



## District of Columbia Government Advisory Neighborhood Commission 6A Agenda for April 13, 2017



Second (2<sup>nd</sup>) Thursdays at 7:00 pm, Miner Elementary, 601 Fifteenth (15<sup>th</sup>) Street NE  
Public Meeting - All Are Welcome to Attend

- 7:00 pm     **Call to order**
- 7:01 pm     **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:02 pm     **Community Presentations**  
Sarah Fashbaugh, Alcoholic Beverage Regulation Administration  
Avec H Street Update (901 H St NE), Emily Struck & Lindsay Moses, Rappaport Co,  
MuralsDC & Helping Hands programs - Celeste Duffie, Department of Public Works
- 7:50 pm     **Officer Reports**  
1. Approve Treasurer's Report *pg. 11*
- 7:55 pm     **Standing Committee Reports:**  
**Community Outreach pg. 12**  
1. No report. Committee did not meet in March 2017.  
2. Next meeting - 7:00 pm, April 24, 2017 (4<sup>th</sup> Monday)
- 7:56 pm     **Alcohol Beverage Licensing pg. 13**  
1. Approve March 2017 committee report.  
2. **Suggested Motion:** The ANC approve the Settlement Agreement with Dio, LLC t/a Dio Wine Bar (904 H St NE).  
3. **Suggested Motion:** The ANC approve the Settlement Agreement with Quara Ethiopian Fusion Restaurant (818 H St NE).  
4. **Suggested Motion:** The ANC approve the new Settlement Agreement with Nomad Hookah Bar (1200 H St NE).  
5. Next meeting - 7:00 pm, April 18, 2017 (3<sup>rd</sup> Tuesday)
- 8:10 pm     **Transportation and Public Space pg. 29**  
1. Approve March 2017 committee report.  
2. Next meeting - 7:00 pm, April 17, 2017 (3<sup>rd</sup> Monday)
- 8:11 pm     **Economic Development and Zoning pg. 30**  
1. Approve March 2017 committee report.
- Old Business**  
2. **Recommendation:** ANC6A send a letter of support to BZA for the application of the owners of 619 Elliot Street NE, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to permit the construction of a third-story addition with roof deck to an existing one-family dwelling in the RF-1 Zone on condition that the owners get letters of support from 621 Elliott and updated letters from other neighbors that had signed letters last year, use best efforts to get letters of support from tenants and owners from buildings facing the unit, extend brick treatment on the sides of the house (10 feet or so), and increase the size of the deck railing on the front.



## District of Columbia Government Advisory Neighborhood Commission 6A Agenda for April 13, 2017



Second (2<sup>nd</sup>) Thursdays at 7:00 pm, Miner Elementary, 601 Fifteenth (15<sup>th</sup>) Street NE  
Public Meeting - All Are Welcome to Attend

### New Business

3. **Recommendation:** ANC6A send a letter of support to the Office of Planning for medium density designation of 1603-1625 Benning Road in the Benning Road Corridor Redevelopment Framework Plan to be incorporated into the 2008 Comprehensive Plan update.
4. **Recommendation:** ANC6A send a letter of conditional support to the Office of Zoning for a land use designation change from the existing C-3-A to C-2-B and a map amendment change to develop the property at 1603-1625 Benning Road (Case Number 16-22), requiring the developers and architects to continue to update the ANC and work on the pending community benefits package.
5. **Recommendation:** ANC6A send a letter opposing the application to the Historic Preservation Review Board to create the Kingman Park Historic District if the two-block portion of ANC6A that was included in the application remains included in the proposed historic district.
6. Next meeting - 7:00 pm, April 19, 2017 (3<sup>rd</sup> Wednesday)

- 8:35 pm     **New Business**
- 8:36 pm     **Single Member District reports** (1 minute each)
- 8:45 pm     **Community Comments** (2 minutes each)
- 8:55 pm     **Adjourn**



## Advisory Neighborhood Commission 6A Meeting Minutes of March 9, 2017



### Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School March 9, 2017

**Present:** Commissioners Phil Toomajian (Chair), Marie Claire Brown, Matt Levy, Patrick Malone, Sondra-Phillips-Gilbert, Mike Soderman, Calvin Ward, Stephanie Zimny

The meeting convened at 7:00 pm.

The minutes for the ANC February 2017 meeting and the agenda for the March 2017 meeting were accepted without changes or objection.

#### **Community Presentations**

##### Ward 6 Councilmember Charles Allen

Councilmember Allen spoke about the Books from Birth Program and advised that over sixty-two percent (62%) of children at the targeted income level have been reached thus far. He also spoke in detail about the upcoming DC budget and indicated that Mayor Bowser will be submitting the DC budget for review on April 4, 2017. Councilmember Allen discussed the Youth Rehabilitation Act and advised that he would propose reforms as well as work towards better implementation of the Act. Additionally, Councilmember Allen spoke about the confirmation of the new Metropolitan Police Department (MPD) Police Chief and of a recent meeting with the new Chancellor of the DC Public Schools. Councilmember Allen then took questions and comments from the Commissioners and members of the public, and indicated that matters of concern can be further pursued via contact of his office.

##### PROJECTpipes

Doreen C. Hope, Community District Manager, Washington Gas, spoke about PROJECTpipes. Ms. Hope gave a brief overview of the ongoing and proposed pipeline replacement work scheduled for the District of Columbia (DC). She advised that the scheduled work on the project included the ongoing work on Seventeenth (17<sup>th</sup>) Street NE and SE and may be delayed or interrupted due to weather conditions, or in response to coordination or clearance issues between the gas, water, and electric companies in addition to the DC Department of Transportation (DDOT). Residents having concerns about or needing additional information regarding this project in their neighborhoods or on their properties will want to call the Project pipes hotline at 202-624-6400; or email at [dhope.projectpipes@washgas.com](mailto:dhope.projectpipes@washgas.com).

