



**District of Columbia Government  
Advisory Neighborhood Commission 6A  
Agenda for September 13, 2018**



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**  
Metropolitan Police Department First District Sector 2 Captain John Knutsen  
Joe Weedon, Ward 6 State Board of Education Member  
Naomi Klein, DDOT Ward 6 Community Engagement
- 7:30 pm **Officer Reports pg. 19**  
1. Approve Treasurer's Report  
2. Approve FY 18 Third (3<sup>rd</sup>) Quarter Financial Report  
3. Approve final FY 17 Third (3<sup>rd</sup>) and Fourth (4<sup>th</sup>) Quarter Financial Report
- 7:40 pm **Standing Committee Reports:  
Community Outreach pg. 22**  
1. No report. Committee did not meet in July and August 2018.  
2. Next meeting - 7:00 pm, September 24, 2018 (4<sup>th</sup> Monday)
- 7:41 pm **Alcohol Beverage Licensing pg. 23**  
1. Approve August 2018 committee report.  
2. **Recommendation:** ANC6A accept a new Settlement Agreement for Duffy's Irish Pub and agree to a stipulated endorsement allowing Duffy's to operate under its new agreed-upon hours during the placard period  
3. **Recommendation:** ANC6A write a letter to ABRA to protest the request for a new CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893) unless a signed settlement agreement is submitted before the protest petition date.  
4. **Recommendation:** ANC6A write a letter to ABRA to protest the request for a new CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889) unless a signed settlement agreement is submitted before the protest petition date.  
5. Next meeting - 7:00 pm, September 18, 2018 (3<sup>rd</sup> Tuesday)
- 8:05 pm **Transportation and Public Space pg. 36**  
1. Approve August 2018 committee report.  
2. **Recommendation:** ANC 6A send a letter to DDOT's Public Space Committee asserting that ANCs should have sixty (60) days from the date of notice to provide comment on the small cell guidelines proposal.  
3. **Recommendation:** ANC 6A send letter of support to DDOT endorsing safety improvements at Eighth (8<sup>th</sup>) Street NE and D Street NE and reiterating the need to convert the intersection to a four (4) way stop.  
4. Next meeting - 7:00 pm, September 17, 2018 (3<sup>rd</sup> Monday)



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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

**8:20 pm Economic Development and Zoning pg. 48**

1. No report. Committee did not meet in July and August 2018.

Old Business

2. **Suggested Motion:** ANC6A send a revised letter of support to BZA for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4 which adds special exception relief on Subtitle Section 1502.1(b) and (c) to the ANC approval letter, to construct a rear roof deck and access stairwell at 1318 Constitution Avenue NE (BZA Case #19802) in the RF-1 Zone.
3. Next meeting - 7:00 pm, September 19, 2018 (3rd Wednesday)

**8:25 pm New Business**

**8:30 pm Single Member District reports (1 minute each)**

**8:40 pm Community Comments (2 minutes each)**

**8:50 pm Adjourn**



## Advisory Neighborhood Commission 6A Meeting Minutes of July 12, 2018



### Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School July 12, 2018

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

The meeting convened at 7:05 pm.

Chairman Phil Toomajian called the roll and announced the presence of a quorum. The minutes for the ANC June 2018 meeting were accepted, and the agenda for the July 2018 meeting was accepted without changes or objection.

#### **Community Presentations**

##### Captain Duncan Bedlion, Metropolitan Police Department, Fifth District

Captain Bedlion provided information regarding a shooting outside the Rosedale Community Center. It is believed to be an isolated incident. He went on to speak about the Summer Crime Initiative, a program that uses crime data in previous years to strategically place officers in historically high-crime areas to mitigate instances of violent crime, seize illegal firearms, and punish repeat offenders. He announced that under this initiative, 299 arrests have been made and there has been a 150% increase in guns seized, in comparison with last year. Captain Bedlion stated that citizens may anonymously text crime tips to MPD to 50411, or individuals may call the Command Information Center at 202-727-9099.

##### Oni Hinton and Meg Davis, Facility Planning and Design, District of Columbia Public Schools (DCPS) - Eliot-Hine Middle School Modernization

Ms. Hinton and Ms. Davis provided updates on the Eliot-Hine Middle School Modernization. Ms. Hinton announced changes to the site design, notably on the C Street NE side, and distributed renderings of the changes. Ms. Davis announced that their goal is to complete abatement and demolition by the end of summer to mitigate noise and the level of hazardous materials as the school year begins. As such, they have received approval for additional work hours for the contractor, who will be on site seven (7) days a week, with extended hours on Mondays through Fridays. During demolition activities, access to the Maury Street Village on C Street NE will be closed, but will reopen as school begins. In response to concerns about lead seepage, Ms. Davis stated that an industrial hygienist will be on site, and lead testing will be complete before students return to school. The results will be shared with the public. The modernization is slated to be complete by August 2020.

##### Sarah Fashbaugh, Community Resource Officer, Alcoholic Beverage Regulation Administration (ABRA) - 2019 License Renewal Process

Ms. Fashbaugh stated that ABRA's main purpose is to issue licenses that allow business to sell alcohol, and went into greater detail about the complaint process, and the upcoming 2019 license renewal season for on-premise establishments (any business that sells alcohol on-site, e.g., bars, restaurants, hotel, etc). Any enforcement issues or complaints involving licensees, such as noise, operating outside of board-approved hours, trash, etc., can be reported to ABRA's hotline at 202-329-6437, which is open until 4:00 am. ABRA has three (3) teams of investigators. A few thousand establishments will go through the license renewal process in 2019, many of which are located within ANC 6A. Ms. Fashbaugh emphasized the importance of contacting the ANC with any concerns or to protest the renewal of any establishment. Any resident may request the investigative history of any of its licensees, without filing a Freedom of



## Advisory Neighborhood Commission 6A Meeting Minutes of July 12, 2018



Information Act (FOIA) request. Ms. Fashbaugh confirmed that she had received complaints about the roof deck of Dirty Water at 816 H Street NE. She described, in general, what steps her office takes after a complaint is received. She stated that she periodically holds free information sessions about ABRA on the fourth (4<sup>th</sup>) floor of the Reeves Center. The next session is Thursday, September 20, from 6:30- 8:30 pm.

### Jessica Sutter, Candidate for State Board of Education

Ms. Sutter introduced herself as a candidate for the Ward 6 seat of the State Board of Education. She is a former middle school teacher who has most recently worked as a consultant in education policy. She is focused on the quality and equity of funding for schools and that residents have meaningful choices in education.

### **Officer Reports**

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

Commissioner Stephanie Zimny presented the Treasurer's Report for June 2018. There were disbursements of \$753.50, \$450.00 (check #1840) for webmaster services, \$103.50 (check #1841) for FedEx printing, and \$200.00 (check #1842) for notetaking services, leaving a balance of \$7,055.38. There is a balance of \$13,793.79 in the savings account. The June 2018 report was approved by unanimous consent.

Commissioner Zimny also presented the FY 2018 second (2<sup>nd</sup>) Quarterly Report. The total funds available during the quarter amounted to \$11,843.73, the total disbursements amounted to \$2,367.00, and the ending balance was \$9,476.73. The FY18 Second Quarter Report was accepted by unanimous consent.

### **Committee Reports**

#### **Community Outreach Committee (COC)**

The June 2018 report was accepted by unanimous consent.

The COC will not meet in July or August 2018.

Next meeting - 7:00 pm, September 24, 2018

#### **Alcohol Beverage Licensing (ABL)**

The June 2018 report was accepted by unanimous consent.

**Motion:** The Committee moved and Commissioner Mike Soderman seconded the motion to send a letter to ABRA to protest the license transfer of Touché (1123 H Street NE) to Smokin' Pig (1208 H Street NE) unless a settlement agreement amendment is agreed to that states that the kitchen may cease serving food no earlier than one (1) hour before closing time. The motion passed 7-0.

Next meeting - 7:00 pm, July 17, 2018

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

The June 2018 report was accepted by unanimous consent.

