



District of Columbia Government Advisory Neighborhood Commission 6A Agenda for January 12, 2012



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

7:00pm Elections, Call to order, Approve Previous Meeting's Minutes, Adopt Agenda *pg. 3*

1. A call of the roll will be made by the previous year's Secretary and, if present, she will announce the presence of a quorum
2. The previous year's Chair will move to adopt the Commission Rules in the form they were adopted in 2011
3. The Commission will consider the nomination and election of its officers in the following order:
 - a. Chair
 - b. Vice Chair
 - c. Secretary
 - d. Treasurer
4. The Commission will consider the election of the Chairs for the permanent Committees in the following order:
 - a. Alcohol Beverage Licensing
 - b. Community Outreach
 - c. Economic Development & Zoning
 - d. Public Safety
 - e. Transportation & Public Space
5. The Commission will consider the nomination of members of the permanent Committees
 - a. Alcohol Beverage Licensing: Michael Herman, Ann Marie Koshuta, Katy Ziegler Thomas, and Adam Healy
 - b. Community Outreach: Elizabeth Nelson, Louis Barbash, Patricia Joesph, Rosetta (Rose) Williams, Jean Kohanek
 - c. Economic Development & Zoning: Charmaine Josiah, Dan Golden, Jeff Fletcher, Laura Gentile, Melissa Boyette, Phil Toomajian
 - d. Transportation & Public Space: DeLania Hardy, Marlon Smoker, Sean Lovitt, Shane Artim, J. Omar Mahmud
6. Motion to notify the various appropriate offices of the City government of the Commission's officers and membership
7. Motion to participate in the Advisory Neighborhood Commission Security Fund
8. Approval of December's minutes and the adoption of the agenda

7:20 Community Comments (2 minutes each)

7:25 Officer Reports:

Chair (2 minutes)
Vice-Chair (2 minutes)
Secretary (2 minutes)
Treasurer (2 minutes) *pg. 22*

1. Approval of financial report for 1st quarter FY12

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



District of Columbia Government Advisory Neighborhood Commission 6A Agenda for January 12, 2012



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

Standing Committee Reports:

- 7:55 **Community Outreach** *pg. 28*
1. Next meeting - 7:30pm, Jan. 16, 2012 (3rd Monday)
- 8:00 **Alcohol Beverage Licensing** *pg. 29*
1. Approve committee report
 2. **Recommendation:** ANC withdraw the protest against the substantial change for Rose's Dream at 1370 H St. NE
 3. **Recommendation:** ANC protest the alcohol license for Chicken Tortilla at 1324 H St. NE unless a signed VA is approved prior to the protest date
 4. **Recommendation:** ANC protest the alcohol license for Sol Mexican Grill at 1251 H St. NE unless a signed VA is approved prior to the protest date
 5. Next meeting - 7pm, Jan. 24, 2012 (NOTE: NOT the 3rd Tuesday)
- 8:05 **Transportation and Public Space Committee** *pg. 35*
1. Approve committee report
 2. **Recommendation:** ANC send letter of support for 2012 Capitol Hill Classic
 3. **Recommendation:** ANC send letter to DDOT requesting a C Street NE project update and a community presentation regarding proposed street improvement alternatives
 4. Next meeting - 7pm, Jan. 16, 2012 (3rd Monday)
- 8:10 **Economic Development and Zoning** *pg. 41*
1. Approve committee report
 2. **Recommendation:** ANC oppose the use variance for a three-unit apartment building in BZA case #18324 (1337 Maryland Ave. NE)
 3. **Recommendation:** ANC oppose the public space application for 1400 Maryland Ave. (Public Space Tracking #67549)
 4. Next meeting - 7pm, Jan. 18, 2012 (3rd Wednesday)
- 8:15 **Unfinished Business**
- 8:20 **New Business** *pg. 52*
1. Consideration of contracts for/transcription and meeting preparation (Holmes)
 2. ANC approve the VA for Central (1200 H St. NE) and withdraw the existing protest (Healy)
 3. ANC support the nomination of Nancy Metzger to the Historic Preservation Review Board (Holmes, Alberti)
- 8:25 **Community Comments Round II, time permitting** (2 minutes each)
- 8:30 **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
December 10, 2011

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

The meeting was convened at 7pm.

I. Agenda

The agenda was accepted as presented by unanimous consent.

II. Minutes

The minutes as amended were accepted by unanimous consent

III. Community Comment

- A. Larry Kaufer of Sports on the Hill, a volunteer group that provides sports teams for 1000 local kids, spoke about the group's main problem, which is the availability of playing fields, one area of which is north of RFK, and is currently mostly parking lots and auxiliary playing fields. He presented a plan of what it could be, east of Metro, it's a sloping area, now concrete and could become park space, useful and permeable. It would be an analog to the Longridge space beside the River. Clean it up and make it a useful space.

Ms. Lawler asked whether they have considered improvements to the Riverwalk area, which is really unusable at this time. Mr. Holmes suggested that they start with Ward 7; that Ms. Alexander is jealous of her jurisdiction and wants to make sure her people are taken care of. Ms. Veenendaal-Selck encouraged Mr. Kaufer to work with citizens' organizations. Dr. Ronneberg asked about funding and Mr. Kaufer said that the National Park Service would be willing help once it got off the ground. Mr. Holmes mentioned the land that was given to the SEED School that they rejected because it is a brownfield site, but there is federal legislation now to mitigate the site.

- B. Zach Dubelbauer spoke about his firm, EcoHouse, located on Barracks Row, which performs free energy audits of homes, including systems, appliances, windows, and doors, and takes the information and produces energy reports, including steps that can be taken to make houses more energy efficient. He wants to let citizens know about the existence of the program. He said they've done over 500 so far and that it only takes 1.5 to 2 hours, and a week and a half to two weeks to do the report. He said it is a city program, not income restricted; it's for condos to four story rental buildings. Mr. Mahmud asked if there are companies that can make the changes, and was told that there are in Maryland and Virginia. Mr. Holmes asked if it was really free and was told that it is, the city checks, and it happens quickly; the invoice goes to the City. Mr. Holmes asked how he's getting the word out, and he said that he was at the Barracks Row Festival four years ago and was overwhelmed with clients and he's done other festivals. There are two other contractors doing this.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



IV. Officer Reports

Chair

Mr. Holmes reported that DDOT is having a meeting for the Maryland Ave. Safety Project on January 28 at Sherwood Rec Center, from 1 to 3pm. It will be an interactive workshop where DDOT staff and consultants will offer proposed safety improvement alternatives to the community to solicit feedback. Proposed improvements consist of potential reconfiguration of intersections, adjustments to parking, pedestrian safety treatments, transit stop relocations and amenity options, the addition of left turn lanes, removal of travel lanes, and landscaping improvements.

He reported that an over-capacity audience attended the December 6 streetcar briefing. The best interim solution was announced by the Mayor at the meeting. Mr. Holmes said he was excited by the educational possibilities for a partnership with Spingarn to train the mechanics the system will need - truly highly employable trainees who will be able to start at a high salary.

Commissioner Healy received a FOIA for all postal and electronic correspondence relating to the possibilities of an H St. liquor moratorium. This could have been quickly filled with respect to Commissioner communications, except that he also wishes the same materials from ALL committee members. They are awaiting a response from the OANC and the OAG. It is a strange position for 6A to be in, as it is the most open of all ANCs, and indeed of all government agencies. Nevertheless, this is without precedent. The ANC has to protect the non-elected members of its committees who are so crucial to its successful functioning. Mr. Healy awaits word on how to proceed.

Mr. Holmes reported that Pho managers found themselves unable to obtain a stipulated license despite the support of 6A. However, the stipulated license was approved on December 7.

Finally, he reported that the House of God has rejected the opposition of the ANC and the HPRB to the demolition of their building. They have filed with the Mayor's Agent, the appeal mechanism from HPRB decisions. Meanwhile, demolition by neglect continues.

Treasurer

Mr. Alberti presented the Treasurer's Report. It showed that the opening balance in the checking account was \$23,292.63 and the savings account balance was \$4,205.94. There was an interest payment to the savings account of \$.17. There were disbursements of \$200 to Heather Schoell for the November 11 agenda package (Check #1531); \$650 to the Capitol Hill Garden Club for a grant (Check #1534); \$226.79 to FedEx Office for November 2011 copying (Check #1535); a voided check (Check #1536); a Stop Payment fee of \$30; \$3815 to Capitol Community News for Hill Rag and Fagon Community Guide ads (Check #1537); and \$180 to Roberta Weiner for October 11 minutes (Check #1538), leaving a balance of \$18,190.84 in the checking account, and \$4,206.11 in the savings account.

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion to approve the disbursements. It passed without objection.

Motion: Mr. Alberti moved/ Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

There were no reports from the Vice Chair or Secretary.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



V. Single Member District Reports

Ms. Lawler reported that the owner of a building at 12th and E Sts. NE wants to renovate a structure that is currently two units and he has an old Certificate of Occupancy that he wants to use for six units. Mr. Alberti said that if it hasn't been used, it can't be. She also said she will be having an SMD meeting at Options School.