#### **Officer Reports**

Chairman Phil Toomajian advised the building permit for 1511 A Street NE was revoked due to a letter of appeal sent by ANC 6A to the Board of Zoning Adjustment (BZA) regarding the DC Department of Consumer and Regulatory Affairs (DCRA) action issuing said permit due to an incorrect zoning designation. The Chairman urged that members of the public support the local and neighborhood schools; and finally, indicated that he anticipates representatives of the Metropolitan Police Department (MPD) appearing at an upcoming ANC 6A meeting.

#### **Treasurer's Report**

Commissioner Stephanie Zimny presented the second (2<sup>nd</sup>) Quarterly Report. The second Quarterly Report was accepted without objection. Treasurer's Report. Commissioner Zimny then delivered the Treasurer's Report. The opening balance in the checking account was \$10,179.16, with a forwarding balance of \$4,621.20. There were disbursements of \$450.00 to Irene Dworakowski (Check 1780) for



## Advisory Neighborhood Commission 6A Meeting Minutes of March 9, 2017



agenda/web master services; \$200.00 (Check 1781) for February 2017 minutes; and \$356.00 for post office box rental (Check 1782), leaving a balance of \$12,899.36, in the checking account and \$13,747.61, including a \$.024 interest deposit in the savings account. A Petty Cash Summary was included in the report showing a forwarding balance of \$25.00. The report was accepted without objection.

### Committee Reports

#### Community Outreach Committee (COC)

No report. The COC committee did not meet in February 2017.

Next meeting - 7:00 pm, March 27, 2017 (4<sup>th</sup> Monday).

#### Alcohol Beverage Licensing (ABL)

No report. The ABL committee did not meet in February 2017.

Next meeting - 7:00 pm, March 21, 2017 (3<sup>rd</sup> Tuesday)

#### Transportation and Public Space Committee (TPS)

The February 2017 TPS Committee report was accepted without objection.

**Motion:** The Committee moved and Commissioner Mike Soderman seconded the motion that ANC 6A send a letter of support to the Mayor's Task Force on Special Events for the Capitol Hill Classic Race. The motion passed (8-0).

**Motion:** The Committee moved and Chairman Toomajian seconded the motion that ANC 6A send a letter to the DC Council stating its opposition to the Small Business Parking Permit Act of 2017. The motion passed (8-0).

Next meeting - 7:00 pm, March 20, 2017 (3<sup>rd</sup> Monday)

#### Economic Development and Zoning (EDZ)

The February 2017 EDZ Committee report was accepted without objection.

**Motion:** The Committee moved and Chairman Toomajian seconded the motion that ANC 6A send a letter of support to the Board of Zoning Adjustment (BZA) for the application of the owners of 1126 Constitution Avenue NE pursuant to 11 DCMR Subtitle X, Chapter 9, for Subtitle E, § 5003.1, and the rear yard requirements of Subtitle E § 5004.1, to permit the construction of a two-story garage in the RF-1 Zone on the condition that the owners make their best efforts to get letters of support from the owner at 1131 Park Street NE. The motion passed (8-0).

**Motion:** The Committee moved and Commissioner Patrick Malone seconded the motion that ANC 6A send a letter of support to the Historic Preservation Review Board (HPRB) for the proposed design at 1126 Constitution Avenue NE on the condition that the owners make their best efforts to get letters of support from the owner at 1131 Park Street NE. The motion passed (8-0).

**Recommendation:** The Committee made a recommendation that ANC 6A send a letter of support to the Board of Zoning Adjustment (BZA) for the application of the owners of 619 Elliott Street NE, pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to permit the construction of a third-story addition with roof deck to an existing one-family dwelling in the RF-1 Zone on condition that the owners get letters of support from 621 Elliott Street NE and updated letters from other neighbors that had signed letters last year, use best



## Advisory Neighborhood Commission 6A Meeting Minutes of March 9, 2017



efforts to get letters of support from tenants and owners from buildings facing the unit, extend brick treatment on the sides of house (10 feet or so), and increase the size of the deck railing on the front.

**Motion:** Chairman Toomajian moved and Commissioner Sondra Phillips-Gilbert seconded the motion that the above-referenced recommendation be tabled pending further discussion among neighbors with the expectation that the ANC would take up and vote on the matter at its next meeting. The motion passed (8-0).

Next meeting - 7:00 pm March 22, 2017 (3<sup>rd</sup> Wednesday).

### Single Member District Reports

Chairman Toomajian (6A02) discussed briefly the Auto Zone Development on 1207 H Street, NE; spoke about efforts to address ongoing issues at the Sherwood Recreation Center; and mentioned rodent abatement efforts at SWS Elementary School.

Commissioner Malone (6A05) indicated that alley redevelopment work had begun in his district and that street light issues discovered as a result of the redevelopment work are being addressed.

Commissioner Matt Levy (6A04) spoke of the upcoming Rock and Roll Marathon taking place.

Commissioner Phillips-Gilbert (6A07) indicated that there was a meeting with representatives of Valor Development and said she was looking forward to the ANC's review of the project.

Commissioner Soderman (6A03) advised that a request for a traffic calming study had recently been submitted to the DDOT for the 200 block of Tenth (10<sup>th</sup>) Street NE.

Commissioner Marie-Claire Brown (6A01) mentioned that she recently met with representatives from the developers of the H Street Connection/Avec and was pleased that they would be joining the ANC at its April meeting.

Commissioner Zimny (6A06) spoke about the Miner Elementary School Budget and a parent survey regarding the same; that residents expressed interest in submitting a request to the DDOT for a traffic calming study around the Chik-Fil-A restaurant; that additional rodent abatement efforts were needed for the area around 1300 H Street NE; and that city residents are now directed to put recyclables directly into the recycle trash receptacle instead of placing bagged material in the recycle can.

Commissioner Calvin Ward (6A08) thanked the Commissioners and neighborhood residents regarding the revocation of the building permit for the 1511 A Street NE property.

The meeting adjourned at 8:48 pm.