1. The Committee moved and Commissioner Calvin Ward seconded the motion to send a letter to DDOT Public Space Committee for the public space application by Eliot-Hine Middle School (1800 Constitution Avenue NE) for installation of a staircase and ADA ramp on the C Street side of the school. The motion passed 7-0.



## Advisory Neighborhood Commission 6A Meeting Minutes of July 12, 2018



2. The Committee moved and Commissioner Soderman seconded the motion to send a letter of support to DDOT Public Space Committee for the sidewalk café application by DC Diner (802 13th Street NE), conditioned on the applicant's agreement to the following:
  1. The applicant only operated the sidewalk café space from 10:00 am to 7:00 pm;
  2. The applicant will take reasonable efforts to contain noise within the sidewalk café space including, but not limited to, using any sidewalk café removable structures it may now or in the future install (e.g., a sidewalk café canopy, roll down plastic windows, etc.) and any other reasonable means to contain noise, but only to the extent allowable by applicable District laws and regulations;
  3. The applicant will only use the sidewalk café space for food and drink service, and not for any playing of music, amplified or otherwise, or for any other use, including live performances;
  4. If the applicant installs fencing around the the sidewalk café area, it shall be consistent with DDOT specifications and the fencing enclosing other sidewalk cafés within ANC6A, which shall include fencing or bars designed to keep trash contained within the sidewalk café area (preferably by minimizing any gaps at the bottom of the fencing);
  5. The applicant will use easily moveable chairs and tables that shall be moved to the side and locked up when not in use;
  6. The applicant will ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself; and
  7. The applicant will regularly maintain the adjacent tree boxes and keep all areas in front of the business and within the sidewalk café area clean, including the adjacent sidewalk and street gutter.

The motion passed 7-0.

The Committee will not meet in July 2018.

Next meeting - 7:00 pm, August 21, 2018

### **Economic Development and Zoning (EDZ)**

The June 2018 report was accepted by unanimous consent.

1. The Committee moved and Chairman Toomajian seconded the motion to send a letter of support to the Board of Zoning Adjustment (BZA) for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot in the R-F Zone at 518 9th Street NE and 816 E Street NE (BZA Case #19799). The motion passed 7-0.
2. The Committee moved and Commissioner Soderman seconded the motion to send a letter of support to BZA and HPRB for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a third-story rear addition to an existing principal dwelling unit at 1016 Massachusetts Avenue NE (BZA Case #19786 & HPA #18-436) on the condition that the applicant makes their best effort to get letters of support from the neighbors. The motion passed 7-0.
3. The Committee moved and Commissioner Soderman seconded the motion to send a letter of support to BZA for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements



## Advisory Neighborhood Commission 6A Meeting Minutes of July 12, 2018



of Subtitle E § 205.4, to construct a rear roof deck and access stairwell at 1318 Constitution Avenue NE (BZA Case #19802) in the RF-1 Zone. The motion passed 7-0.

4. The Committee moved and Chairman Toomajian seconded the motion to send letters of support to BZA and HPRB to for a special exception to the alley setback requirements of Subtitle E § 5000.3 to expand the garage by adding an additional level at 325 10th Street NE (HPA 18-509) on condition that the applicant makes their best effort to get letters of support from the neighbors. The motion passed 7-0.
5. The Committee moved and Commissioner Soderman seconded the motion to send a letter of support to HPRB for a request to construct a rear addition to an existing nonconforming structure at 121 Tennessee Avenue in the Capitol Hill Historic District on the condition that the owners continue to make their best efforts to meet with the neighbors and get their support.

The applicant and owner of the property, Patrick McGeehan, was in attendance, along with the architect for the project, and a neighbor who opposed the project. All had been before the ANC previously. After some discussion, the motion passed 4-1 with 2 Commissioners abstaining from the vote.

Next meeting - 7:00 pm, July 18, 2018.

### **New Business**

A letter of support from ANC6A had been requested for extended hours for the Eliot-Hine Middle School Modernization. This request is now moot because the permit has already been granted.

### **Single Member District Reports**

Commissioner Calvin Ward (6A08) stated that there have been issues with fireworks late at night and early in the morning and asked that community members call 911. He will also be working on a traffic calming petition for the 300 block of Nineteenth (19th) Street NE.

Commissioner Stephanie Zimny (6A06) announced that a notice of intent was issued to put a stop sign on the northbound part of Tennessee Avenue and F Street NE and that comments can be made on the DDOT website until August 24. She also announced that DDOT has submitted a work order for the median at Florida Avenue NE and Fourteenth (14<sup>th</sup>) Street NE due to a number of near misses reported at that intersection. Ms. Zimny stated that she will have an update on the outcome of the walkthrough of Linden Court by the next meeting, and she suspects that additional stop signs or greater police presence when trucks are making deliveries in the area are possibilities.

Commissioner Marie-Claire Brown (6A01) reported that a triple transformer blew out on G Street NE between Eleventh (11<sup>th</sup>) and Twelfth (12<sup>th</sup>) Street, resulting in power outages for residents and some businesses, and it was subsequently resolved swiftly within a day and a half. Ms. Brown raised concerns about the intersection of Tenth (10<sup>th</sup>) and G Street NE, particularly with neither motorists or cyclists stopping, resulting in near misses.

Chairman Phil Toomajian (6A02), in response to Commissioner Brown's concerns regarding the intersection at Tenth (10<sup>th</sup>) and G Street NE, stated that DDOT is studying the area and considering the possibility of a raised crosswalk, and that he also requested the stop sign be moved from the middle of the crosswalk to be more effective. Mr. Toomajian expressed satisfaction at the progress regarding the



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hearing for Bruce Robey Way. He also announced that DDOT may have resumed issuing red “Resident Only” parking signs and that he is working to confirm and assist residents in obtaining them.

Commissioner Sondra Philips-Gilbert (6A07) announced that she is currently working on a community forum to address issues occurring in Rosedale and how to bring together the community to find solutions and support the Rosedale Community Center and create programs to support children.

Commissioner Patrick Malone (6A05) announced that additional lifeguards have been added at community pools district-wide, including at Rosedale. This has resulted in a lot of crowding and wait times, so he suggested being cognizant of this as community members plan their visits.

Commissioner Mike Soderman (6A03) reported an uptick in bike thefts. He also has noticed an increase in rat sightings and emphasized the ease of reporting rat sightings to 311 and relatively quick response times.

### **Community Comments**

David Krucoff presented for a non-profit organization of which he is executive director and founder, that advocates for retrocession of Washington, D.C. to Maryland, as “Douglass County,” named after Frederick Douglass, as a means for D.C. residents to become enfranchised.

Roni Hollman announced that she is now Secretary of Eastern High School’s Parent Teacher Organization (PTO). She continues to address the problem of broken musical instruments at the school and is pursuing a grant from the Capitol Hill Foundation that is offered only once a year.

Keri Francis introduced herself as a new member of the community. She teaches art for the DCPS and the Department of Corrections (DOC) and has created a non-profit to reach out to at-risk youth through art.

Two individuals from The Langston Initiative described their goals in revitalizing the public golf courses, at first concentrating on Langston Golf Course, as hubs for community recreation and programming and increasing engagement between the adjacent communities and these golf courses.

A community member expressed concerns about the developments surrounding RFK Stadium and the general changes in neighborhoods and inquired about how the ANCs can work together to bring issues to the forefront, and better ways to advertise/communicate what developments fall under which ANC so concerned residents can have their issues heard.

The meeting adjourned at 8:55 pm.



# Advisory Neighborhood Commission 6A Community Presentations





## Commission Letters of July 12, 2018 Meeting



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



July 13, 2018

Mr. Matthew Marcou  
Associate Director for Public Space Regulation  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Sidewalk café public space application for DC Diner, 802 13<sup>th</sup> Street NE.

Dear Associate Director Marcou:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on July 12, 2018, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to express our conditional support for the above-referenced sidewalk café application.