Mr. Healy reported that his SMD meetings for 2012 will be at the Pilgrim Baptist Church. He said that there has been a decrease in crime in his SMD, and that Commander Hickson came to his last SMD meeting. He said the police have been responsive, and he announced the next PSA 102 meeting.

Mr. Alberti reported that he and Ms. Veenendaal-Selck were asked by 6B commissioner Brian Flahaven to sign onto a letter inviting Mayor Gray to come talk about Reservation 13 because there has been no progress on the development, and the Redskins practice field plan would conflict with the existing development plan. He also talked about the Gentleman's Club that has opened off Benning Road, which is a sexually-oriented establishment that he read about in The City Paper. He is concerned that BZA will rule that it doesn't meet the requirements of a sexually-oriented business, and 6A could be in the position of having a similar business come to H St. and not be able to do anything about it.

Ms. Veenendaal-Selck reported she had signed on to the Reservation 13 meeting letter. She expressed her concern about the volume of traffic on C Street.

Dr. Ronneberg reported that XII has not paid for its police detail. He also reported that the promised bike station has not been installed, but will be within the next month or two.

Ms. Mack said she would like to thank those folks for their support on her Thanksgiving project to feed the sick and shut-in on Thanksgiving Day: Regina Woodson - Ward 4; Tawana Corum - Ward 4; Barbara Corum - Ward 4; Shirley Worthy - Ward 6; Sondra P. Gilbert - Ward 6; and Darryl Corum - Ward 5. They fed 20 people three meals: breakfast, lunch and dinner.

VI. Committee Reports

Community Outreach

Ms. Nelson introduced a proposal for a grant for \$4000 for the Eliot-Hine Middle School PTSA for library books and other media. She said that when the other Hill elementary schools got stuff from the Capitol Hill Community Foundation, the middle schools were not included. Eliot had no books and those that were moved from Hine went to classrooms. **Motion:** Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion to issue a grant in the amount of \$5000 to the Eliot-Hine PTSA for the purchase of books and other media for the school library.

Dr. Ronneberg asked whether the ANC budget could take the extra expense, and Mr. Alberti responded that there is \$10,000 set aside in the budget, and there is a projected surplus of over \$25,000. Here is a middle school now combined with another and they have no books. He said he thought it was a travesty. Ms. Veenendaal-Selck said she feels very strongly about this. Mr. Alberti said there were strict requirements on receipts, and how they are paid will have to be worked out.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



Mr. Mahmud asked how much the total of the project was and was told it was \$6737. Ms. Mack said there was no money for the library, and that teachers' salaries had been increased. Roberta Weiner asked whether there was any way of letting DCPS know that this, which should be their job, is being left to the community. Mr. Holmes said it is up to the ANC to make up for their failure. The motion passed 5-0-1, with Ms. Mack abstaining.

The report of the Committee was accepted without objection.

Alcoholic Beverage Licensing

Pho Bar and Grill - 1360 H St. NE

Mr. Healy said that there is one small change in the Voluntary Agreement, that we have agreed to trash pick-up once a day rather than twice, because of the nature of their menu. **Motion:** The Committee moved/Mr. Healy seconded a motion to accept the committee's recommendation to approve the standard VA for Pho Bar and Grill, with a modification requiring trash collection once a day. The motion passed without objection.

Proposal on Cap on Alcohol Licensing on H Street

As a response to community meetings regarding the possibility of capping the number of CT licenses approved for H Street, the ABL Committee produced a position paper, the conclusion of which follows:

After listening to community comment at the ABL public meeting, conversations with many in the business community, fellow commissioners and committee members, and community members, it appears there is no clear consensus that a cap or moratorium should be pursued at this time for H St. NE. There does appear to be more agreement that the community wants to be carefully engaged in the continued redevelopment of H St. An overwhelming number of community members would like to see more retail opportunities, enhanced parking protections for residents, and a reduction in the amount of noise from patrons. In order to address these valid concerns, the ABL Committee recommends the ANC adopt the following proposal.

PROPOSAL

The amendments to the proposal accepted by the ANC are entered into the document using strikethroughs and bolding the language.

Parking

The ANC should remain actively engaged with the District Department of Transportation (DDOT) on efforts to implement the H St. performance parking program. This program is aimed at ensuring residents have better access to residential parking spaces near H St. The program is designed to have Zone 6 parking on one side of the residential blocks during certain hours (hours, days of the week, and which blocks will be included will be determined by DDOT after working with the community and will charge different rates for parking on H St., depending on the time of day). DDOT hopes the program can be implemented next spring. While this program won't solve all the parking problems, it should go a long way in reserving one-side of residential streets. for Zone 6 vehicles most of the time.

The ANC needs to continue working with the District DPW's Parking Enforcement Admin. to ensure that the enhanced resident parking protections under the H St. Performance Parking Program are adequately enforced.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



Noise

The ABL Committee will work with the business community to ask for continued assistance in trying to keep patron noise to a low level as they leave the commercial district and enter residential areas. One idea is for the Committee to work with the business community to come up with a design for signage that could be placed at the exits of establishments and on street signs in residential blocks to remind individuals to please keep their voices low in the residential neighborhood. We also encourage the business community to consider working with the ANC's Community Outreach Committee on possible grant funds for the creation of the signs.

The ANC should also carefully consider public space permits for alcohol and non-alcohol establishments to ensure noise and trash from such public space use is mitigated.

Restrictions on Alcohol Licenses

Currently, there are a disproportionate number of tavern licenses (CT) versus restaurant licenses (CR). Without seeking to implement a cap on the total number of licenses on H Street, the ANC should strongly encourage new establishments to seek CR licenses and that the ANC ~~should~~ **may** protest any new CT license, except in rare cases when a case-by-case determination is made that a CT versus a CR license will not adversely impact neighbors in the immediate area of the proposed establishment. Additionally the ANC should update the standard VA (VA) to require new CR licenses to have their kitchens open and operational for the service of food up until one hour prior to closing (current DC regulations require a CR to have their kitchen open up until two hours prior to closing). This will help ensure a CR doesn't become solely a bar or nightclub later at night. ~~Further, the ANC should, through the VA and protest process, recommend his maximum number of patrons allowed in an establishment to 150 people, subject to a case-by-case determination. This will ensure the capacity at establishments is reasonable and doesn't become too large and unmanageable.~~

It's recommended that the ANC, through the ABL Committee, periodically hold a meeting **in coordination with ANC 6C** to consider whether or not a cap or moratorium is warranted for H St. NE.

DISCUSSION

An issue that drew discussion was the language on the number of people an establishment should hold. Mr. Kelly agreed that even some very good restaurants had CT licenses. Ms. Nelson said that she doesn't see that the number is significant. Dr. Ronneberg said there should be a case-by-case determination adhered to. Ms. Lawler said the owner is ultimately responsible for the conduct of his customers and the number of 150 people isn't connected to any real number. Mr. Holmes said 150 people does not serve any purpose: the more CT, the more CR, the more business. He said the black unemployed on H St. was about 505 and there were 30 vacant properties that wanted tenants.

Motion: Ms. Lawler moved/Mr. Healy seconded a motion to amend the proposal by eliminating the last sentence of the Restrictions on Alcohol Licenses paragraph beginning "Further, the ANC should..." and ending "doesn't become too large and unmanageable." The motion passed 5-1-1, with Dr. Ronneberg in opposition and Mr. Alberti not voting.

There was a motion to invite ANC 6C to participate in meetings in the future about a cap or moratorium. **Motion:** Ms. Lawler moved/Mr. Healy seconded a motion to amend the last sentence of the proposal to read: "It's recommended...periodically hold a meeting "in coordination with ANC 6C, hold a meeting to consider..." The motion passed 6-0-1, with Mr. Alberti not voting.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



Mr. Healy said that the process was open and unbiased. He said that everything was transparent and he wants it to stay that way for new places, and to engage the neighbors. But he said he felt there is a consensus not to have an official ABRA-approved moratorium and that people want more restaurants and daytime retail options.

Michael Herman said that he moved to the neighborhood because of the businesses on H St., and there's need to attract more business, but there's a need to bring in other kinds of businesses. Another resident said that it's not fair to say that there's no desire for any change—it's a place where people want to live, but certain kinds of change is good.

Ms. Lawler said that the ANC statement is stronger than she may like because she wants development on H St., but also wants positive change.

Mr. Mahmud wanted to know whether the ANC has to protest to have standing, and Mr. Healy responded that one has to protest to establish contact with some establishments. But, he said, one can fall into a trap; when the ANC gets notice it automatically protests on the ground of "peace, order and quiet" and often don't know whether that's true or not. He said he was of two minds on that issue and its legitimacy.

Ms. Lawler said that in many instances restaurants had tavern licenses because with a restaurant license it requires a certain number of dollars per seat in food income. Ms. Nelson pointed out that a CT license has fewer regulations and that's why there are so many more of them.

Mr. Holmes said that this is not just being done on a whim. It is informed by more than a discussion in the committee, and the restaurant owners were spoken with as well as the community.