## Advisory Neighborhood Commission 6A Community Presentations





## Commission Letters of March 9, 2017 Meeting



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



March 10, 2017

Mr. Chris T. Geldart  
District of Columbia Homeland Security and Emergency Management Agency (HSEMA)  
2720 Martin Luther King, Jr. Avenue SE  
Washington, DC 20032

Re: 2017 Capitol Hill Classic Race

Dear Mr. Geldart:

At a regularly scheduled and properly noticed meeting on March 9, 2017,<sup>1</sup> our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the 2017 Capitol Hill Classic 10K and 3K races and Children's Fun Run.

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 worshipers to cross on their way to and from services.

ANC 6A supports this race because it is well-organized and 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: Mayor's Special Event Task Force Group  
Councilmember Charles Allen  
ANC6B and ANC6C  
Roberta Stewart, Capitol Hill Classic





## Commission Letters of March 9, 2017 Meeting



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



March 10, 2017

Members of the D.C. Council  
Council of the District of Columbia  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Re: B22-0125, the Small Business Parking Permit Act of 2017

Dear Members of the D.C. Council:

At a regularly scheduled and properly noticed meeting on March 9, 2017, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to oppose B22-0125, a bill introduced in the Council titled, "Small Business Parking Permit Act of 2017."<sup>1</sup>

This legislation proposes providing up to 10 parking permits for employees of certain small businesses to use in areas currently designated for residential parking. We believe this would not only place an undue burden on residents near commercial areas, but also encourage increased vehicular traffic, contradicting the District's laudable public policy efforts to promote more efficient methods of transportation, including bicycles and public transit options, such as metrobus and the DC Streetcar.

The communities of Capitol Hill and the H Street NE already experience heavy demand for parking along the H Street corridor. The significant growth in our community has brought more residents and visitors to our area, many of whom rely on residential street parking. While we support our many local small businesses, we strongly believe that it would be infeasible to make public parking, particularly that reserved for area residents, available as a fringe benefit for owners and employees of those businesses. Indeed, it may also have the unfortunate side effect of making it very difficult for patrons of those businesses to find short term parking available on adjacent residential side streets.

Based on our experience living in and representing the residential neighborhoods along the H Street commercial corridor and extensive input from our residents, we oppose this proposed legislation and urge the Council to take no action to advance it.

Thank you for considering our views.

On behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.





## Commission Letters of March 9, 2017 Meeting



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



March 10, 2017

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

Re: HPA # 17-228 (1126 Constitution Avenue, NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on March 9, 2017,<sup>1</sup> our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the design of the proposed two story garage to be constructed at 1126 Constitution Avenue, NE. The design has taken measures to ensure that the addition is not visible from the street, and it will not disrupt the historic character of the neighborhood. The design of the garage is in character with the other alley structures that currently exist in that neighborhood, and is in the historic character of the neighborhood.

Please be advised that Brad Greenfield 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](mailto:philanc6a@gmail.com) and Mr. Greenfield can be contacted at [brad.greenfield@gmail.com](mailto:brad.greenfield@gmail.com).

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## Commission Letters of March 9, 2017 Meeting



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



March 10, 2017

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

Re: BZA Case No. 19461 (1126 Constitution Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on March 9, 2017,<sup>1</sup> our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the request for the owners of 1126 Constitution Avenue, NE. Specifically, the applicant seeks a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 5003.1 and the rear yard requirements of Subtitle E § 5004.1, to permit the construction of a two-story garage in the RF-1 Zone.

The design has taken measures to ensure that the addition is not visible from the street, and it will not disrupt the privacy, air and light of neighbors. The owner has proven that the special exception criteria have been met through submission of architectural elevations. The ANC believes that this development will not substantially visually intrude upon the character, scale, and pattern of houses in the neighborhood.

Please be advised that Brad Greenfield 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](mailto:philanc6a@gmail.com) and Mr. Greenfield can be contacted at [brad.greenfield@gmail.com](mailto:brad.greenfield@gmail.com).

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## Officer Reports - Treasurer



### ANC 6A Treasurer's Report March 2017

Period Covered 3/1/2017-3/31/2017

#### Checking Account:

Balance Forwarded			\$	3,507.20
Total Receipts			\$	10,179.16
Total Funds Available			\$	12,899.36
Disbursements:				
Irene Dworakowski (Agenda/Web Master Mar 2016)	CK#1784	\$	450.00	
Gail John (Note Taking)	CK#1785	\$	200.00	
FedEx	CK#1786	\$	135.50	
Total Disbursements			\$	785.50
Ending Balance			\$	12,113.86

#### Savings Account:

Balance Forwarded			\$	13,747.59
Receipt Interest	03/21/17		\$	0.24
Deposit -				
Total Receipts			\$	0.24
Total Funds Available			\$	13,747.83
Disbursements			\$	-
Ending Balance			\$	13,747.83

#### PETTY CASH SUMMARY

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



## **Committee Reports**

### Community Outreach Committee (COC)



No report. Committee did not meet in March 2017.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### Minutes

#### Alcoholic Beverage Licensing (ABL) Committee Advisory Neighborhood Commission (ANC) 6A March 21, 2017

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 March 21, 2017 at Sherwood Recreation Center, 640 Tenth (10<sup>th</sup>) Street NE, Washington, DC 20002.

**Committee Members Present:** Christopher Seagle (Co-Chair), Roger Caruth, Mark Samburg, Michael Herman, and Justin Rzepka.

**Committee Members Absent:** Jay Williams (Co-Chair)

**Commissioners Present:** None

**Community Members Present:** Mike W. from District Cuisine, Stacey Khoury-Diaz representing Dio and Merchaw Senshaw representing Quara

#### I. Call to Order

Mr. Seagle called the meeting to order at 7:05 pm. The meeting proceeded with a quorum present.

#### II. Community Comment

None.

#### III. Old Business

None.