The motion our ANC passed supporting the DC Diner public space application related to a sidewalk cafe at 802 13<sup>th</sup> Street NE is conditioned on the applicant's agreement to adhere to all requirements imposed by the DDOT Public Space Committee and the following additional requirements:

1. The applicant only operates the sidewalk café space from 10:00 am to 7:00 pm;
2. The applicant will take reasonable efforts to contain noise within the sidewalk café space including, but not limited to, using any sidewalk café removable structures it may now or in the future install (e.g., a sidewalk cafe canopy, roll down plastic windows, etc.) and any other reasonable means to contain noise, but only to the extent allowable by applicable District laws and regulations;
3. The applicant will only use the sidewalk café space for food and drink service, and not for any playing of music, amplified or otherwise, or for any other use, including live performances;
4. If the applicant installs fencing around the sidewalk café area, it shall be consistent with DDOT specifications and the fencing enclosing other sidewalk cafes within our ANC, which shall include fencing or bars designed to keep trash contained within the sidewalk café area (preferably by minimizing any gaps at the bottom of the fencing);
5. The applicant will use easily moveable chairs and tables that shall be moved to the side and locked up when not in use;
6. The applicant will ensure no trash container of any sort will be stored anywhere on public space, including on the sidewalk café itself; and

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc6a@yahoogroups.com](mailto:anc6a@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 July 12, 2018 Meeting



7. The applicant will regularly maintain the adjacent tree boxes and keep all areas in front of the business and within the sidewalk café area clean, including the adjacent sidewalk and street gutter.

These conditions have been negotiated with and agreed to by representatives of ANC 6A and the applicant.

Thank you for giving great weight to our Commission's feedback on this public space proposal for a sidewalk café seating area. We respectfully request that you include the attached conditions with any approved public space application for this applicant. Should you wish to discuss this letter with the Commission, please feel free to reach out to me at [philanc6a@gmail.com](mailto:philanc6a@gmail.com).

On behalf of the Commission,

A handwritten signature in blue ink that reads "Phil Toomajian".

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A



# Commission Letters of July 12, 2018 Meeting



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



July 13, 2018

Mr. Matthew Marcou  
Associate Director for Public Space Regulation  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Public space application for Eliot-Hine Middle School, 1830 Constitution Ave, NE.

Dear Associate Director Marcou and Public Space Committee Members,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on July 12, 2018, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to express our support for the above-referenced application. While we understand a hearing was already held before our Commission had a chance to meet, we hope you will give our support great weight as you consider this application.

As you know, the school is seeking this application in order to install a staircase and ADA-ramp on the C Street side of the school. The ADA ramp, in particular, is a much-needed feature to allow fully inclusive access by the community to the playground and school grounds. The application has the support of those in our community as well as the school's local commissioner.

Thank you for providing great weight to the views of the Commission.

On behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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# Commission Letters of July 12, 2018 Meeting



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



July 13, 2018

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. 19836 (325 Tenth (10<sup>th</sup>) Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on July 13, 2018<sup>1</sup>, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E § 5007.1 and Subtitle E § 5201 from the alley centerline setback requirements of Subtitle E § 5000.3, to replace an existing one-story accessory garage structure with a new two-story accessory garage structure at 325 Tenth (10<sup>th</sup>) Street NE in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood 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 and showings of community support. 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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# Commission Letters of July 12, 2018 Meeting



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



July 13, 2018

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

Re: HPA 18-509 (325 10th St NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on July 12, 2018,<sup>1</sup> our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the design of the proposed replacement of an existing one-story accessory garage structure with a new two-story accessory garage structure in the Capitol Hill Historic District at 325 Tenth (10<sup>th</sup>) Street, 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. By the same vote, the Commission unanimously agreed to support the proposed razing of the existing garage on site to allow for the construction of the proposed more historically appropriate garage structure.

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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District of Columbia Government  
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Box 75115  
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July 13, 2018

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

Re: HPA-18-430 (121 Tennessee Avenue, NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on July 12, 2018,<sup>1</sup> our Commission voted 4-1 (with 5 Commissioners required for a quorum to support the design of the proposed construction of a rear addition to an existing nonconforming structure in the Capitol Hill Historic District at 121 Tennessee Avenue, NE. The design has taken measures to ensure that the addition is not visible from the street, and the Commission believes that it will not disrupt the historic character of the neighborhood.

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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# Commission Letters of July 12, 2018 Meeting



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Box 75115  
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July 13, 2018

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. 19802 (1318 Constitution Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on July 13, 2018<sup>1</sup>, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4, to construct a rear roof deck and access stairwell at in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood 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 and showings of community support. 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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July 13, 2018

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. 19799 (518 9<sup>th</sup> Street, NE and 816 E Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on July 13, 2018<sup>1</sup>, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 305.1 from the subdivision regulations of Subtitle C § 302.2, to permit two existing primary buildings on a single record lot at 518 Ninth (9<sup>th</sup>) Street, NE & 816 E Street, NE in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood 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 and a shade study. 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

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc6a@yahoogroups.com](mailto:anc6a@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 July 12, 2018 Meeting



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



July 13, 2018

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. 19786 (1016 Massachusetts Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on July 13, 2018<sup>1</sup>, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for special exceptions under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1, and from the nonconforming structure requirements of Subtitle C § 202.2, to construct a third-story rear addition to an existing principal dwelling unit at 1016 Massachusetts Avenue, NE in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood 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 and a shade study. 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

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc6a@yahoogroups.com](mailto:anc6a@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 July 12, 2018 Meeting



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



July 13, 2018

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

Re: HPA 18-436 (1016 Mass Ave NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on July 12, 2018,<sup>1</sup> our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the design of the proposed construction of a third-story rear addition to an existing principal dwelling at 1016 Massachusetts 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.

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), [anc6a@yahoogroups.com](mailto:anc6a@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.



# Officer Reports - Treasurer



## ANC 6A Treasurer's Report August 2018

Period Covered 8/1/2018-8/30/2018

### Checking Account:

					7,055.38
Total Funds Available					7,055.38
Disbursements:					
Irene Dworakowski (Agenda/Web Master 2018)	CK#1843	\$	700.00		
FedEx	CK#1844	\$	176.50		
Note Taking	CK#1845	\$	200.00		
Total Disbursements		\$	1,076.50		
Ending Balance		\$	5,978.88		

### Savings Account:

Balance Forwarded		\$	13,793.78		
Receipt: Interest	08/13/18	\$	0.22		
Deposit -					
Total Receipts		\$	0.22		
Total Funds Available		\$	13,794.00		
Disbursements		\$	-		
Ending Balance		\$	13,794.00		

### PETTY CASH SUMMARY

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



## ANC 6A Quarterly Financial Report FY18 Q3

<b>Balance Forward (Checking)</b>		\$7,926.73
<b>Receipts</b>		
District Allotment	\$0.00	
Interest	\$0.00	
Other	\$0.00	
Transfer from Savings	\$0.00	
<b>Total Receipts</b>		\$0.00
<b>Total Funds Available During Quarter</b>		\$7,926.73
<b>Disbursements</b>		
1. Personnel	\$0.00	
2. Direct Office Cost	\$0.00	
3. Communication	\$0.00	
4. Office Supplies, Equipment, Printing	\$403.00	
5. Grants	\$966.50	
6. Local Transportation	\$0.00	
7. Purchase of Service	\$1,950.00	
8. Bank Charges	\$0.00	
9. Other	\$531.00	
<b>Total Disbursements</b>		\$3,850.50
<b>Ending Balances: Checking</b>		\$4,076.23

Approval Date by Commission: \_\_\_\_\_

Treasurer: \_\_\_\_\_

Chairperson: \_\_\_\_\_

Secretary Certification: \_\_\_\_\_ Date: \_\_\_\_\_

*I hereby certify that the above noted quarterly financial report has been approved by a majority of Commissioners during a public meeting when there existed a quorum.*



# Officer Reports - Treasurer



# Officer Reports - Treasurer



## Quarterly Report - ANC 6A, 2017 Q3

Balance Forward		\$10,415.57
<hr/>		
Receipts		
District Allotment	\$0.00	
Interest	\$0.00	
Other	\$0.00	
Transfer From Savings	\$0.00	
Total Receipts	\$0.00	
Total Funds Available		\$10,415.57
<hr/>		
Disbursements		
1. Personnel	\$0.00	
2. Direct Office Cost	\$0.00	
3. Communication	\$0.00	
4. Office Supplies, Equipment, Printing	\$288.50	
5. Grants	\$1,520.24	
6. Local Transportation	\$0.00	
7. Purchase of Service	\$1,950.00	
8. Bank Charges, Transfers and Petty Cash	\$0.00	
9. Other	\$0.00	

plus ck #1793 \$150 (Stephon Koyoy)

Increase disbursements by \$150.