Joel Kelty raised the issue that the resolution is in conflict with the H St. Zoning Overlay, and said the Commission would have to seek to modify the Overlay to match the resolution. Mr. Mahmud said the intent of the Overlay was not to have restrictions on alcohol licenses.

Motion: Ms. Lawler moved/Mr. Healy seconded a motion to amend the proposal, line 3 under Restrictions on Alcohol Licenses, to change the word "shall" to "may" ("the ANC may protest any new CT license..."). The amendment passed 5-1-1, with Dr. Ronneberg opposed and Mr. Alberti not voting.

Dr. Ronneberg said that using "may" seriously weakened the proposal, and the language should be stronger.

Final Motion: The Committee moved/Mr. Healy seconded a motion that the full ANC approve the proposal on limits to H St. Alcohol Licenses, as amended, presented by the Committee. The motion passed 5-1-1, with Dr. Ronneberg opposed and Mr. Alberti not voting..

The report of the Committee was accepted without objection.

Transportation & Public Space

1128 H St. NE

This is a request for a public space permit for a sidewalk seating area and an indoor/outdoor bar along the wall of the building at a new restaurant at 1128 H St. NE. It's a corner building, with the seating area using space at the side of the building. The establishment will serve Indian/Pakistani food. They will use plants and requests to guests to mitigate noise. There is no plan for entertainment at this time, but may have light music, like a sitar player. They may also install canopies or



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



umbrellas. Furniture will be put out of the way as best as possible. They are also working with the ABL Committee on a VA. **Motion:** The Committee moved/Ms. Mack seconded a motion to accept the Committee's recommendation to approve a public space permit for a sidewalk café and indoor/outdoor bar at 1128 H St. NE. Mr. Alberti asked about the capacity for the outdoor space and was told it was 25. Mr. Healy said the owner was very responsive, and worked on the hours. The motion passed 6-0-1, with Mr. Alberti not voting.

Change of Loading Zone at 1308 H St. NE to Metered Parking

Mr. Mahmud said that the ANC had received a request from business owners near 1308 H St. NE to change the parking restrictions for this location. They prefer to have more parking for customers as opposed to a loading zone they don't plan to use. The loading zone signs were installed post-landscaping. **Motion:** The committee moved/Mr. Holmes seconded a motion to accept the Committee's recommendation that newly-installed loading zone parking signs in front of 1308 H St. NE be replaced with limited or metered parking signs to allow for customer parking. The motion passed unanimously, 7-0.

Drop-Off/Pick-Up at J.O. Wilson School

Mr. Healy, whose SMD is across the street from J.O. Elementary School, has been working with ANC 6C Commissioner Tony Goodman, and would like the ANC to support 6C's request to add a drop-off/pick-up zone in front of the school. Currently, there are three lanes of traffic in the morning and it is dangerous. 6C is working with DDOT to institute a program of traffic calming measures including the elimination of the three lane traffic scheme and the institution of bike lanes. But for the current time it is only the drop off/pick-up that is at issue. Mr. Healy says there is a letter of support to DDOT that has been signed by the principal and the PTSA.

Ms. Mack said it would be nice if they could make a cut-in or use a side street. Mr. Healy said that the drop off/pick up would partially be a traffic-calming measure itself. Mr. Alberti asked whether it would be in a parking lane that won't be used during rush hour, and Mr. Mahmud said that there are temporary signs that are removed daily. Mr. Alberti said his concern is that it's an abrupt switch from two-lanes to one. Mr. Healy said that it's already happening. Mr. Alberti asked about DDOT plan, and was told that it hasn't yet emerged. **Motion:** The committee moved/Mr. Healy seconded a motion to ask the ANC to join ANC 6C's request for a drop-off/pick-up zone in front of J.O. Wilson Elementary School on or near K St. NE. The motion passed 6-1, with Ms. Mack in opposition.

Removal of No Parking Signs in front of 525 9th St. and 1341 Maryland Ave. NE

This is a request, inaugurated by the residents of the new condos at the old firehouse and police station they have the No Parking signs that remain on those blocks changed to whatever the parking designation is for the rest of those blocks. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to have the No Parking signs removed at 525 9th St. and 1341 Maryland Ave. NE and replaced with signs reflecting the parking regulations on the rest of those blocks. The motion passed unanimously, 7-0.

Upcoming Races

Mr. Mahmud told the Commission that there would be a discussion of two races at the March meeting: there was a meeting on the National Marathon on December 19th, and the Capitol Hill Classic was coming up.

The report of the Committee was accepted without objection.



Advisory Neighborhood Commission 6A Meeting Minutes for December 8, 2011



Economic Development and Zoning

Motion: The committee moved/Dr. Ronneberg seconded a motion to accept the Committee's Proposed 2012 Goals. The motion passed without objection.

The report of the Committee was accepted without objection.

VII. Unfinished Business

Rescission of Letter to DPR

Motion: Mr. Healy moved/Mr. Holmes seconded a motion that the ANC rescind the letter approved at the November 2011 meeting requesting the Department of Parks and Recreation (DPR) remove overgrown shrubs at the park located at 8th/K/W. Virginia Ave. NE intersection and instead send a letter to DPR authorizing Commissioner Healy to represent the Commission in all matters concerning this park. The motion passed without objection.

VIII. New Business

Street Sweeping in Alleys

Mr. Healy reported that despite the alleys being paved there was still trash accumulating in them, particularly around H St., and the sweeping should be regularly scheduled, not just occasionally.

Motion: Mr. Healy moved/Ms. Mack seconded a motion to send a letter to DPW requesting regular street sweeping in the alleys near the H St. commercial district. The motion passed unanimously. Mr. Holmes suggested that a small street sweeping machine should be indicated to get in and out of the alleys.

Licenses for Central and Rose's Dream

Mr. Healy asked that a placeholder protest should be requested for Central, 1200 H St. NE and Rose's Dream at 1370 H St. NE as they came in after the last meeting. He said neither should be a problem.

Motion: Mr. Healy moved/Ms. Lawler seconded a motion that the ANC protest the new alcohol license for Central at 1200 H St. NE, and the substantial change for Rose's Dream at 1370 H St. on the grounds of peace, order and quiet of the neighborhood unless a VA is approved and signed prior to the protest date. The motion passed 5-0-2, with Ms. Mack and Mr. Alberti not voting.

2012 Meeting Dates

Mr. Holmes said that the normal second Thursday dates have no conflicts with holidays that require rescheduling. **Motion:** The chair moved that the meeting dates for 2012 will be the second Thursday - January 12; February 9; March 8; April 12; May 10; June 14; July 12; August - no meeting; September 13; October 11; November 8; December 13; and January 10, 2013. If, on a day for which an ANC meeting is scheduled, the District government declares a weather or safety emergency and closes normal government operations, the ANC meeting shall be postponed until a date set by the Chair after consultation with the Commission, The dates were accepted by unanimous consent.

IX. Community Comment

Coralie Farlee, Chair of the ANC 6D ABL Committee, complimented the Commission, saying it was "astoundingly open" in providing materials, having discussion of issues, etc.

The meeting was adjourned at 8:59 pm.



Commission Letters of November 10, 2011 Meeting



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



December 13, 2011

Terry Bellamy, Director
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

Dear Director Bellamy:

At a regularly scheduled and properly noticed meeting on December 8, 2011, Advisory Neighborhood Commission 6A voted 7-0-0, with a quorum present, to request the Department of Transportation to remove the newly installed Loading Zone signs in front of 1308 H Street, NE. They should be replaced with meters to allow for customer parking.

Omar Mahmud, Chair of our Transportation and Public Space Committee (familymahmud@yahoo.com) and Commissioner Andrew Hysell (AHysellANC6A06@hotmail.com) are authorized to represent the Commission in this matter.

On behalf of the Commission,

David Holmes, Chair



Commission Letters of November 10, 2011 Meeting



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



December 13, 2011

Terry Bellamy, Director
District Department of Transportation
55 M Street, SE, Suite 400
Washington, DC 20003

Dear Director Bellamy:

At a regularly scheduled and properly noticed meeting on December 8, 2011, Advisory Neighborhood Commission 6A voted 7-0-0, with a quorum present, to request the Department of Transportation to remove the No Parking signs from in front of recently completed renovations at 529 Ninth Street, NE, and at 1341 Maryland Avenue, NE. Both buildings were District-owned, were sold to developers for conversion into condominiums, and no longer need the No Parking signs placed there when the buildings were publicly-owned.

Please replace these signs with parking sign designations found on the rest of their side of these blocks.

Omar Mahmud, Chair of our Transportation and Public Space Committee (familymahmud@yahoo.com), Commissioners Drew Ronneberg for 529 Ninth (Ronneberg6A02@gmail.com), and Andrew Hysell for 1341 Maryland (ahysellANC6a06@hotmail.com) are authorized to represent the Commission in this matter.