#### IV. New Business

##### A. Discussion of request for new CT license filed by Dio, LLC T/a Dio Wine Bar (904 H Street NE).

- Ms. Khoury-Diaz stated that she plans to open a wine bar featuring organic natural wines.
- Mr. Seagle asked if there would be any outdoor areas and whether they would be requesting an entertainment endorsement. The owner responded that it was a small space and that there was no outdoor area either as a rooftop or a back area. She also responded that they are not planning on seeking an entertainment license.
- Mr. Seagle explained the settlement agreement process and what is included in the standard agreement. Ms. Khoury-Diaz had already reviewed the agreement and stated that she was ok with it.
- Mr. Seagle moved, to recommend that the ANC protest the license for Dio unless a signed settlement agreement is submitted to the ANC prior to the protest date. The motion passed 4-0 (Mr. Rzepka was not present for this vote)

##### B. Discussion of request for new CT license filed by Quara Ethiopian Fusion Restaurant (818 H St. NE).

- Ms. Senshaw stated that he plans to open a restaurant featuring Ethiopian food. He also stated that he hoped to be open in the next few weeks.
- Mr. Seagle asked if there would be any outdoor areas and whether they would be requesting an entertainment endorsement. The owner responded was no outdoor area



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



either as a rooftop or a back area. He did respond that they are planning on seeking an entertainment license. He stated that they would offer only inside entertainment such as streamed music or ethnic drums.

- Mr. Seagle explained the settlement agreement process and what is included in the standard agreement. Mr. Seagle also explained the provisions in the settlement agreement as it relates to noise mitigation since they will be seeking an entertainment license. Mr. Senshaw had already reviewed the agreement and stated that he was okay with it.
- Mr. Seagle moved, to recommend that the ANC protest the license for Quara unless a signed settlement agreement is submitted to the ANC prior to the protest date. The motion passed 5-0

#### V. Adjourn

The Committee adjourned at 7:20 pm.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Made this 13th day of April, 2017

by and between

**Dio, LLC t/a Dio Wine Bar (ABRA # 105482)**  
904 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 Retailer's Class CT Liquor License at the subject premises; and,

#### **The Parties Agree As Follows:**

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

Settlement Agreement between Dio Wine Bar and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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.

Settlement Agreement between Dio Wine Bar and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- k. Applicant will utilize and maintain high-intensity floodlights on any exterior of its premises that faces an abutting alleyway so as to fully light any abutting alleyway from dusk until dawn. This Paragraph does not apply to any portion of the Applicant's exterior premises that does not directly abut an alleyway.
  - 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 a sidewalk café or 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 and/or sidewalk café;
    - 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;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a sidewalk café and/or summer garden are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.
  - e. 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.
  - f. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
  - g. 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.**



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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.

#### 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 may immediately notify the Applicant and/or 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: Stacey Khoury-Diaz Date: 3/21/2017

Signature: [Signature]

#### Advisory Neighborhood Commission 6A Representative:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_



## Committee Reports Alcohol Beverage and Licensing (ABL)



Made this 13th day of April, 2017

by and between

**Quara Ethiopian Fusion Restaurant**  
818 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 Retailer's Class CT Liquor License at the subject premises; and,

### The Parties Agree As Follows:

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

Settlement Agreement between Quara Ethiopian Fusion Restaurant and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- k. Applicant will utilize and maintain high-intensity floodlights on any exterior of its premises that faces an abutting alleyway so as to fully light any abutting alleyway from dusk until dawn. This Paragraph does not apply to any portion of the Applicant's exterior premises that does not directly abut an alleyway.
  - 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 a sidewalk café or 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 and/or sidewalk café;
    - 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;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a sidewalk café and/or summer garden are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.
  - e. 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.
  - f. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
  - g. 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.**



## Committee Reports Alcohol Beverage and Licensing (ABL)



- 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.

### 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 may immediately notify the Applicant and/or 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: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_





## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Made this \_\_\_\_\_ day of April, 2017

by and between

**Nomad Hookah Bar (ABRA #087558)**  
1200 H Street, NE  
Washington DC 20002

and

**Advisory Neighborhood Commission 6A**

#### Preamble

Nomad Hookah Bar and ANC 6A hereby submit the following Settlement Agreement to resolve all remaining issues related to Nomad's petition to amend or terminate its prior Settlement Agreement, filed September 29, 2016 and protested by ANC 6A on December 5, 2016 (Protest No. 16-PRO-00122).

The parties agree that the enclosed Settlement Agreement shall **replace and rescind** all prior Settlement Agreements between the parties; namely, the Agreement dated January 12, 2012 and the Addendum dated January 21, 2014.

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 Retailer's Class CT Liquor License at the subject premises; and,

#### The Parties Agree As Follows:

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

Settlement Agreement between Nomad Hookah Bar and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



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.
- 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.

Settlement Agreement between Nomad Hookah Bar and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



1. 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 a sidewalk café or 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 and/or sidewalk café;
    - 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;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones;
    - v. One employee will be responsible for monitoring the patio at all times when it is operational; and
    - vi. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for the sidewalk café are limited until 11:00 pm Sunday through Thursday evenings and until 12:00 am on Friday and Saturday evenings, as well as evenings before federal holidays. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.
  - e. When applicant has completed the enclosure of the sidewalk café, and the enclosure substantially meets the specifications attached hereto as Attachment A, the hours of operation for the sidewalk café shall be limited until 2:00 am on Friday and Saturday evenings, as well as evenings before federal holidays.
    - i. If the licensed establishment incurs three valid noise complaints during any calendar year, the ANC may, upon a vote at a regular and properly-noticed meeting, elect to restrict the hours of the sidewalk café (or any other outdoor space) to a closing time of 12:00 am on Friday and Saturday evenings, as well as evenings before federal holidays. Such restriction shall remain in place for six months and will automatically revert to the hours listed in 3(e) above after those six months have elapsed, provided there have been no further valid noise complaints during that six month period. Applicant agrees that it shall not challenge such restriction provided that the ANC has identified a sufficient number of valid noise complaints during the calendar year.
    - ii. For purposes of this Section, “valid noise complaint” means (1) A complaint made to ABRA where an ABRA inspector has investigated the complaint and confirmed that the Applicant is in violation of any DC noise ordinance and/or Section 3(b) of this Settlement Agreement; or (2) A written citation issued by the DC Metropolitan Police Department for a violation of any DC noise ordinance.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. “Entertainment” means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term “entertainment” shall not include the