Total Disbursements  
Ending Balance

\$3,758.74 → \$3,908.74  
\$6,656.83 →

Approval Date By Commission: September 14, 2017

Treasurer: *[Signature]*

Chairperson: *[Signature]*

Date: September 22, 2017

\$6,506.83  
Reduce ending balance by \$150

I hereby certify that the above noted quarterly financial report has been approved by a majority of Commissioners during a public meeting in which there existed a quorum.



**Committee Reports**  
Community Outreach Committee (COC)



No report. Committee did not meet in July and August 2018.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### Minutes

#### Alcoholic Beverage Licensing (ABL) Committee

#### Advisory Neighborhood Commission (ANC) 6A

#### August 21, 2018

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 August 21, 2018 at Sherwood Recreation Center, 640 Tenth (10<sup>th</sup>) Street NE, Washington, DC 20002.

**Committee Members Present:** Jay Williams (Co-Chair), Justin Rzepka, Roger Caruth, and Michael Herman.

**Committee Members Absent:** Christopher Seagle (Co-Chair) and Mark Samburg.

**Commissioners Present:** Mike Soderman.

**Community Members Present:** Sidon Yohannes (Kitsuen), Wayne Johnson (Kitsuen), Anthony Perry (Kitsuen), Sandra Basanti (Dangerously Delicious Pies), Casey Callister (Duffy’s Irish Pub).

#### I. Call to Order

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

#### II. Community Comment

Ms. Basanti spoke to the Committee on behalf of several establishments on H Street to raise concerns about a neighbor who they believe is being particularly aggressive in complaining about noise and other similar issues. Ms. Basanti stated that many of these establishments have female managers, and they feel threatened by this person’s actions. Ms. Basanti stated that the establishments were concerned that these issues would only increase as new locations opened up, and others worked to have more outdoor seating. Mr. Williams acknowledged the concerns and stated that he sees the Committee’s role as representing the residents of ANC 6A, but that there needed to be some reasonableness to the issues raised by neighbors, and it was his job (and the Committee’s) to determine what stances were reasonable and what were not. He noted that he was aware of some of the concerns regarding this individual and that he was attempting to mediate between the individual and the businesses. He also noted that if managers (or other employees) felt threatened, they should call the police if necessary.

#### III. Old Business

None.

#### IV. New Business

##### A. Discussion of request for new class CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889).

- Mr. Williams noted that he had reached out to the representatives of the establishment but had not heard from them yet. He said he hoped that he would hear from them soon and that a standard settlement agreement could be worked out.

Mr. Williams moved/seconded by Mr. Herman, to recommend that the ANC protest the request for a new CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889) unless a signed settlement agreement is submitted



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



before the protest petition date. The motion passed 5-0 (with Commissioner Soderman voting).

#### **B. Discussion of request for new class CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893).**

- Ms. Yohannes introduced herself as counsel for Kitsuen and introduced Mr. Perry and Mr. Johnson, co-owners of the establishment. Messrs. Perry and Johnson are currently minority partners in a nightclub in Northwest, St. Yves. This is their first venture into a food and beverage establishment.
- The concept for Kitsuen is a high-end ramen shop that also serves craft cocktails. The menu will be streamlined, with a small number of items—likely four different bowls with add-ons and steamed buns.
- There are plans for a summer garden; there will be shrubbery and other items around the perimeter to create a buffer, and there will be no noise or music outside. Management will ensure that conversational noise is kept to a reasonable level.
- Mr. Caruth suggested that management develop a trash collection plan as soon as possible, because that is a typical sticking point with neighbors close by. He also suggested the owners consider brick or concrete for the summer garden enclosure. Mr. Johnson stated that the summer garden will have a concrete barrier approximately four feet high, plus the plants discussed previously.
- Mr. Williams explained the typical settlement agreement process and asked if Kitsuen was willing to negotiate a settlement agreement. Ms. Yohannes stated that Kitsuen was willing to discuss an agreement that reflects specific neighborhood concerns.
- Commissioner Soderman noted that there was more of a buffer between Kitsuen and residences—more than establishments further west on H Street. He also stated that he was encouraged by their efforts regarding noise mitigation.
- Mr. Caruth noted that there were other establishments nearby with outdoor spaces, and he was encouraged that they were addressing mitigation right off the bat. He said he felt that noise likely wouldn't be a problem here.
- Mr. Rzepka asked how late Kitsuen would serve food. Mr. Johnson stated they would serve food until 11:00 pm but may do until midnight on weekends. He stated that they were trying to keep a certain vibe with craft cocktails and mixologists, and that there would not be a bar outside.
- Mr. Williams asked when they intended to open. The plan is for Kitsuen to open in two months and two weeks.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC protest the request for a new CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893) unless a signed settlement agreement is submitted before the protest petition date. The motion passed 5-0 (with Commissioner Soderman voting).

#### **C. Discussion of license transfer from Liberty Tree to Duffy's Irish Pub at 1016 H Street NE.**

- Mr. Callister introduced himself as the owner of Duffy's.
- Duffy's has been a part of the U Street NW area for twelve years. The building they are in is being redeveloped, so they negotiated an early termination of their lease and took the opportunity to move to the H Street area. Mr. Callister hopes to return to U Street in the future but keep the H Street location as well.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- Duffy's intends to operate similar to how Liberty Tree did previously, serving wings, pizza, and similar foods. Mr. Callister intends to initially adhere to the existing settlement agreement but was hoping to update the agreement to bring it more in line with recent agreements.
- Mr. Caruth asked if the dumpster there was located in the outdoor seating area. Mr. Callister stated that there is a space between the sidewalk and the patio, and he is working to redo the fence to make collection seamless. The trash bins will not be visible. Trash collection will be daily. He also plans to add street access to the patio so that dogs can be allowed on it.
- The patio is all seated patrons and is limited by its occupancy level. Food and drinks will be served. Mr. Callister would like to be able to occasionally wheel out televisions for football games and other sporting events; while possible to do without sound, he is hoping for an allowance in the agreement to allow for sound at certain times.
- Commissioner Soderman noted that this location is closer to residences than Kitsuen. Mr. Callister responded that there is already a solid buffer/enclosure that was built as part of the existing settlement agreement.
- Mr. Caruth stated that he believed the summer garden was structurally unique and did contain a significant noise buffer. He stated that he did have some concerns about how close to residences it is, but that there does seem to be sufficient noise mitigation.
- Mr. Williams asked about Mr. Callister's request for an 11:30 pm (weeknight) and 12:30a m (weekend) closing time for the summer garden. Mr. Callister stated he wanted to ensure there was sufficient time to clear the patio starting at the top of the hour. Mr. Callister also noted that the current patio at the U Street area has residences on both sides, so he has experience in mitigating noise.

Mr. Williams moved/seconded by Commissioner Soderman, to recommend that the ANC accept a new Settlement Agreement for Duffy's Irish Pub and agree to a stipulated endorsement allowing Duffy's to operate under its new agreed-upon hours during the placard period. The motion passed 5-0 (with Commissioner Soderman voting).

#### V. Adjourn

The Committee adjourned at 7:55 pm.



# Committee Reports Alcohol Beverage and Licensing (ABL)



Made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by and between

**DC Culinary Academy, LLC t/a The Outsider (ABRA # 110889)**  
1357-1359 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 The Outsider ANC6A

Page 1 of 4



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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 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.
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 or as required by District law.
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.

Settlement Agreement between The Outsider ANC6A

Page 3 of 4



# Committee Reports Alcohol Beverage and Licensing (ABL)



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.