On behalf of the Commission,

David Holmes, Chair



Commission Letters of November 10, 2011 Meeting



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



December 9, 2011

DDoT
Public Space Management Branch
1100 4th Street, SW, Second Floor
Washington, DC 20024

At its regularly scheduled and properly noticed meeting on December 8, 2011, ANC 6A voted 6-0-1, with five required for a quorum, to approve the public space application for 1128 H Street, NE. The Public Space Management case tracking number is 66833.

Should you need additional information, please contact Omar Mahmud, Chair of our Transportation and Public Space committee at familymahmud@yahoo.com or myself at 6A03@anc.dc.gov.

On behalf of the Commission,

David Holmes
Chair



Commission Letters of November 10, 2011 Meeting



District Department of Transportation

Public Space Management Branch
1100 4th Street SW / 2nd Floor
Washington, DC 20024

Tel. (202)442-4670 Fax (202)442-4867 Inspections: (202)671-7050

d.

November 8, 2011

ANC
ANC

25 spaces on

DDOT Tracking Number 66833

Dear ANC6:

This is to notify you of an application to occupy public space for the purpose of Projections: Awning(s), PS Rental: Sidewalk Cafe (unenclosed) at the premises at 1128 H STREET NE, WASHINGTON, DC 20002.

Enclosed are plans showing the proposed work. Please review the application and plan and return this letter to the Public Space Management Branch (PSMB) advising it whether or not ANC6 has any objections to the application. The response must be received at the PSMB no later than thirty (30) days from the postmarked date of this letter, excluding Saturdays, Sundays, and legal holidays. If a response is not received within that period it is assumed that ANC6 has no objections to the application. If ANC6 has objections, they must be provided to the PSMB in writing and with supporting details. Please provide ANC6's response in the space below and return this letter with any correspondence pertaining to this application to:

District Department of Transportation
Public Space Management Branch
1100 4th Street S.W. / 2nd Floor,
Washington DC 20024,

Please Note: For 6's response to carry "Great Weight," this request must be voted on by the commission as a whole at a properly noticed meeting that is open to the public.

Please call (202) 442-4670 with questions. (FAX: 202-535-2221)

Attachment(s)

PLEASE COMPLETE THIS & RETURN TO THE PUBLIC SPACE MANAGEMENT BRANCH
Date of ANC Vote: 12-8-11 (please attach any resolution, if available)

ANC6 has no objection to this application.
 ANC6 has the following objections to this application:

(Please attach additional pages if necessary)

Name: DAVID HOLMES, ~~CHAIR~~ Title: ANC CHAIR
Signature: David Holmes Date: 12-9-11



Commission Letters of November 10, 2011 Meeting



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



December 13, 2011

William Howland, Director
District Department of Public Works
2000 14th Street, NW, Sixth Floor
Washington, DC 20009

Dear Director Howland:

At a regularly scheduled and properly noticed meeting on December 8, 2011, the Advisory Neighborhood Commission 6A voted to request the Department of Public Works to conduct regular (at least twice monthly) street sweeping/cleaning of the alleys near (parallel to or intersecting with) the H Street commercial corridor within the boundaries of ANC6A (7th to 15th Streets). It will probably be necessary for DPW to use the smaller sweepers/cleaners to access these alleys.

Several of the public alleys located between the commercial businesses on H Street NE and residential blocks are very narrow, are heavily utilized by commercial and non-commercial traffic, and are used by commercial and DPW trash/recycling trucks. The stench of spilled trash and commercial kitchen waste can be overwhelming and negatively impacts the quality of life for both residents and business patrons. The Commission believes regular street sweeping will go a long way in improving this situation.

The Commission appreciates any assistance DPW can provide to ensure these alleys, shared by commercial and residential users, are kept sanitary. Commissioners Healy (Healy-ANC6A01@gmail.com), Hysell (AHysellANC6a06@hotmail.com), and Ronneberg (Ronneberg6A02@gmail.com) are authorized to represent the Commission in this matter.

On behalf of the Commission,


David Holmes, Chair



Commission Letters of November 10, 2011 Meeting



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



December 13, 2011

Terry Bellamy, Director
District Department of Transportation
55 M St SE, Suite 400
Washington, DC 20003

Dear Director Bellamy:

At a regularly scheduled and properly noticed meeting on December 8, 2011, Advisory Neighborhood Commission 6A voted 6-1-0, with a quorum present, to request the Department of Transportation establish a drop-off and pick-up loading zone in front of JO Wilson Elementary School at 660 K Street, NE.

While JO Wilson Elementary is located in ANC6C, it is across the street from ANC6A. Many parents in 6A and 6C have experienced difficulty in safely dropping off or picking up their children at the school. A morning and afternoon school loading zone would help alleviate this problem.

I have also attached a letter from Cheryl Warley, Principal at JO Wilson Elementary, and Samantha Caruth, President of the JO Wilson PTA, to DDOT seeking similar action.

Commissioner Adam Healy (healyanc6a01@gmail.com) and our Transportation and Public Space Committee Chairman Omar Mahmud (mahmud_omar@yahoo.com) are authorized to represent the Commission in this matter.

On behalf of the Commission,



David Holmes, Chair

cc: Commissioner Tony Goodman, ANC6C-04
Joe McCann, Chair ANC6C Transportation & Public Space Committee
Cheryl Warley, Principal, JO Wilson Elementary
Samantha Caruth, President, JO Wilson PTA



Commission Letters of November 10, 2011 Meeting



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



December 13, 2011

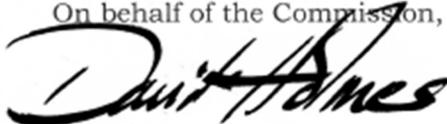
Jesus Aguirre, Director
District Department of Parks and Recreation
3149 16th Street, NW
Washington, DC 20010

Dear Director Aguirre:

At a regularly scheduled and properly noticed meeting on December 8, 2011, Advisory Neighborhood Commission 6A voted to authorize Commissioner Adam Healy to represent the Commission in all matters concerning the Department of Parks and Recreation (DPR) park located at the corner of 8th/K/West Virginia, NE.

The Commission appreciates the willingness of DPR to work with area residents planning to beautify this green space. Commissioner Healy may be reached at 202.556.0215 or healyanc6a01@gmail.com.

On behalf of the Commission,


David Holmes, Chair



Commission Letters of November 10, 2011 Meeting



Made this 8th day of December, 2011

by and between

Pho Bar and Grill
1360 H Street, NE
Washington DC 20002
and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

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

Voluntary Agreement between Pho Bar and Grill and ANC6A

Page 1 of 4



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

2. Business Operations and Practices:

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

Voluntary Agreement between Pho Bar and Grill and ANC6A



data regarding calls for service or other necessary police presence around this establishment.

i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

k. Applicant shall not support of the installation of pay phones outside of the establishment on their property.

l. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.

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

3. Music / Dancing / Entertainment:

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

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

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

1) Applicant shall not offer any type of live or pre-recorded music on the patio.

2) A fence or other barrier will enclose the entire perimeter.

3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.

4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.

5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.

d. The ANC will establish a three month trial of noise levels from the outdoor area with limited hours until 11PM on weekdays and 12AM on weekends. If noise levels do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours. The three month time period for this applicant is _____ to _____.

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

f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows,

Voluntary Agreement between Pho Bar and Grill and ANC6A



Commission Letters of November 10, 2011 Meeting



poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

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

h. All CR license holders shall comply with ABRA regulations that require their kitchen to remain open and operational up until at least 2 hours prior to closing.

4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.

b. Applicant will operate in compliance with all applicable DC laws and regulations.

7. Enforcement:

a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.

b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.

c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: NAPOLEON IBIEZUGBE Date: 11/29/11

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: DAVID HOLMES, CHAIR, ANC 6A Date: 12/8/11

Signature: [Handwritten Signature]

Voluntary Agreement between Pho Bar and Grill and ANC6A

Page 4 of 4



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2011

Period Covered 12/01/11 - 12/31/11

Checking Account:

Balance Forwarded \$ 18,190.84

Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 18,190.84

Disbursements:

Heather Schoell (Minutes Nov. '11 Meeting) Ck #1539 \$ 180.00
Heather Schoell (Agenda Package Dec. '11) Ck #1540 \$ 200.00
FedEx Office (Nov. 01, 2011 Statement) Ck #1541 \$ 158.00

Total Disbursements \$ 538.00

Ending Balance \$ 17,652.84

Savings Account:

Balance Forwarded \$ 4,206.11

Receipts:

Interest (12/30/11) \$ 0.18
Transfers from Checking Account

Total Receipts \$ 0.18

Total Funds Available \$ 4,206.29

Disbursements \$ -

Ending Balance \$ 4,206.29

Prepared November 30, 2011



Officer Reports - Treasurer



ANC 6A Treasurer's Report December 2011

PETTY CASH SUMMARY

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

Prepared November 30, 2011



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 1st Quarter FY12

Summary of Receipts and Disbursements: Savings Account

Balance Forwarded			\$ 4,205.76
Receipts:			
Transfers From Checking Account	\$	-	
Other (Interest Earnings, etc.)	\$	0.53	
Total Receipts			\$ 0.53
Total Funds Available			\$ 4,206.29
Disbursements:			
Transfers to Checking Account	\$	-	
Other	\$	-	
Total Disbursements			\$ -
Ending Balance:			\$ 4,206.29