Settlement Agreement between Nomad Hookah Bar and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- operation of a jukebox, a television, a radio, or other prerecorded music.
- g. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
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. **Use of promoters.** Applicant agrees that it will not utilize the services of third party event promoters.
6. **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 or as required by District law.
7. **Miscellaneous.**
- Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
  - 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.
8. **Enforcement.**
- 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 may immediately notify the Applicant and/or 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.
  - This Settlement Agreement is binding on Applicant 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: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Settlement Agreement between Nomad Hookah Bar and ANC6A

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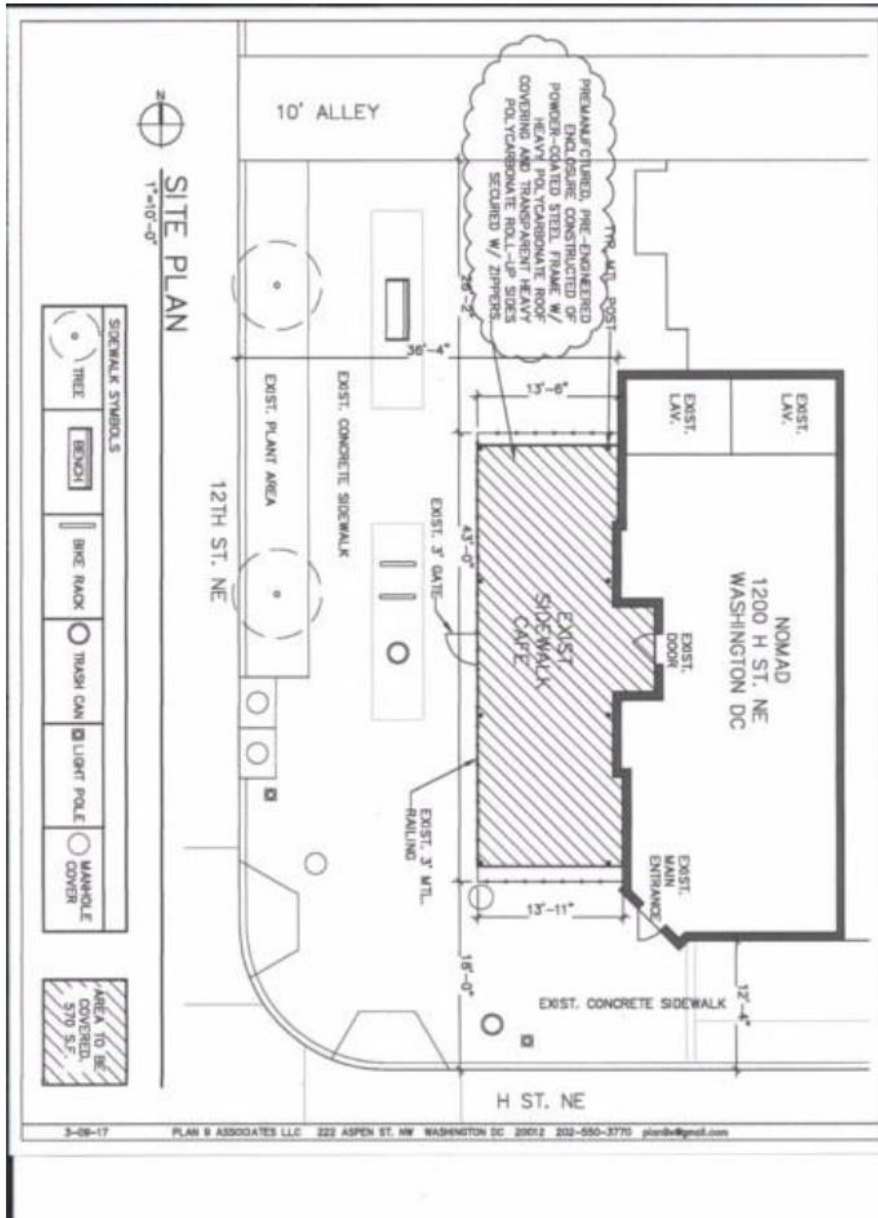