**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 13th day of September, 2018

by and between

**Kitsuen, LLC t/a Kitsuen**  
1362 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.

### 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 take reasonable steps to 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 taking reasonable measures to:
  - a. Pick up trash, including beverage bottles and cans, and all other trash.
  - b. Maintain 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. Deposit 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. Exercise 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. Assist 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.

Settlement Agreement between Kitsuen and ANC6A

Page 1 of 3



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### 2. Business Operations and Practices.

- a. Applicant will not provide or sell alcoholic beverages “to go,” except for corked wine bottles or as otherwise permitted by DC law.
- b. 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.
- c. Applicant, and all members of management hired to assist in managing the establishment, shall attend and complete an alcoholic beverage server training course/seminar within 30 days of employment by Applicant.
- d. 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; and
  - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
- e. Upon request of the Board, Applicant’s incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant’s license.
- f. 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.
- g. If Applicant offers valet services, 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 take reasonable steps 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, unless approved by the Board and the ANC in advance (e.g., for special events);
  - ii. A fence or other barrier will enclose the entire perimeter;
  - iii. One sign 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, shrubbery, or other types of noise mitigation techniques will be incorporated into the decor.
- 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” shall have the same definition as that found in DC law and DC’s alcoholic beverage regulations.



# Committee Reports Alcohol Beverage and Licensing (ABL)



4. **Cooperation with ANC 6A.** Applicant agrees to take reasonable steps 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 (or Co-Chairs) 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 § 25-446.
6. **Miscellaneous.**
  - a. 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.

### 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 13th day of September, 2018

by and between

**Duffy's Irish Pub**  
1016 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



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- 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 a sidewalk café or summer garden the following steps will be taken:
    - i. Applicant shall provide summer garden seating for no more than 36 patrons;
    - ii. Applicant shall not offer any type of entertainment on the summer garden and/or sidewalk café;
    - iii. Applicant shall not offer any type of pre-recorded music or other amplified sounds on the summer garden and/or sidewalk café after 9:00 pm. Prior to 9:00 pm, Applicant may produce sound from television sets or background music from speakers.
    - iv. A fence or other barrier will enclose the entire perimeter;
    - v. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
    - vi. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - vii. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a summer garden are limited until 11:30 pm Sunday through Thursday evenings and 12:30 am on Friday and Saturday evenings and the evenings before federal or District of Columbia holidays. The sale and consumption of alcoholic beverages must end a half hour prior to the summer garden closing time and the patio must be cleared of all patrons and staff by the times listed herein.
  - 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.
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(s) 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 or as required by District law.



# Committee Reports Alcohol Beverage and Licensing (ABL)



**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.

**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 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

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



#### AGENDA

ANC 6A Transportation & Public Space Committee Meeting

Capitol Hill Towers, 900 G Street NE

August 27, 2018 at 7:00 pm

- I. Called meeting to order at 7:08 p.m.
- II. Introductions (5 minutes)
  - A. Committee members in attendance: Chair Todd Sloves, Elizabeth Nelson, Marc Brumer, Jeff Fletcher, Andrea Adelman, Caitlin Rogger.
  - B. Commissioners in attendance: Mike Soderman (6A03)
- III. Announcements - none.
- IV. Community Comment (5 minutes) - none.
- V. New Business
  - A. DDOT Public Space Committee permitting for small cell wireless internet infrastructure - 20 minutes
    - i. Chair Todd Sloves provided a brief explanation of the issue and what small cells are. He explained that DDOT reached out on Friday to invite ANCs to a stakeholder meeting on September 6, 2018 at the Old Council Chambers to provide an overview of the process.
    - ii. Ms. Elizabeth Nelson clarified that DDOT would not themselves install the cells, but just permit private companies to do so in public space. She said in-person comments will be accepted at the DDOT Public Space Committee's public hearing on October 15<sup>th</sup>, but written comments must be provided by October 5, 2018.
    - iii. Commissioner Mike Soderman provided some background information on how the technology works because he works on projects in other cities rolling out small cell networks. He clarified that he has no contractual ties to the process in DC and is not involved in it through his employment in DC in any way. He explained that it is important to ensure that the encasing of the small cell unit be aesthetically pleasing in historic districts. He also pointed out that DDOT's draft regulations allow for much more leniency in alleys. He said the boxes in the diagrams provided by DDOT seem much smaller than the norm. He also raised concerns about the proximity of placement to windows and houses. He said that the radio beams can be focused very accurately, but it must be ensured they are all installed and calibrated properly so no one is put at risk. Finally, he clarified that there is also an underground component to the installation that will require quite a bit of digging up and disruption.
    - iv. Mr. Jeff Fletcher asked Mr. Soderman if different carriers are willing to locate their small cells on the same pole. Soderman clarified that they cannot actually co-locate cells; each cell needs its own location. Chair Sloves pointed out that this could mean hundreds of poles of cells throughout neighborhoods.
    - v. Mr. Brumer asked what rights property owners have. Given that cells need a direct line of sight between one another, he asked what would happen in the case of trees growing in the way. Would a homeowner on whose property the tree sits be responsible for trimming it? What would happen if a homeowner wanted to add an additional level to their home? Could a company object because of interference with



## Committee Reports

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



the cells? Mr. Soderman said these are all good questions and DDOT has not provided clarity on that.

- vi. Mr. Soderman quoted from DDOT's own document a line reasserting the importance of public space and the city's prerogative to maintain its integrity. He says this indicates ANC's input ought to be taken seriously.
- vii. Ms. Andrea Adelman asked if the permitting was only for new poles or also adding cells to existing ones. Mr. Soderman clarified that it was both.
- viii. Ms. Nelson said that regardless of what ANC 6A's comments are on the merits of the guidance, the ANC should assert that ANCs should have at least sixty (60) days from the date of notice to provide comments. She also said ANCs should have a second opportunity to comment on any revised regulations.
- ix. Mr. Sloves asked who would be able to attend the September 6, 2018 meeting on ANC 6A's behalf. Mr. Soderman said he would attend, Ms. Nelson said she would go as well, but Mr. Fletcher could serve as a back-up. Mr. Sloves also said he was happy to pinch hit if needed.

***Recommendation: Ms. Nelson moved that the Committee recommend that ANC 6A send a letter to DDOT's Public Space Committee asserting that ANCs should have sixty (60) days from the date of notice to provide comment on the small cell guidelines proposal. The motion was seconded by Mr. Fletcher and passed unanimously, 7-0, with the support of Commissioner Soderman.***

- B. Recommendation regarding traffic safety and changes at intersection of Eighth (8<sup>th</sup>) Street NE and D Street NE - 10 minutes
  - i. Mr. Soderman gave an overview of DDOT's proposed changes at this intersection. On the ANC 6C side of Eighth (8<sup>th</sup>) Street, they plan to put in forty (40) feet of fifteen (15)-minute parking and install approximately twenty (20)-feet of bulb-outs to prevent parking too close to the intersection, which impedes the line of sight of pedestrians.
  - ii. Mr. Sloves recounted ANC 6A's history of requesting this intersection be converted to a four (4) way stop and explained that Councilmember Charles Allen had recently written to DDOT reiterating the need to do this to ensure pedestrian and driver safety at the intersection. He suggested ANC 6A should send a letter of its own reiterating these points and endorsing the Councilmember's letter.

***Recommendation: Ms. Nelson moved that the committee recommend that ANC 6A send a letter to DDOT endorsing safety improvements at Eighth (8<sup>th</sup>) Street NE and D Street NE and reiterating the need to convert the intersection to a four (4)-way stop. The motion was seconded by Ms. Caitlin Rogger and passed unanimously, 7-0, with the support of Commissioner Soderman.***

#### VI. Additional Community Comment (time permitting)

- A. Ms. Adelman noted that at a recent meeting of the Bike Advisory Council, DDOT Director Marootian said DDOT would not have community engagement representatives for each ward that directly report to him. She said we should find out who our ward representative is and engage them. She also pointed out that the top bike/pedestrian person at DDOT is someone who our community knows well from his work on the Maryland Avenue redesign project - George Branyan. She said he will be a good ally on issues of bike and pedestrian safety.