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
	\$ -	
Total	\$ -	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
10/31/11	\$ 0.18	Interest
11/30/11	\$ 0.17	Interest
12/30/11	\$ 0.18	Interest
Total	\$ 0.53	



Officer Reports - Treasurer



ANC 6A QUARTERLY REPORT OF FINANCIAL
ACTIVITY
Listing of Checks Issued
1st Quarter FY12

Check #	Date	Payee	Amount	Expense Category	Purpose of Expenditure	Date Approved (1)
1529	10/13/11	FedEx Office	\$ 419.79	13	Oct. 1, 2011 Statement	Budget Approved 10/14/10
1530		Void	\$ -			
1531	10/13/11	Heather Schoell	\$ 200.00	15	Agenda Package - Oct. '11	10/14/10
1532	10/13/11	Roberta Weiner	\$ 220.00	15	Minutes - Sept. '11	10/14/10
1533	11/10/11	Heather Schoell	\$ 200.00	15	Agenda Package - Nov. '11	10/13/11
1534	11/10/11	Capital Hill Garden Club	\$ 650.00	18	Grant - Capital Hill Garden Club	05/12/11
1535	11/10/11	FedEx Office	\$ 226.79	13	Nov. 01, 2011 Statement	Budget Approved 10/13/11
1536		Bank Fee	\$ 30.00	22	Stop Payment Fee for lost check	12/08/11
1537	11/22/11	Capital Community News	\$ 3,815.00	15	12 months of RAG ads	11/10/11
1538	11/22/11	Roberta Weiner	\$ 180.00	15	Minutes Oct.' 11	10/14/10
1539	12/08/11	Roberta Weiner	\$ 180.00	15	Minutes Nov.' 11	10/13/11
1540	12/08/11	Heather Schoell	\$ 200.00	15	Agenda Package - Dec. '11	10/13/11
1541	11/10/11	FedEx Office	\$ 158.20	13	Dec. 01, 2011 Statement	Budget Approved 10/13/11
Total			\$ 6,479.78			

(1) If ongoing operating expense, indicate "Budget" and date budget was approved. If not included in approved budget, indicate date Commission approved the expenditure.



Officer Reports - Treasurer



Petty Cash 1st Quarter FY12

PETTY CASH SUMMARY

Period Covered 10/01/11 - 12/31/11

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



Committee Reports
Community Outreach Committee (COC)



No December Meeting to Report



Committee Reports Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee ANC 6A December 20, 2011

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on December 20, 2011 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Michael Herman and Anne Marie Koshuta

Committee Members Absent: Katy Thomas

Commissioners Present: Drew Ronneberg and David Holmes

Community Members Present: Yvette Williams, Troy Williams, Jeff Jackson, Danny Roberts, Margaret Holwill, Jason Martin, Joey Belcher, Darryl Cohen, Fernando Postigo, Tony Puesan, Melvin Crenshaw, and Sarosh Hussain

Call to Order

Mr. Healy called the meeting to order at 7:04 pm EST. The meeting having been duly convened was ready to proceed with business.

Approval of Agenda

After review and discussion, Mr. Healy asked for acceptance of the agenda.

Approval of Minutes

After review and discussion, Mr. Healy asked for acceptance of the November 15, 2011 meeting minutes.

I. Community Comment

None

II. New Business

Mr. Jeff Jackson, Ms. Yvette Williams, and Mr. Troy Williams gave a brief summary of their proposed business at 1255 H St. NE. The name has not yet been determined for the establishment. They want to open a restaurant and have seating on the sidewalk and rooftop. The owners plan to run a restaurant but will apply for a tavern license because they are concerned about not being able to meet the percentage of food sales necessary for a CR license. However, they would be willing to include language in a voluntary agreement requiring the establishment to have a kitchen open until one hour prior to closing and other provisions to ensure the establishment will operate as a restaurant. Mr. Healy indicated that, given the ANC’s adoption of the recent policy that CR licenses will be encouraged, he hoped the owners would reconsider applying for a restaurant license. He will continue working with them. Because they have not yet applied for their ABC license, no action was taken.

Mr. Sarosh Hussain gave a brief presentation about his proposed business at 1128 H St. NE named Casbah. Mr. Hussain has already appeared before the ANC and DDOT and has received his permit for a sidewalk café. Mr. Hussain indicated he will be applying for his CR (restaurant) license soon. Mr. Healy thanked him for being responsive to the community by applying for a CR license. Because they have not yet applied for their ABC license, no action was taken.

Mr. Danny Roberts gave a brief presentation about the substantial change application for Rose’s Dream at 1370 H St. NE. It appears there was a paperwork problem between ABRA and DCRA about the occupancy for the third floor of the establishment. They had already been operating on the second and third floors



Committee Reports

Alcohol Beverage and Licensing (ABL)



of the building and are licensed for the rooftop. Mr. Healy indicated he has never received any complaints about the establishment. Mr. Roberts mentioned the ongoing problem with inadequate lighting in the alley behind 1370 H St. NE and that there was a shooting in the alley recently. Mr. Healy indicated he has reported the broken lights before and would be in contact with Commissioner Hysell and the Mayor's office in hopes of getting some better lighting. The ANC has already submitted a placeholder protest for the substantial change. Mr. Healy moved/seconded by Mr. Herman that the ANC withdraw the protest for the substantial change for Rose's Dream at 1370 H St. NE. Motion passed 3-0.

Mr. Driss Ouadrhir did not appear at the meeting to discuss his application for a tavern license for Central at 1200 H St. NE. Mr. Ouadrhir had appeared before the Committee this summer to talk about his plans and they seemed to be similar to what was placarded for the ABC license. Mr. Healy indicated the owner didn't have any problems with the standard VA. The ANC has already submitted a placeholder protest for this application. Mr. Healy indicated he will get in touch with Mr. Ouadrhir to finalize a voluntary agreement before the next ANC meeting.

Mr. Melvin Crenshaw appeared before the Committee representing Chicken Tortilla at 1324 H St. NE. Mr. Crenshaw indicated that this will be the second Chicken Tortilla to open in DC. The other one is on 8th St. SE but doesn't have an ABC license. Mr. Healy indicated he will work with the owner to finalize the standard voluntary agreement prior to the next ANC meeting. Mr. Healy moved/seconded by Ms. Koshuta that the ANC protest the license for Chicken Tortilla at 1324 H St. NE unless a signed voluntary agreement is approved prior to the protest date. Motion passed 3-0.

Mr. Tony Puesan gave a brief presentation about his plans to move HR 57 from its current location in the 800 block of H St NE to 1007 H St NE. The 1007 space is much larger and he will have a coffee shop/bakery in the front of the establishment with the HR 57 jazz performance space in the back. Mr. Puesan indicated that he will be applying for a tavern license soon and wants a stipulated license. Mr. Healy and other committee members indicated that this could be a unique case where a CT license would be acceptable because the owner has a track record in the ANC and is moving an establishment from another location. Mr. Healy indicated he has not heard any complaints from constituents about noise or other issues from the current HR 57 location. Mr. Healy indicated he will continue working with Mr. Puesan on a voluntary agreement prior to the next ANC meeting and encouraged Mr. Puesan to give some more thought about applying for a CR license. Committee members didn't see any problem with a stipulated license. Because the application has not yet been submitted to ABRA, the committee took no action.

Mr. Fernando Postigo gave a brief presentation of their plans to open Sol Mexican Grill at 1251 H St. NE. They have already applied for a tavern license and plan to have a small outdoor patio on the second floor of the establishment. Mr. Healy indicated that the application was submitted to ABRA prior to the ANC voting to establish a preference for restaurant licenses, but asked the applicant to consider switching to a CR license. Mr. Healy will work with the owner to finalize the standard voluntary agreement prior to the next ANC meeting. Mr. Healy moved/seconded by Mr. Herman that the ANC protest the license for Sol Mexican Grill at 1251 H St. NE unless a signed voluntary agreement is approved prior to the protest date. Motion passed 3-0.

III. Adjourn

There being no further business to come before the committee, the meeting was adjourned at 8:37 pm EST. The next committee meeting is scheduled for Tuesday, January 24, 2012 (delayed one week from standard meeting date).



Committee Reports Alcohol Beverage and Licensing (ABL)



Made this 12th day of January, 2012

by and between

Chicken Tortilla
1324 H Street, NE
Washington DC 20002
and
Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

- I. **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.).

Voluntary Agreement between Chicken Tortilla and ANC6A

Page 1 of 4



Committee Reports

Alcohol Beverage and Licensing (ABL)



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

2. Business Operations and Practices:

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

Voluntary Agreement between Chicken Tortilla and ANC6A

Page 2 of 4



Committee Reports

Alcohol Beverage and Licensing (ABL)



data regarding calls for service or other necessary police presence around this establishment.

i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

k. Applicant shall not support of the installation of pay phones outside of the establishment on their property.

l. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.