## Committee Reports

### Alcohol Beverage and Licensing (ABL)



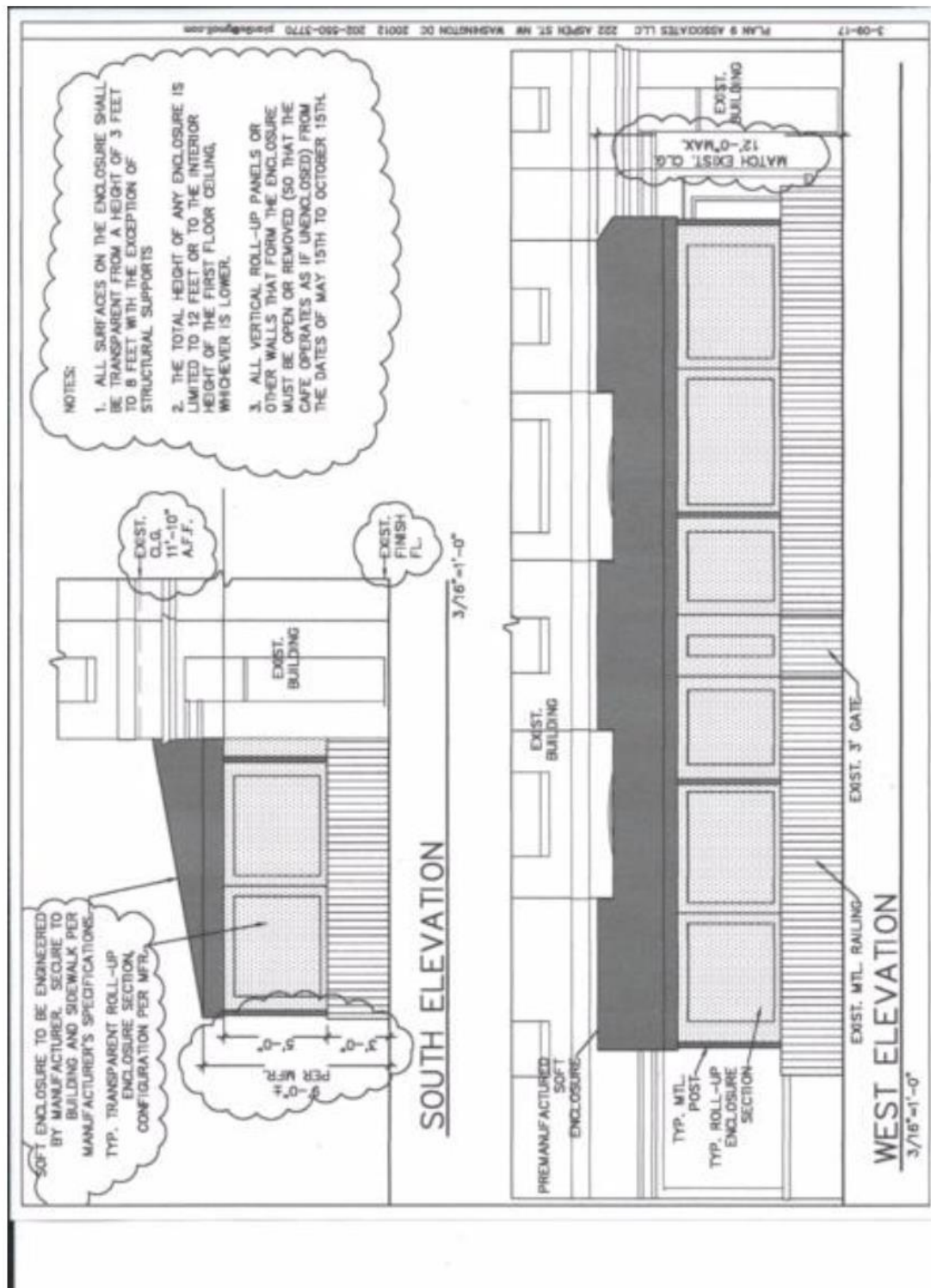
Attachment A





## Committee Reports

### Alcohol Beverage and Licensing (ABL)





## Committee Reports

### Transportation and Public Space (T&PS)



#### MINUTES

ANC 6A Transportation & Public Space Committee Meeting  
Capitol Hill Towers, 900 G Street NE  
March 20, 2017 at 7:00 pm

- I. Meeting called to order at 7:07 pm.
- II. Introductions
  - A. Committee members in attendance: Co-chair Todd Sloves, Elizabeth Nelson, Lara Levison, Jeff Fletcher, Hassan Christian, Andrea Adleman
  - B. Delores Bushong and Brian Sullivan, presenters, LED street lights
- III. Announcements - none
- IV. Community Comment - none
- V. New Business
  - A. Presentation on LED street lights
    - i. Delores Bushong and Brian Sullivan presented their concerns regarding DC's streetlight modernization initiative, which is being run by the Office of Public-Private Partnerships (OP3). DC has begun installing new LED streetlights that are much more energy efficient.
    - ii. The problem is with the Kelvin rating of the lights. The Kelvin is a unit of measurement that is often used for the color temperature of light sources. The higher the Kelvin rating, the bluer and more intense the light is from these LED bulbs. The American Medical Association (AMA) has adopted guidance for communities on these lights, recommending the use of lower-intensity LEDs. The higher intensity, bluer LEDs can have harmful health and environmental impacts. Blue light (as comes from computer screens as well) suppresses melatonin and therefore interferes with sleep. The glare from these LEDs can cause "disability glare" that makes it harder to see other things right after you look away from these lights, which is of particular concern for driver safety. These lights can also disrupt many species of wildlife.
    - iii. OP3 is going to issue a request for proposals (RFP) for installation of these too-bright lights. These lights are very long-lasting and will be up for many years. LED lights are available with a phosphor coating that lowers the Kelvin rating, costs the same amount, and only slightly reduces the efficiency of the lights. The city of Phoenix revised the Kelvin level for their lights from 4000 Kelvin to 2700 Kelvin, but OP3 so far is resisting requests to do the same.
    - iv. The DC City Council has to approve the RFP. The District Department of Transportation (DDOT) is questioning the science behind the critiques of the LEDs with high Kelvin ratings. ANC's 4B and 5B passed resolutions opposing high-intensity LED streetlights. Councilmember Cheh is going to have an oversight hearing on this on March 30, 2017.
    - v. Committee members decided to wait until after the hearing, and to bring it up at the next monthly meeting, since attendance at this meeting was very low. [Update: the hearing was cancelled and rescheduled for May 3, 2017.]
- VI. The meeting adjourned at 8:00 pm.





## Committee Reports Economic Development and Zoning Committee



Report of the Economic Development and Zoning Committee (EDZ) of ANC 6A  
640 10th Street NE, Sherwood Recreation Center, Second (2<sup>nd</sup>) Floor  
March 15, 2017

Present:

Members: Missy Boyette,

Commissioners: Mike Soderman, Stephanie Zimny, Sondra Phillips-Gilbert, Calvin Ward  
Stephanie Zimny chaired the meeting.

### Community Comment

None.

### Status Reports

None.

### Old Business

#### **Kingman Park Historic District**

Commissioner Calvin Ward for the single member district (SMD) ANC 6A08 was in attendance.

Representatives from the Friends of Kingman Park Civic Association were not at the meeting. Mr. Ward explained that the affected area is two blocks of Kingman Park. He stated that he has been in touch with Friends of Kingman Park Civic Association members, but that they did not get feedback from affected citizens and therefore would not want to include the two blocks located in ANC6A in the historic district. Commissioner Stephanie Zimny stated that Brad Greenfield, Chair of EDZ, suggested sending a letter.

Ms. Zimny moved that ANC6A send a letter to the Friends of Kingman Park Civic Association stating that these two blocks do not want to be included, and that if these two blocks are included in the proposed historic district, the ANC will object. The motion was seconded and approved 5:0

#### **1603-1625 Benning Road (Case Number 16-22)**

Meredith Moldenhauer (Griffin, Murphy, Moldenhauer & Wiggins), Will Lansing (Valor Development), Phillippe (Valor), Jeff Goins (PGN Architects) and Marcel (PGN Architects) presented the project.