#### VII. Adjourned meeting at 8:03 p.m.



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



September xx, 2018

Mr. Matthew Marcou  
Associate Director for Public Space Regulations  
District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Design Guidelines for Small Cell Infrastructure

Dear Associate Director Marcou:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on September 13, 2018, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to express our concerns regarding the draft Guidelines for Small Cell Infrastructure.

We have two procedural concerns:

1. Although the guidelines have been in development since November 2017, our ANC did not receive the draft guidelines until August 27, 2018 and DDOT declined requests to meet and answer questions until the public meeting on September 6, 2018. Given the monthly meeting schedule of the ANCs, a deadline of October 5 for submission of written comments (October 15 for in-person testimony) is unreasonable. The hearing should be rescheduled for sometime in November and the deadline for written comments be extended for at least thirty (30) days.
2. When a revised draft of the Design Guidelines has been prepared, incorporating both public comment and that of the installation companies, there must be another round of review, open meetings, and comment so that the public, including the ANCs can respond to changes. In the document. It will not be acceptable to deny the public an opportunity to comment on accommodations made to the installation companies.

A request (prior to end of comment period) for the following information:

- Why are the “Carriers and third (3<sup>rd</sup>) party service providers “who are not actual utilities and are not overseen by any local government agency or commission getting use of our right of way?
- Are they going to be afforded eminent domain in locations where residents are against the deployment of these systems but the Carriers say they must have them?
- What is the fee structure for the lease of each of these small cell locations? On what basis was that negotiated?

---

<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 Transportation and Public Space (T&PS)



And the following *initial* comments on the draft guidelines document:

Section 8.4: Spacing Among Streetscape Elements should be modified to include the following: "When requesting a permit, Installation companies forego any expectation that the tree canopy will be reduced or modified at that location, either on private or public property. They must factor into their selection process, the existence, and likely future growth, of all trees in public space or on private property and not subsequently request modification of the tree canopy. DDOT reserves the right to plant trees in all tree box location, whether or not a tree is present at the time of the small cell installation. Further, DDOT reserves the right to maintain said trees in whatever way necessary to ensure tree health and will not prune them, or allow them to be pruned, to accommodate small cell infrastructure.

A new Section on monitoring and accountability should be added, perhaps as Section 5.6 under General Guidelines, to include the following:

- Validation of the electro-magnetic fields (EMF) levels of each location, as well as the "heat maps" for all frequencies must be provided by a qualified independent third-party testing company, at the expense of the carriers.
- These reports would be made public (at a minimum) when a new installation is completed and subsequently on an annual basis.
- DDOT should be held responsible to inspect each installation prior to, during and upon completion to make sure the physical guidelines/ requirements are adhered to.

Thank you for giving consideration to our ANC's feedback on this important issue. Should you wish to discuss this letter with the Commission, please feel free to reach out to me at [philanc6a@gmail.com](mailto:philanc6a@gmail.com). We look forward to continued participation in this process.

On behalf of the Commission,

Phil Toomajian,  
Chair, Advisory Neighborhood Commission 6A



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



### Report on NCPC Information Presentation on Small Cell Infrastructure, File No. 7994

Thursday, July 12, 2018 – 4 p.m.

By C100 HP Subcommittee member Rick Busch

The presentation was made by Michael Bello, Physical Planning Division, DC Office of Planning (I think). Its title, “Small Cell Infrastructure,” sounds non-threatening. It is not.

#### The Project

The project will see installation of 4-foot long by 18-inch wide hardware for wireless access points throughout the District of Columbia for current 4G voice connections, with upgrades to 5G in the future. The purpose is to achieve seamless integration of wireless systems in DC with much higher speeds. The presenter indicated that this is new low power technology, with the ability to share graphics. Under the current plan AT&T, T-Mobile, and Verizon will each be installing their own individual hardware either on existing utility poles or new ones. The DC Department of Transportation (D dot) is the lead organization on this project, with the DC Public Space Committee (under D dot), approving the final installation plan, which includes design guidelines, and issuing permits.

Project Lead: Katherine Roos, P3 Manager  
Operations Administration  
District Department of Transportation  
55 M Street, SE, Suite 400  
Washington, DC 20003  
202.741.0956 (office)  
412.304.9044 (cell)  
[Kathryn.roos@dc.gov](mailto:Kathryn.roos@dc.gov)

#### Presentation Content

The presentation was fast-paced so I may not have gotten all the elements and gotten everything correctly. Once the OP person completed his presentation all of the questions went to Ms. Roos in her role as project leader. She claimed that D dot understands the unique situation of the District of Columbia as our nation’s capital.

- The new hardware must be installed every 250 to 300 feet to work effectively. This could result in the installation of thousands of new utility poles District-wide. (Tom Luebke of the US Commission of Fine Arts has already indicated that the hardware cannot be installed on existing street lamp poles in the federal enclave.)
- The new equipment will be installed in the public right-of-way.
- The installation project is not subject to NEPA review.
- In addition to D dot, the DC Office of Planning, the National Park Service, the US Commission of Fine Arts (CFA), the National Capital Planning Commission (NCPC), and the DC State Historic Preservation Office are all working on design guidelines for the new equipment. D dot’s Public Space Committee has final approval of designs after a 30-day review period by the city’s



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Advisory Neighbor Commissions. The DC Office of Science and Technology also has a role in this project, but I'm uncertain what this is and where it fits.

- Federal Communications Commission (FCC) regulations give the communication industry wide latitude in determining what will be installed and where it will go. (This point was challenged by NCPC's attorney, who indicated that state and local regulations must be met by the carriers.)
- NCPC will review all installations on federal lands.
- Nothing said about the impact on DC's many historic districts. (Busch observation)
- Nothing said about the fact that so much of utility lines in the central city are underground. If all these proposed installations have to be above ground, what's the impact? (Busch observation)
- CFA will receive and information presentation on this topic on Thursday, July 19, starting at 9 a.m.
- NCPC doesn't meet again until September.

### Commissioners Questions and Comments

**What is DC's role in developing this infrastructure? (Eric Shaw, D/OP)** Design guidelines are being developed by the city agencies mentioned above. They are to be ready before the end of September and will be sent to the Advisory Neighborhood Commissions city wide for comments due back in 30 days. Then they go to the D dot Public Space Committee for review and approval. DC Council also has an approval role somewhere in this process.

**What other cities in the US are using this hardware? (Shaw)** Denver, Berkeley, San Diego, San Francisco, many others mentioned.

**How will this hardware look in DC? (Shaw)** D dot needs to develop renderings that look like the DC federal, business districts, and neighborhood skylines, not something that looks like New York City.

**Who's the design arbitrator? (Mina Wright – GSA)** (After the meeting I overheard the NCPC chair say to an ANC commissioner from Georgetown who was present, that design review and arbitration could not be left to D dot.)

**How can there be no NEPA review? (Wright)** This is when the NCPC attorney jumped in and indicated that state and local regulations must be followed.

**What are the health and safety implications of the installation? (Wright)** No response from the D dot lead.

**What's the permit fee and is it for each installation? (Peter May – NPS)** The D dot lead indicated that the fee would be modest and will be for each installation. May went on to say that the current situation appears to be very much like the installation of fiber optic cables during the Williams Administration, where each communications company was digging its own trenches in DC streets until they were all made to work together.

May went on to make the following observations:



## Committee Reports

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- Thinking on this project must be about its long-term effect on the District.
- There is a specific need for information on the fee schedule. Consideration should be given to more than just a modest permit fee because carriers will be making money with monthly service charges for all who use their communications equipment.

#### Addendum

Else Santoyo was at the meeting and sought me out during a break in the agenda. She was there in her capacity as Chair of the Citizens Association of Georgetown's (CAG) Historic Preservation and Zoning Committee. She is also a CAG Board Member and a member of the C100. Her contact information is: [emsantoyo28@gmail.com](mailto:emsantoyo28@gmail.com); 202.580.9556.