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

3. Music / Dancing / Entertainment:

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

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

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

1) Applicant shall not offer any type of live or pre-recorded music on the patio.

2) A fence or other barrier will enclose the entire perimeter.

3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.

4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.

5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.

d. The ANC will establish a three month trial of noise levels from the outdoor area with limited hours until 11PM on weekdays and 12AM on weekends. If noise levels do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours. The three month time period for this applicant is _____ to _____.

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

f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows,

Voluntary Agreement between Chicken Tortilla and ANC6A

Page 3 of 4



Committee Reports

Alcohol Beverage and Licensing (ABL)



poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.

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

h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.

b. Applicant will operate in compliance with all applicable DC laws and regulations.

7. Enforcement:

a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.

b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.

c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: EDDIE MILLER Date: 1/4/12

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____

Voluntary Agreement between Chicken Tortilla and ANC6A

Page 4 of 4



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes Capitol Hill Towers (900 G Street NE) December 19, 2011

- I. Call meeting to order at 7:04 pm
- II. Introductions - ANC 6A Commission Chair David Holmes and Commissioners Alberti, Lawler, Mack and Veenendaal-Selck; Committee members DeLania Hardy and Omar Mahmud (Chair); Chris Browne with the Greater Washington Sports Alliance; Becky Richards and Mike Soderman with the Capitol Hill Classic; and community members Rob Stephens and Sondra Phillips-Gilbert.
- III. Community Comment
 - a. Rob Stephens asked to speak to item V (5).d. on the agenda because he had to leave the meeting early. Mr. Stephens then stated the following:
 - i. Basically asking that ANC 6A send a letter to DDOT reactivating the C Street NE Project, which is aimed at reducing traffic volume and speed along C Street NE. Persistent problem because the street has become a six lane highway. If 6A is concerned with curbing commuter traffic in the neighborhood, then cutting down traffic along C Street is key.
 - ii. The project has been going nowhere for the last year and a half. DDOT has stated the project will be restarted but it seems to be a lower priority. Please send a letter to DDOT asking for three things:
 1. Release the C Street study that reflects community comment from four community meetings;
 2. Hold a final community forum with impacted ANCs; and
 3. That DDOT move to issue a final recommendation and move to final implementation stage.
 - iii. This project should be a priority because it's a school area with children around. Need to deal with traffic at this area if you're concerned with reducing commuter traffic. DDOT has implemented two similar projects in Ward 7. Why has DDOT prioritized Ward 7 but not here?
 - iv. He also asked that ANC 6A call for a reduction in one westbound lane. No need to push it, but this is what he wants.
 - b. Mr. Mahmud thanked Mr. Stephens for his comments.
- IV. Announcements. Mr. Mahmud made the following announcements:
 - a. There will be a DDOT meeting regarding the Maryland Avenue Pedestrian Safety Corridor Project from 1 to 3pm on January 28, 2012 at the Sherwood Recreation Center (640 10th Street NE).
 - b. There will be a follow up meeting hosted by DDOT regarding the H Street/Benning Road Streetcar line starting at 6pm on December 20, 2011 at the Atlas Performing Arts Center (1333 H Street NE).
- V. New Business
 - a. Presentation by Greater Washington Sports Alliance (GWSA) - National Marathon. Mr. Mahmud introduced Chris Browne from GWSA, thanked him for attending the meeting and asked that he provide an overview of the race details. Mr. Browne then provided the following information:



Committee Reports

Transportation and Public Space (TPS)



- i. View presentation in two phases. 1) Present 2012 race plans, improvement areas, and tweaks to course based on feedback. 2) Come back to committee in January 2012 based on tonight's conversation to outline a full plan and get vote of support.
- ii. 8th annual edition of the event. Provided a fact sheet for last year and the next year.
- iii. Date: Saturday, March 17, which is several weeks prior to previous years due to conflict with 100th anniversary of the Cherry Blossom Festival. GWSA agreed with Mayor's office to move the race to an earlier date because of the volume of Cherry Blossom Festival events.
- iv. Course will start and finish at RFK stadium, with some proposed changes to the route GWSA hopes will positively impact ANC 6A. Went over the In/Out times and turn by turn directions for the proposed course.
- v. There were about 17,000 registrants last year. The new name for the race is the Rock and Roll National Marathon, which will be done in partnership with Competitor Group Inc. Competitor Group does 26 running events around the world and is investing millions of dollars in this event going forward. GWSA is a non-profit so this gives them more organizational capability and resources, including about 100 more feet on the ground to help with the event. Outreach efforts will also be enhanced from last year (door hangers, basic outreach).
- vi. Route: No mystery that this race demands a lot of 6A. Commissioners Alberti and Holmes have provided much feedback on the routes in the past and have helped improve it for residents. GWSA strives for improvement every year. It's a loop course that presents challenges for 6A. Looking for a revision of the full marathon route at the split (eliminate a mile of the loop in Ward 6). Also planning to split the route at 13th Street NE. Eliminates one mile around the Capitol Hill area and gets them done a little earlier. Not sure what the domino affects are at this point, but on paper it looks positive. Road races around the Capitol are being eliminated.
 1. Commissioner Holmes pointed out that they are still going down Constitution by the Capitol. Mr. Browne pointed out that bordering the Capitol Hill grounds is acceptable.
 2. Commissioner Alberti asked for more explanation regarding the advantages of the split at the half/full described earlier. Mr. Browne explained that this will create an hour earlier "exit" for this area, thus minimizing the boxing in of residents. One mile = 1 hour. But there will be less of a box around certain streets regardless.
 3. Mr. Stephens pointed out that it was a mess around C Street last year. There were clothes all over the place.
 4. Commissioner Alberti: every year the neighborhood has to deal with the same lack of clean up problem. The ANC hears every year that things will be different. From his block alone [presented two medium plastic bags full of clothes], concluding that GWSA has no credibility on this issue anymore.
 5. Commissioner Veenendaal-Selck also had an experience with clothes and trash not being picked up after the race. She wants to know what the concrete plans are for this.
 6. Commissioner Alberti suggested developing a new course. Mr. Browne replied that this is on the table and the course is evaluated every year to identify areas for improvement.



Committee Reports

Transportation and Public Space (TPS)



7. Mr. Browne: regarding clothes, we engaged a non-profit to pick up clothes, but we found they didn't pick up everything which is a problem. The buck stops with GWSA. Please allow the event to improve its performance.
 8. Commissioner Alberti: I understand this benefits the community but this is the 8th year with no improvement so the solution is to find a new course and not impact our community every year.
 9. Mr. Browne: clean-up is not a resounding issue every year, it is a recent issue. Mr. Alberti responded that the odds of seeing an increase in trash is higher given it will likely be colder this year due to the date change.
 10. Ms. Phillips-Gilbert suggested GWSA properly budget for clean up because you're alienating the community by not taking care of this adequately. Mr. Browne responded GWSA has more human resources this year so they can do an effective job this year. Follow-through is key.
 11. Commissioner Lawler: I didn't have any complaints but the bag of clothes has been presented before. What communication do you need from the community to ensure this isn't a problem again? Mr. Browne answered that GWSA must ensure the event doesn't end until cleanup is complete. Can't promise everything will be perfect. Priority is to have a safe event, but want to be a good neighbor as well. Wants to create effective solutions.
 12. Mr. Mahmud asked about getting this cleanup issue solved once and for all. Despite GWSA's best efforts, not everything is being picked up for some reason. GWSA needs to develop a plan for cleanup and improve quality control. Mr. Browne responded that the race contracts with DPW to provide cleanup.
 13. Chairman Holmes: contracting with DPW doesn't work if you have trash under cars and in yards/on fences. I will always oppose the race as long as you run it by the same street twice, but my area always gets hit twice so the whole morning is tied up. Go down to M Street to cross town. Now we have rock and roll bands coming this year at 4am to set up and play until 1pm. Mr. Browne: what you've presented is a scare tactic. This is a professional event run by professionals with local entertainment. The entertainment will be appropriate for residential areas. Like a choir. Commissioner Alberti: I'm concerned about whether the music is amplified or not. Mr. Browne: it's not all rock and roll bands. Each mile will have some entertainment offered but the plan has not yet taken shape. There will be no sound checking at 5am.
 - a. Mr. Browne promised to come back to the January 2012 committee meeting with a music schedule for each mile marker in ANC 6A. Mr. Holmes stressed that the schedule should be worked out with event organizers ahead of time so we can know it's final. Mr. Browne assured the committee this would be the case.
 14. Commissioner Alberti: what is economic input for the district? Mr. Browne: George Mason U. did a study. Mr. Browne promised to provide the ANC with a copy.
- vii. Returning to discussion about the route, Mr. Browne indicated that the course comes through our ANC twice because of RFK Stadium's location. Again, GWSA continues to evaluate other options. A "central option" would have a start at Freedom Plaza, but it would likely cause a loss of east of the river course, which GWSA wants to avoid. Also, 25% of race participants are from Ward 6.