Ms. Moldenhauer stated that the applicant is requesting that ANC6A support the public unit development (PUD) and map amendment change. She described that the project site was part of a small area recommended for medium density in the 2008 Comprehensive Plan, and that they are requesting that this issue be addressed in the Comprehensive Plan update that is currently under development by the Office of Planning. She explained that the project has been modified to address community comments and revisions.

Jeff Goins presented the design updates. He explained that the building has been reduced to 257 units from the previously proposed 306 units, and from nine (9) stories down to seven (7) stories. There have been questions on how this would affect the community garden on the alley. Mr. Goins stated that this is still being considered. There will be three (3) retail bays at the ground level, with parking and loading off the rear yard access. The height of the project tiers range from fifty feet (50') to seventy feet (70'), with the taller portion on Benning Road NE. There will be eight (8) residential units in the building on Sixteenth (16<sup>th</sup>) Street, which is in the mixed-use (MU) zone. Mr. Goins explained that the rendering shows a penthouse on the roof, but the building may be constructed as a stick-built structure, in which



## Committee Reports

### Economic Development and Zoning Committee



case the penthouse would be eliminated. He stated that the rear wall of the proposed building is approximately 150 feet from the back walls of the houses along Gales Street. Mr. Goins presented 3-D rendering views of the project, comparing the previous nine (9) story scheme to the current seven (7) story scheme. He also explained that the project will provide 108 parking spaces, which is the same number that was previously proposed.

Commissioner Mike Soderman inquired as to whether these are apartments or condos. Mr. Lansing explained that these are apartment units, and that they will exceed the inclusionary zoning (IZ) requirements, with 26 units, or ten percent (10%) of the total, being IZ, and of these, sixty percent (60%) will be two (2) bedroom units and forty percent (40%) will be one (1)-bedroom units. Commissioner Soderman asked whether the IZ units would be identical to the non-IZ units, and Mr. Lansing responded that they will be identical. Ms. Zimny inquired as to the percentages of average income represented. Mrs. Moldenhauer replied that half will be at 80% and half will be at 50%, as originally proposed. Commissioner Sondra Phillips-Gilbert stated that she wants to be sure that the people who live in this community can stay.

Mr. Goins explained that the ground level of the building will be designed to activate the street, with smooth, larger-scale stone at the base, alternating with pre-cast concrete bands. The bay lifts up to the second (2<sup>nd</sup>) floor, and a large horizontal band marks the division between retail and residential. The materials will wrap all the way around the entire building. He stated that the windows at the rear may not have the same precast sill detail as the windows at the front.

Mr. Lansing explained that the building will seek LEED Gold certification, and that the team will discuss the amenities package at a later ANC6A presentation. Mr. Goins stated that the team has taken note of suggestions such as security cameras, construction safety and amenities that have been noted in community meetings.

Ms. Zimny asked that the applicant explain the 2008 Small Area Plan (SAP). Ms. Moldenhauer stated that the change proposed by the 2008 SAP never happened on the future land use plan, and that they are asking for it to be included in the updated Comprehensive Plan. She added that the SAP is called “Benning Road”-something, but sometimes it is referred to as Small Area. The Applicant is asking that ANC6A incorporate the recommendation for this site that was in the SAP into the Comprehensive Plan.

Ms. Phillips-Gilbert asked when the community would have the opportunity to share support and concerns about the project. Ms. Moldenhauer responded that the applicant will come back to the ANC once they have a hearing date to discuss affordable housing, etc. Mr. Soderman inquired how the proposed development would be affected if the recommendation does not go through. Ms. Moldenhauer stated that it would create challenges, since there would be inconsistencies between future land use map and SAP, such as a density discrepancy. Ms. Moldenhauer stated that they met with the Office of Planning (OP), and that OP was supportive.

Ms. Phillips-Gilbert asked if supporting the request would allow the applicant to build a nine (9)-story building. Mrs. Moldenhauer responded that this would not be the case. The request is just for this site and does not set a precedent for future development on other sites. Ms. Phillips-Gilbert stated that one of her constituents thought the building was going to be five (5) stories tall.

Community member Mr. Crockett stated that the presentation did not show the adjacent building on Benning Road NE, and that there have been no allowances made for 1627 Benning Road NE. He stated



## Committee Reports

### Economic Development and Zoning Committee



that he will have problems with his heating system and with carbon monoxide from the fireplace, and he is concerned about the proposed development cutting off natural light to his property. He stated that he is hoping to work something out with the developer, as they will be meeting next week. Mr. Goins stated that a shadow study shows small impact on the rear yards of Gales Street and that the building is meant to have its density focused along Benning Road. Mr. Lansing stated that he is addressing issues with Mr. Crockett.

Ms. Phillips-Gilbert asked for additional clarification and information regarding inconsistencies. Mrs. Moldenhauer stated that the discrepancy is moderate versus medium density, and that OP wants medium density on this site. She explained that SAPs are incorporated into the Comprehensive Plan, which is only updated every six (6) years.

Committee member Missy Boyette asked whether the proposed development site is all one property. Mrs. Moldenhauer replied that the site on Benning Road is two properties, plus the MU-zoned property along Sixteenth (16<sup>th</sup>) Street and the residential flat zone (RF-1) lot in the alley.

Ms. Phillips-Gilbert explained that some neighbors are concerned about parking and that she is concerned about saving green space. Ms. Zimny noted that this will be an ongoing discussion and that Mr. Greenfield had noted light and privacy for Gales Street as issues. Mr. Goins will do line-of-site diagrams. Ms. Moldenhauer stated that, under current MU-4 zone regulations, the building can be five (5) stories by-right. Mr. Soderman inquired whether the owners of the houses adjacent on Sixteenth (16<sup>th</sup>) Street have been contacted, and whether they are okay with light and air impacts. Phillippe stated that he and Mr. Lansing have tried to talk to the owners but have received no response. Ms. Moldenhauer explained that everyone within 200 feet has received notice 45 days in advance of filing the PUD, and the Applicant can send another letter via certified mail to the homeowners.