Elsa would like to meet informally with HP Subcommittee members because the response of citizens to this initiative needs to be a uniform one, with one set of uniform guidelines for all companies to use. Right now, D dot's approach is for each communications company to work on its own. Her understanding is that for effective communications the equipment installations will need to be very close. Any trees in the way will have to be removed or trimmed. Using the single utility pole "hotel" approach means that poles will have to be at least 18 inches in diameter to support the equipment. If three carriers have their individual equipment on a single pole, how tall will that pole have to be? (Busch observation)

Rick Busch



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



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION



d. Public Space Regulation Division

August 23, 2018

Dear ANC:

The purpose of this notice is to provide you with information regarding the deployment of wireless telecommunication antennae and equipment (“Small Cell”) in the District of Columbia and to request your review and comment on draft guidelines developed by various government agencies. The guidelines were drafted in order to ensure an orderly installation of Small Cell across the District’s unique and special public space. The telecommunications industry will be deploying infrastructure that will bring 5<sup>th</sup> Generation (5G) technology to the area and your input is necessary for the guidelines to reflect the best direction for all stakeholders. These draft guidelines and comments will go through a vetting process that includes the Public Space Committee, the Commission of Fine Arts, and the National Capital Planning Commission.

### **BACKGROUND**

The introduction of smart phones and other wireless devices and the explosion of their use in the past decade have driven technological advances in the telecommunication infrastructure as demand strains the existing infrastructure. From the needs of individual users to be connected, through the importance of disseminating emergency information to the public and between first responders, reliable wireless telecommunications have become a universal element of everyday life.

In order to meet the burgeoning and ever increasing consumption of data and bandwidth technology companies have deployed new and additional equipment to keep up with demand. While this is happening all over the world, the deployment of this new infrastructure in a city as unique and particularly designed as the District of Columbia requires a careful, thoughtful, and comprehensive approach. To do this the District has adopted an approach that has been implemented in several jurisdictions across the country that fit within the broad parameters established by the Federal Communications Commission (FCC). This approach includes requiring every company enter into a Master License Agreement and obtain permits to deploy infrastructure that meets guidelines adopted by each community to reflect that community’s priorities for its public space.

### **MASTER LICENSE AGREEMENT**

An initial step in the process for deployment was the development of a Master License Agreement (MLA). Several companies have filed MLAs with the District of Columbia. A complete list of MLA holders can be found at <https://octo.dc.gov/page/small-cells>. The MLA establishes certain conditions and requirements on license holders, including limitations on their Small Cell infrastructure and adhering to future guidelines in order to obtain permits. The MLA is a universal document and all MLA holders are bound by its provisions.

District Department of Transportation | Public Space Regulation Administration | Permits Office 1100 4<sup>th</sup> Street SW, Suite E-360, Washington, DC 20024 | 202.442-4670 | Inspections Office | 55 M St SE, 6th Floor, Washington, DC 20003 | 202-645-7050  
ddot.dc.gov



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



### **GUIDELINES**

To develop comprehensive guidelines, the District of Columbia government has brought together stakeholder agencies including the District Department of Transportation (DDOT), the Office of Planning (DCOP), the District of Columbia Historic Preservation Office (HPO), the Commission of Fine Arts (CFA) and the National Capital Planning Commission (NCPC). The purpose of bringing together these groups was to develop guidelines that will serve as a roadmap for the public, the government agencies responsible for managing the public space in the District, and the Small Cell providers regarding how, where, and when Small Cell technology will be deployed in the District of Columbia.

The result of these initial meetings is the draft guidelines included with this notice. These are only draft guidelines, meant to serve as a starting point for the conversation regarding the deployment of this next generation of utility infrastructure. They require the careful and thoughtful input of the citizens, businesses, and other stakeholders of the District in order to be the best and most authoritative guidelines to ensure that the deployment of Small Cell technology is seamlessly woven into the unique character of the District of Columbia.

We ask that the ANCs, BIDs, and Main Streets review and provide comments for these guidelines to the Public Space Committee. Having the recommendations of the ANCs and BIDs will help the District establish and adopt the guidelines necessary to fulfill the duty we have been entrusted with by past generations and to provide a legacy we can be proud of for future generations. (The ANCs, BIDs, and Main Streets may also be asked to provide comments to CFA, NCPC, and HPO through their processes; the request in this notice is specific to the Public Space Committee.)

### **COMMENT**

Comments on these guidelines should be provided via email to [PublicSpace.Committee@dc.gov](mailto:PublicSpace.Committee@dc.gov). In the subject line please include the title: Small Cell Guideline Comments. Comments may also be mailed to the Public Space Committee, c/o DDOT Public Space Permit Office, 1100 4<sup>th</sup> St SW, Room 360, Washington DC, 20024. On the outside of the envelope please note that it includes comments on the Small Cell Guidelines.

These comments will be collected and presented to the Public Space Committee (PSC) at a special meeting it is convening to consider these guidelines. The PSC special meeting is scheduled for Monday, October 15<sup>th</sup>, 2018 and will be held in Room 200 of 1100 4<sup>th</sup> St SW. The meeting will be scheduled to provide time for as many participants as possible to provide comment to the PSC. The meeting notice will be published in the DC Register on September 7<sup>th</sup>.

The deadline to provide written comments in advance of the PSC meeting is 5:00 PM on Friday, October 5<sup>th</sup>. PSC meetings are open to the public and the PSC welcomes testimony from all parties. If you are interested in commenting at the PSC meeting please contact the PSC staff through the same email address: [PublicSpace.Committee@dc.gov](mailto:PublicSpace.Committee@dc.gov).

Sincerely,

Elliott Maurice Garrett  
Executive Secretary  
Public Space Committee

District Department of Transportation | Public Space Regulation Administration | Permits Office 1100 4<sup>th</sup> Street SW, Suite E-360, Washington, DC 20024 | 202.442-4670 | Inspections Office | 55 M St SE, 6th Floor, Washington, DC 20003 | 202-645-7050  
[ddot.dc.gov](http://ddot.dc.gov)



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



September 13, 2018

Mr. Jeff Marootian  
Director, District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Intersection of 8<sup>th</sup> Street NE and D Street NE

Dear Director Marootian:

At a regularly scheduled and properly noticed meeting<sup>2</sup> on September 13, 2018, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to share our views with you regarding the District Department of Transportation's (DDOT) planned changes at the intersection of 8<sup>th</sup> and D Streets NE. ANC 6A appreciates your attention to this troubling location and supports to the proposed changes, but continues to believe the best solution for improvements to driver and pedestrian safety at this intersection is a conversion of the current two-way stop to a all-way stop.

As we described in previous communications, this intersection is located just a few hundred feet south of a traffic signal at Maryland Avenue NE and 8<sup>th</sup> Street NE. A similar four-way intersection on the north side of Maryland, at 8<sup>th</sup> Street NE and E Street NE, is regulated by a four-way stop. However, the intersection at 8<sup>th</sup> Street NE and D Street NE is only a two-way stop; traffic on 8<sup>th</sup> 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 8<sup>th</sup> Street NE to stop, assuming it to be an all-way stop. At times, motorists on 8<sup>th</sup> Street stop even though they are not supposed to, adding further to confusion. More often than not, drivers rush through the intersection to make the changing traffic light at Maryland Avenue, disregarding pedestrians in the crosswalk.

Secondly, given that DDOT is also seeking to remove Residential Protected Parking (RPP) in order to create a short-term parking area, we request that DDOT evaluate the immediate vicinity for creating additional RPP parking spaces in order to offset the loss created by this change.

We appreciate DDOT's attention to improving safety at this intersection and support curb extensions and flex-posts at this location. However, we are concerned that this partial solution will not fully resolve the problems experienced at this intersection. Members of our community have witnessed many near-misses, and we believe the only way to avoid a future tragedy is to implement an all-way stop. We hope you will continue to consider converting the location to an all-way stop should our fears ring true upon the installation of the proposed changes here.

Thank you for giving great weight to the recommendation of ANC 6A. I can be reached at [philANC6A@gmail.com](mailto:philANC6A@gmail.com).