Committee Reports

Transportation and Public Space (TPS)



1. Commissioner Veenendaal-Selck wants to ensure the community is heard and respected, but she is not currently seeing this translate into action by race organizers. She wants concrete plans.
- viii. Mr. Browne again reiterated that there are a lot more resources to use this year. There will be enhancement given partners. Metro will be opening earlier this year.
 1. Chairman Holmes brought up the need to coordinate with MPD better on “bumpouts” to ensure they are enforced better and traffic is allowed to cross when safe.
- ix. Mr. Mahmud thanked Mr. Browne for attending the meeting and summarized action items for Mr. Browne to report back on during the January committee meeting:
 1. Present the new race route with timelines;
 2. A schedule of entertainment acts along the route in ANC 6A;
 3. Concrete plans on outreach;
 4. Concrete plan for picking up trash post-race.
- b. Presentation: Capitol Hill Classic. Mr. Mahmud thanked Mr. Soderman and Ms. Richards, who presented the following information about the race:
 - i. Race organizers submitted a petition in response to a petition trying to get the race moved to Saturday from Sunday. 319 signatures total: 251 from Ward 6 and 68 non-Ward 6 parents. The event is sponsored by the Capitol Hill Cluster Schools Parent Teacher Association (PTA).
 - ii. Had 2,100 participants last year, but goal of 3500 this year between the 3k and 10k.
 - iii. Putting on race to help bridge gap on funding for DCPS. Buys school supplies for Capitol Hill Cluster Schools.
 - iv. Raised \$12,500 last year because they had to pay full tab on MPD unlike the National Marathon, which doesn't have to pay. Had to pay about \$37k for MPD detail (99 MPD officers last year, but hoping to have 64 this year).
 - v. Changing the route this year. A) want to reduce MPD personnel needed for the event (reduce by a third). B) Didn't want to block in 5th Street Baptist Church.
 - vi. Has met with 97% of the local impacted faith groups (LP Methodist, Church of Reformation, St. Joseph's, etc.) to discuss impact of the event on services for Sunday. The churches have offered support. Meeting with them to find ways to ensure the event doesn't impact services. Looking at placards and leaflets showing congregations how to get to church on race day.
 - vii. Proposing to MPD that they not have “static closures” along the race route so that streets can open up as the race moves by.
 - viii. Scheduled for May 20, 2012, starting at 8:30 am.
 - ix. Organizers did the petition to counter one church's effort to move the race to Saturday (5th Street Baptist Church). They have reached out to the church and received no response.
 - x. Commissioner Mack suggested organizers check with local military bases about getting a volunteer police force.
 - xi. Mr. Mahmud asked about street closure times for the impacted areas in ANC 6A. Mr. Soderman indicated this is still being worked out. He also indicated E. Capitol would close around 8am for the start and open back up around 11am.
 - xii. Chairman Holmes asked that organizers explore the “bump cross” (i.e. let cars through when no runners). E. Capitol at 8th, 11th, 13th and 17th are all busy



Committee Reports

Transportation and Public Space (TPS)



intersections so they are looking at getting these intersections for bump crosses. Commissioner Alberti recommended having at least 15th, 17th and 8th, while pointing other intersections are outside of our ANC.

- xiii. Chairman Holmes recommended clearing the race course as soon as possible. Don't have slow runners kept on the course. Ms. Richards indicated organizers share this concern given they don't want to pay for MPD any longer than is necessary.
 - xiv. Mr. Mahmud asked whether a notice to residents about street closures was distributed. They plan to advertise in the Hill Rag, M.O.T.H. and other listservs. Chairman Holmes suggested organizers use volunteering youth to do flyer for community service.
 - xv. Commissioner Alberti pointed out there is a break between fun run and the 10k, which would allow people to go through during this break time. Mr. Soderman agreed and indicated he is talking to MPD about getting this done.
 - xvi. Chairman Holmes suggested getting Commissioners along the route a phone number they can call if the bump crosses aren't working. Mr. Soderman responded that they will have an action plan with a memo MPD signs that will go out to officers. The memo reiterates that this is a community event and that the streets should be opened as soon as the trail car comes through.
 - xvii. Commissioner Alberti: clean up not an issue for these guys every year because the volunteers cleaning up live in this community. They also use BID for cleanup.
 - xviii. Chairman Holmes wants organizers to follow up with him on how the bump cross issue is being resolved with MPD.
 - xix. ***Mr. Mahmud made a motion that the ANC send a letter of support for the Capitol Hill Classic. The motion was seconded by DeLania Hardy and passed without objection. The letter goes to mayor's task force (they will send me the contact). They will be at January meeting.***
- c. Proposed "Road Diet" for K Street NE. Mr. Mahmud made a motion that this item be tabled until the January meeting being Commissioner Healy is not in attendance to address the matter. DeLania Hardy seconded the motion, which passed without objection.
- d. Discussion regarding C Street NE Project. Mr. Mahmud gave a brief overview of the issue and explained some of the more recent history.
- i. Commissioner Holmes expressed interest in moving this forward and engaging Kingman Park. Want to ensure we don't move the traffic north to other streets in Rosedale and Kingman Park. He also indicated he is bringing this up with some hesitancy given traffic may move to E. Capitol through his neighborhood. But he is also concerned about traffic negatively impacting Eliot-Hine Middle School and Eastern High School. Both schools are increasing population and there is concern for kids needing to cross C Street to access the school and recreation facilities. Commissioner Alberti agreed we need to get the project moving forward.
 - ii. Ms. Phillips-Gilbert indicated she supports initial designs for C Street NE but not anything that will bring overflow traffic to E Street and F Street. She is also concerned about the new Rosedale community center being negatively impacted. Wants DDOT to use other tools to slow traffic without shifting to other streets. Use speed cameras, etc. she says numerous traffic incidents have occurred on 17th between E Street and D Street. She is concerned about traffic coming to 17th Street. Wants to ensure there is a safe community. Chairman Holmes pointed out that he doesn't want anyone going north and that he has talked to the project team about ensuring traffic is not shifting to other areas.



Committee Reports

Transportation and Public Space (TPS)



- iii. Commissioner Lawler pointed out one of the reasons before for the delay was construction on Benning Rd and 11th Street Bridge, which are now either complete or almost complete.
- iv. Chairman Holmes suggested having DDOT do a community briefing for ANC 6A and Kingman Park regarding current status of the C Street project. Commissioner Lawler: there were three public meetings in 2009 and 2010.
- v. Ms. Phillips-Gilbert indicated she wants improvement to 17th Street addressed as well (dangerous curve) and possibly cameras.
- vi. Commissioner Lawler: there is a red light camera around 19th at C Street NE. Ken Granata, a neighborhood resident, has requested the number of tickets issued by this camera, but was unable to get it. Mr. Mahmud suggested dealing with this issue separately, not in the letter about restarting the C Street transportation project. Commissioner Holmes agreed and indicated we are not yet ready to send a letter like the one provided by Rob Stephens at this time. We need to discuss the different options after hearing back from DDOT with project updates.
- vii. ***Mr. Mahmud made a motion that ANC 6A send a letter to DDOT requesting follow up regarding improvements to C Street NE within our ANC, specifically a status on where DDOT is and a discussion of the options being studied. Ms. Hardy seconded the motion, which passed without objection.***

- VI. Additional Community Comment - None
- VII. Meeting adjourned at 8:54 pm.



Committee Reports Economic Development and Zoning (EDZ)



Report of the Economic Development and Zoning Committee of ANC 6A December 21, 2011

Present: Members: Missy Boyette, Laura Gentile, Charmaine Josiah
Commissioners: Drew Ronneberg, David Holmes, Andrew Hysell

Drew Ronneberg chaired the meeting.

Community Comment

There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPA Cases: Drew Ronneberg stated that BZA case #18254 (1303 Linden Ct. NE) went before the BZA, but the resolution is unknown. He also gave an update on 1113-1117 H Street NE, a project that has come before the ED&Z Committee before. The ED&Z provided comments to the owner and architect, including a suggestion for a top element at the 3rd column of windows.

Vacant Properties: No update

Zoning Regulations Rewrite: Drew Ronneberg stated that key persons in charge of the rewrite have left the Zoning Office.

H Street Business Liaison Report: Charmaine reported that there is consideration of developing a retail group in order to get feedback from the community on the types of businesses that neighbors would want to see on H Street.

Old Business

None

New Business

BZA #18324 (1337 Maryland Avenue NE): The owners are seeking a use variance to allow three units in the existing building. The owners were not present to discuss the project; the attorney who filed on behalf of the owner was present. The building would be renovated in its current footprint, with no visible changes to the building. Drew Ronneberg requested that the attorney provide proof of the standards for a use variance. Related to financial hardship, the attorney stated that the basement currently has no other purpose and that when the owner purchased the property, he was not aware that the basement could not be rented out as a 3rd unit without a variance. Related to light and air, the attorney stated that there would be no alterations to the existing building, so there would be no affect on light and air. The zoning regulations for R-4 include conversions of dwellings for two or more families.

The attorney described that the use variance is required because each apartment, by zoning, is required to be 900 sf. He also stated that the irregularity of the lot is a hardship. Drew Ronneberg asked whether any of the neighboring homes have three separate units. The attorney was not aware.