Ms. Zimny asked about issues of construction safety. Mr. Goins stated that the pile driving is allowed by a permit process that requires monitoring, and that they may not pile-drive, as they are only going down one (1) floor. Mr. Lansing added that they will discuss this between contractor and neighbors as the project nears construction. Ms. Phillips-Gilbert inquired about the large sewer that runs near the property. Mr. Goins responded that the line will be replaced if it is too old.

Ms. Phillips-Gilbert inquired as to whether the project will be keeping twenty-five (25) affordable units. Mr. Soderman noted that, as mentioned previously, they are providing twenty (26) affordable units. Phillippe clarified that the requirement is to provide eight percent (8%) and that they are providing ten percent (10%). Mr. Soderman stressed the importance of making sure that affordable units include one and two bedrooms, and that all types of affordability are represented. Mr. Lansing stated that DC is really cracking down on making sure that affordable units are being addressed.

Ms. Zimny made a motion that the ANC6A send a letter of support to the Office of Planning for medium density designation of 1603-1625 Benning Road in the Benning Road Corridor Redevelopment Framework Plan to be incorporated into the 2008 Comprehensive Plan update. The motion was seconded and approved 5:0.

Ms. Zimny made a motion that ANC6A send a letter of conditional support to the Office of Zoning for a land use designation change from the existing C-3-A to C-2-B and a map amendment change to develop the property at 1603-1625 Benning Road (Case Number 16-22), requiring the developers and architects to



## Committee Reports Economic Development and Zoning Committee



continue to update the ANC and work on the pending community benefits package. The motion was seconded and approved 5:0.

### New Business

None.

Next Scheduled ED&Z Committee Meeting:  
Wednesday, April 19, 2017  
7:00 -9:00 pm  
640 10th Street NE  
Sherwood Recreation Center, 2<sup>nd</sup> Floor



## Committee Reports Economic Development and Zoning Committee



April XX, 2017

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

Re: BZA Case No. 19460 (619 Elliot Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on April 13th, 2017,<sup>1</sup> our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the request for the owners of 619 Elliot Street, NE. Specifically, the applicant seeks a special exception under Subtitle E § 5201, from the lot occupancy requirements of Subtitle E § 304.1, to permit the construction of a third-story addition with roof deck to an existing one-family dwelling in the RF-1 Zone.

The design has taken measures to ensure that the addition is not visible from the street, and it will not disrupt the privacy, air and light of neighbors. The owner has proven that the special exception criteria have been met through submission of architectural elevations. The ANC believes that this development will not substantially visually intrude upon the character, scale, and pattern of houses in the neighborhood, provided that the design be modified to extend the brick treatment on the front to the sides of the house (approximately 10 feet) and increase the size of the deck railing on the front.

Please be advised that Brad Greenfield 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](mailto:philanc6a@gmail.com) and Mr. Greenfield can be contacted at [brad.greenfield@gmail.com](mailto:brad.greenfield@gmail.com).

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



## Committee Reports Economic Development and Zoning Committee



April XX, 2017

Mr. Anthony J. Hood  
Chairperson  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW  
Suite 210-S  
Washington, DC 20001

Re: ZC # 16-22 (1603-1625 Benning Road)

Dear Mr. Hood,

At a regularly scheduled and properly noticed meeting on April 13, 2017,<sup>1</sup> our Commission voted \_\_\_\_ (with 5 Commissioners required for a quorum) to support the change of the zoning for the parcels at square 4507, lots 941 – 942 and 936 (1603-1625 Benning Road NE) to medium density in the Benning Road Corridor Redevelopment Framework Plan to be incorporated into the 2008 Comprehensive Plan update. This change will incorporate the plans for this area that was in the small area plan, and bring it into the comprehensive plan. Changing the density for these lots will facilitate their development, and will be a benefit for the community and residents of H Street and Benning Road.

Please be advised that Brad Greenfield 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](mailto:philanc6a@gmail.com) and Mr. Greenfield can be contacted at [brad.greenfield@gmail.com](mailto:brad.greenfield@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



April XX, 2017

Mr. Anthony J. Hood  
Chairperson  
District of Columbia Zoning Commission  
441 4<sup>th</sup> Street, NW  
Suite 210-S  
Washington, DC 20001

Re: ZC # 16-22 (1603-1625 Benning Road)

Dear Mr. Hood:

At a regularly scheduled and properly noticed meeting on April 13, 2017,<sup>1</sup> our Commission voted \_\_\_\_ (with 5 Commissioners required for a quorum) to support a land use designation change from the existing C-3-A to C-2-B and a map amendment change to develop the property at 1603-1625 Benning Road NE), on the condition that the developers and architects to continue to update the ANC and work on the pending community benefits package. The pending benefits package shows commitment to the community and will provide general goods that are in keeping with the PUD process. It is the view of ANC 6A that this development serves the public interest, and will help revitalize and develop this area of Benning Road and H Street NE.

Please be advised that Brad Greenfield 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. Greenfield can be contacted at brad.greenfield@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



April XX, 2017

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

Re: HLA # 16-19 (Kingman Park Historic District)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting on April 13, 2017<sup>1</sup>, our Commission voted \_\_\_\_ (with 5 Commissioners required for a quorum) to oppose the establishment of the Kingman Park Historic District, as it is currently bound in an application in front of the HPRB. The limited communication and outreach that has currently been conducted, and the lack of general transparency in the process, have led to our opposition. It is important to note that ANC 6A only has approximately two block in an extremely large historic district. However, residents of this area feel that they do not know enough about the advantages and disadvantages of historic designation, and would prefer to be left out of any proposed historic district at this time.

Please be advised that Brad Greenfield 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](mailto:philanc6a@gmail.com) and Mr. Greenfield can be contacted at [brad.greenfield@gmail.com](mailto:brad.greenfield@gmail.com).

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## New Business