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<sup>2</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**  
Transportation and Public Space (T&PS)



On behalf of the Commission,

Phil Toomajian,  
Chair, Advisory Neighborhood Commission 6A

Cc: Councilmember Charles Allen  
ANC6C Chair Karen Wirt



**Committee Reports**  
**Economic Development and Zoning Committee**



No report. Committee did not meet in July and August 2018.



**Committee Reports**  
**Economic Development and Zoning Committee**



September XX, 2018

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. 19802 (1318 Constitution Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting<sup>3</sup> on September 13, 2018, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 and Subtitle Section 1502.1(b) and (c) from the rear addition requirements of Subtitle E § 205.4, to construct a rear roof deck and access stairwell at in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood 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 and a shade study. 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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<sup>3</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



Soe Lin & Associates, LLC  
4340 East West Highway  
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20814 USA  
Tel: 301-462-1100  
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CONSULTANTS

Job No. \_\_\_\_\_  
Project  
**KULKARNI  
RESIDENCE**  
1318 CONSTITUTION AVE. NE.  
WASHINGTON, DC 20002

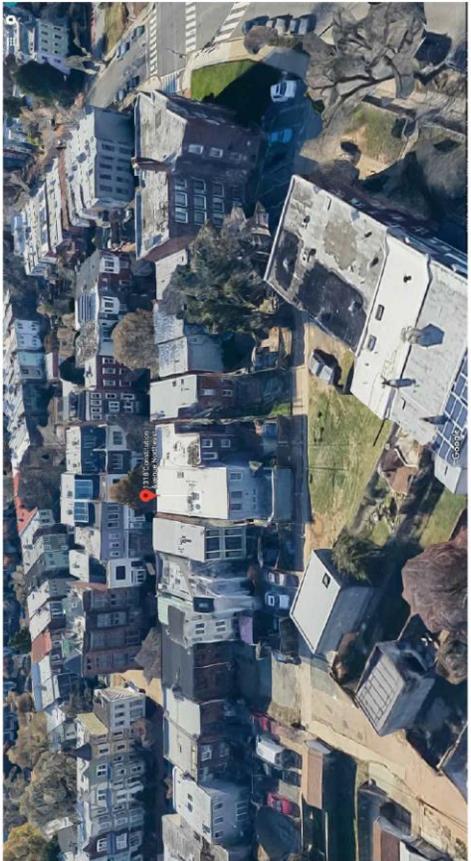
Drawing Title  
**THIRD FLOOR AND ROOF  
DECK ADDITION**

Date	Issue
06/20/2018	ANC REVIEW

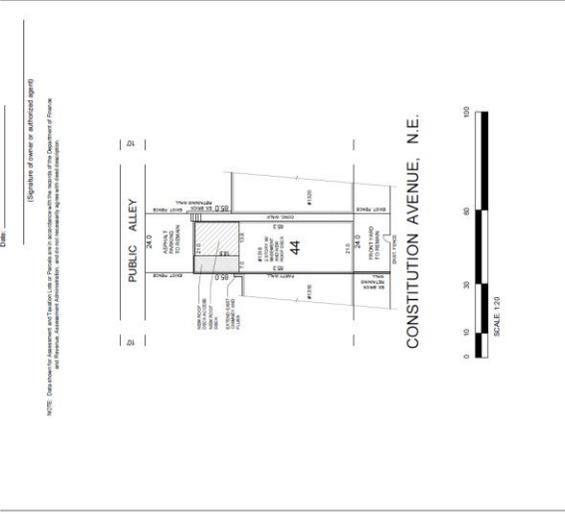
Sheet No. **G001**



1 EXISTING CONSTITUTION AVE. NE. VIEW



2 EXISTING PUBLIC ALLEY VIEW





# Committee Reports

## Economic Development and Zoning Committee



CONSULTANTS

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Job No.

Project

**KULKARNI  
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1318 CONSTITUTION AVE. NE,  
WASHINGTON, DC 20002

Issued For

**THIRD FLOOR AND ROOF  
DECK ELEVATION**

Date

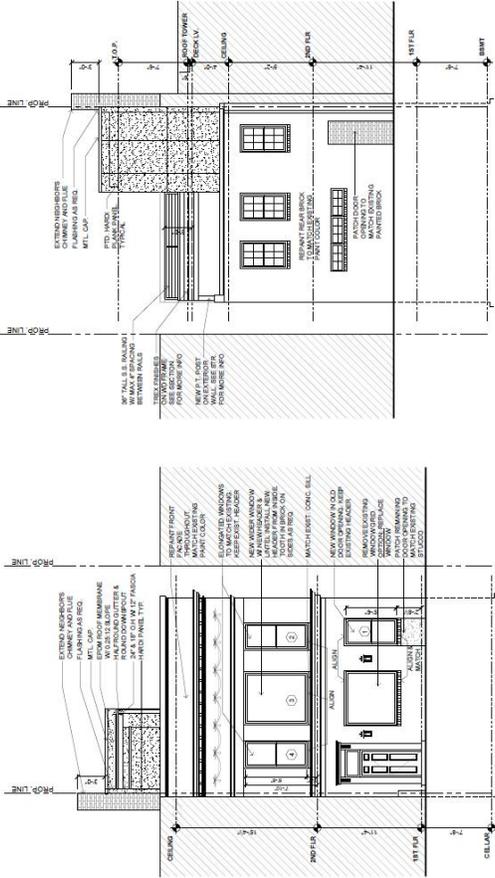
08/20/2018

By

JANIC REVIEW

Sheet No.

**G002**

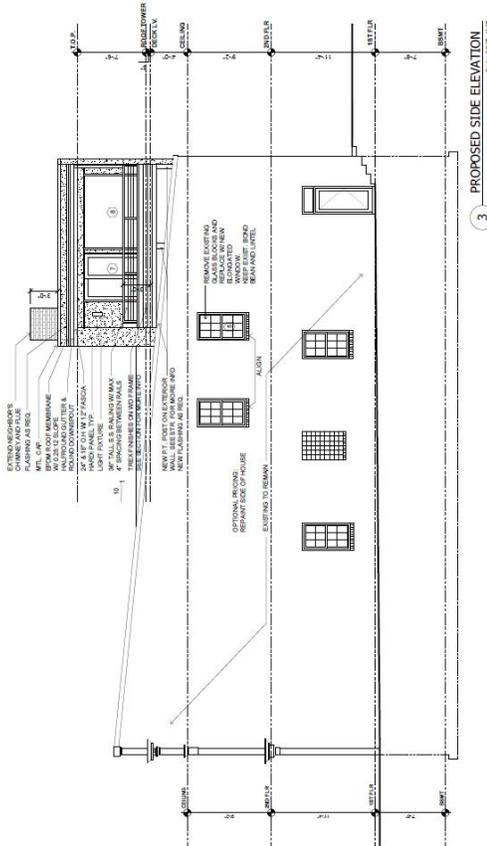


1 PROPOSED FRONT ELEVATION  
Scale: 1/8" = 1'-0"

2 PROPOSED REAR ELEVATION  
Scale: 1/8" = 1'-0"



E EXISTING FRONT FACADE



3 PROPOSED SIDE ELEVATION  
Scale: 1/8" = 1'-0"



# Committee Reports Economic Development and Zoning Committee



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CONSULTANTS

Job No. \_\_\_\_\_  
Project  
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RESIDENCE**  
1318 CONSTITUTION AVE. NE,  
WASHINGTON, DC 20002

Drawing Title  
**THIRD FLOOR AND ROOF  
DECK PERSPECTIVES**

DATE	REVISION
08/25/2018	ANC REVIEW

Sheet No. **G003**



P1 PROPOSED THIRD FLOOR WITH ROOF DECK



P2 PROPOSED THIRD FLOOR WITH ROOF DECK



P3 PROPOSED THIRD FLOOR WITH ROOF DECK



E1 EXISTING CONDITION 1  
ROOF TOP



E2 EXISTING CONDITION 2  
ROOF TOP



E3 EXISTING CONDITION 3  
ROOF TOP



## New Business

