation and Web facilitation

This is an agreement between Advisory Neighborhood Commission (ANC) 6A and Ms. Irene Dworakowski for the following services:

Ms. Dworakowski is, for the sum of \$200.00 each, to prepare the ANC6A agenda package monthly. As part of these duties, Ms. Dworakowski is to:

- Review ANC6A meeting minutes from the previous month's meeting, format and make editorial changes, and solicit approval of ANC6A commissioners by email.
- Review ANC6A committee meeting minutes from the previous month's meeting, format and make editorial changes, and solicit approval of ANC 6A committee chairs.
- Compile a meeting agenda based upon recommendations from the ANC 6A committees. An agenda must be available to the public one week prior to the ANC 6A meeting.
- Compile the agenda package in its entirety, including attachments, addendums, electronic photographs, etc. The agenda package should be received by commission no later than the day before the ANC6A meeting.

Ms. Dworakowski is, for a monthly fee of \$250.00 per month, to make all necessary updates to the website. This will include but is not limited to:

Posting:

- agendas for ANC and Committees (and replacing them with more current versions if updates are made between the original posting and the meeting) - max. 24hr turn-around is needed on these unless by prior arrangement
- minutes for ANC and Committees
- correspondence generated by the ANC and occasional replies and other related documents
- Settlement Agreements
- approved grant applications (and any "compliance reports" related to the grants program)
- Treasurer's reports, Quarterly Reports, Annual Budget incl. updates if needed plus occasional other financial documents (e.g.. contracts)
- Other document and information necessary for ANC business

Maintaining:

- Calendar, adding and removing events (at direction of commissioners or at request of public per rules posted on calendar page of website)
- Commissioner page and individual commissioner pages
- Committee pages



New Business



Adding/updating if notified/requested by ANC Chair or his designate:

- hot topics" on home page
- government contacts page
- community groups (or if notified by the community group - if there are questions check with Chair or designate)
- publications (or if notified by the publication - if there are questions check with Chair or designate)
- "Contact us" page
- Other Website information as necessary for ANC business

Archiving:

- Minutes, agendas, correspondence and grants following current timing

Additional tasks:

- forward to the anc6a-announce, newhilleast and anc-6a listservs, the ANC and Committee agendas and meeting cancellations or changes of venue that are not submitted by the ANC or committees themselves
- tweet links to the ANC and committee agendas once they have been posted

The website coordinator shall give at least two weeks' notice of any period of non-availability and will assist in arranging "back up" web assistance if this will unduly affect posting of agendas.

The website coordinator will not be expected to spend more than 180 hours per 12-month period (avg. 15 hrs/month) without additional compensation.

This contract for services is at will and can be terminated without cause.

Signed:

Phil Toomajian
Chair, ANC6A

Date

Irene Dworakowski

Date