Drew Ronneberg stated that he is skeptical of the issue as being a financial hardship. The attorney restated that the owner did not realize that a 3rd unit would not be allowed by current zoning. Drew



Committee Reports

Economic Development and Zoning (EDZ)



Ronneberg stated that he did support a 3-unit use variance for a building on A Street, but in that case, the internal structure of the building made it difficult to create three units. He felt that a use variance in this situation is detrimental to the zoning code. He suggested that the owner use the cellar as shared space. Drew Ronneberg stated that he is aware of three instances in which a use variance has been supported by ED&Z, and these cases applied to either allowing commercial use in a historic area due to the fact that the area historically had been commercial use, or in very unique situations.

Missy Boyette inquired as to whether there is an internal stair in the building which provides access between the basement and first floors. The attorney stated that he was unaware of any stair. Missy Boyette asked whether the basement, if allowed to be rented out separately, is a legal unit (ceiling height, egress, etc.). The attorney responded that yes, it would meet these requirements.

Charmaine Josiah inquired about the adjacent empty lot that may be developed later to create a 5-unit condo between the two lots. She asked whether, if the lots were combined, this would trigger use variance. She stated that she can see the financial hardship, but does not see that the other two standards of variance can be met.

No neighbors were present. Charmaine Josiah inquired whether there was approval or discussion with neighbors. The attorney stated that he is not aware.

The attorney inquired whether, if proof of financial hardship can be provided by the owner, the Committee would take this into consideration. The case is scheduled for the April BZA hearing. Charmaine Josiah responded by saying that if she could see evidence of neighboring properties that are similar, and if there were a stronger case in terms of financial hardship, she would consider this. Drew Ronneberg surveyed the other committee members and the majority did not feel that this information would change their opinion of the lack of unique conditions at the site or the negative effects of setting a precedent.

The Committee voted 3-1-0 to recommend that the ANC write a letter to the BZA opposing the grant of the use variance. The vote will be presented to the full ANC during the January meeting.

Recommendation: The ANC write a letter to the BZA opposing the use variance relief requested by BZA #18324 (1337 Maryland Avenue NE).

BZA #67549 (1400 Maryland Avenue NE): Mr. Richard Aguglia, representing the applicant, gave the presentation. This project has come before the ED&Z Committee previously in 2008 and 2009. Mr. Aguglia started by provided some background.

The subject site was used as a gas station from 1969-1995. The owner has been trying to put a gas station back on the site since 2008. The first public space application (Dec. 2008) was denied because the site showed inappropriate use of public space and insufficient vehicular circulation. Mr. Aguglia stated that the architect, who is present, has revised the plans significantly.

The question at hand at this time is the use of public space. The BZA delayed the case until the Public Space Committee heard it/ they approved it with conditions, and then it took six months to receive a permit. The BZA order came out two or three days after the Public Space Permit had expired. The applicant has now refiled plans for public space which are “exactly the same.”

Plans were presented by the architect, Bill Maiden. Mr. Maiden described that the building has been reduced in size, taking away 9.33’ to make it smaller. The fuel call sign is located on private property



Committee Reports

Economic Development and Zoning (EDZ)



and is 8' tall. The building was cut back in size in order to provide adequate queuing space. The number of gas pumps has been reduced from 4 to 2 (2 pumps with 4 positions). The landscape is on public space and will provide low height and low maintenance plantings. The trench drains are on private property. Two existing driveway aprons (previous design showed four) are being reworked to conform to public space requirements. The 14th Street apron has been relocated slightly to the north. The architect stated that there is no street parking on 14th Street. The east, west and south sides have a 3' high fence, with a 6' high fence on the alley (no alley access). Sidewalks use the same material as the apron (concrete aggregate), with a pedestrian walkway along each apron. The Public Space committee requested directional arrows be painted on the pavement, which the applicant will provide. The architect stated that the Maryland Avenue median is proposed to be extended to prevent U-turns. The applicant is asking for support for the driveway aprons, sidewalks and ornamental planting.

Drew Ronneberg explained that these plans were filed with DCRA for building permit in May of 2011. The Public Space Committee's previous rejection requested circulation diagrams, which the applicant has not provided to the ED&Z Committee. Mr. Aguglia stated that these diagrams were part of the BZA application and will provide copies to the ED&Z Committee.

Several clarifications were discussed. The architect clarified that a curb cut is for pedestrian use whereas a drive apron is for vehicular use. The architect also confirmed that all signage is located on private property. The applicant's representatives stated that the gas station's hours of operation will be 24 hrs/day, but that delivery of gas will be limited.

The applicant's representatives stated that in the previous denial, there were two conditions presented by the ANC that would require conformance in order for the Public Space Committee to grant approval - extension of median, and to take away anything that does not work or is not maintained. The applicant believes these items have been addressed.

Discussion opened up to community comment. A community member inquired as to where the gasoline will be stored. The response by the applicant was that the gasoline is stored underground and that there is currently no storage tank on site. Community member asked what will be done to make sure that the tank does not leak and to detect a leak. Monty Berhane, a representative of Capitol Petroleum, stated that the tank will be double-walled fiberglass with a 24-hour monitor. Community member asked for a plan to show the location of the underground tank.

Community member asked whether there were any plans to provide a green roof. Mr. Aguglia stated that this was initially suggested, but was later rejected as no one liked it. Community member asked whether the application has been submitted to DDOT. The applicant responded yes. However, DDOT has not seen the circulation plan. Community member asked that this be provided to the ANC and Public Space Committee (PSC).

Drew Ronneberg referred the applicant to BZA order item #11, stating that the BZA order condition regarding the median was intended to be a full closure of the median, along the entire length of the property, not a 5' extension. Applicant stated that this is up to the Public Space Committee; Mr. Aguglia added that the PSC request clearly states that a 5' extension is required. Drew Ronneberg replied that the ANC can raise this issue with the PSC.

Commissioner Holmes asked how many cars are able to queue from 14th Street. The architect responded that a queuing scenario would allow one car on private property and one on public property. Drew Ronneberg referenced Zoning section 2405, which states that there is no parking allowed in the space between the curb and the building line.



Committee Reports

Economic Development and Zoning (EDZ)



Omar Mahmud, the Chair of the Public Space Committee, stated that the proposal requires the community to put a lot of faith in the applicant. Mr. Berhane stated that he maintains both the public and private space and that he had contacted the police regarding encampments on the site. He stated that he can provide the ANC information on these calls regarding the maintenance of the site.

ANC Commissioner Andrew Hysell responded with some comments on the condition of the facility. He described that he was elected to the ANC a year ago and that, in the past year, this site has been a constant problem for his constituents. Mr. Berhane, the representative from the gas station, stated that he will give his business card so that he can be contacted when there are issues.

Omar Mahmud stated that he does not understand how the gas station owner will maintain the building when it is finished. Mr. Berhane stated that the Shell Company has standards, and that issues “won’t happen once we’re in there.” Mr. Mahmud responded by stating that he does not find these promises credible based on the inability of the company to follow up on issues over the past several years.

Commissioner Holmes asked how many attendants would be on site. The applicant responded that there would be at least two (6am-10pm), and one at the midnight shift.

Community members reacted to the 14th Street entrance as proposed as being problematic - a safety problem. Drew Ronneberg asked the applicant whether they’ll still build the project if they were required to close the median strip on Maryland Avenue per the BZA order. Mr. Berhane responded yes. A community member inquired as to whether the plans as shown accurately depict existing conditions. The owner responded yes.

Committee members deliberated. Laura Gentile stated that she is concerned about safety and maintenance of the proposed site. Missy Boyette reiterated that the ANC wants to see the circulation plan. When asked whether there were any parking spaces that would be eliminated by the proposed plan, Mr. Aguglia stated that no legal parking spaces would be eliminated.

Commissioner Hysell stated that a constituent got 37 signatures on a petition, and that the support is conditional on the BZA order having to be implemented if the project were to go forward. He also mentioned that the median extension remains an issue.

Community member Matt Ashburn who was present and who lives half a block away from the subject site, near two gas stations, stated that he was indifferent to the issue prior to attending this meeting, but that he is no longer in support due to the incredibility of the owner.

Drew Ronneberg stated that he feels that trying to circumvent the BZA order is unethical; the applicant either needs to close the median or have the BZA modify the order. Thus, one of the reasons for denial should be for non-compliance with the BZA order. He also expressed concern about queuing. If the median is closed, his recommendation to the PSC would be for one-way traffic through the site (enter from Maryland Ave, exit onto 14th Street).

A motion was made to oppose the Public Space application because:

1. The proposed layout fails to close the median strip per the BZA order
2. The applicant has not provided circulation plans
3. Circulation would be recommended as a one-way traffic pattern in which cars would enter the site from Maryland Avenue and exit on 14th Street
4. The owner has a poor reputation with the community based on past behavior



Committee Reports

Economic Development and Zoning (EDZ)



The Committee voted 5-0 to recommend that the ANC write a letter to the BZA / PSC opposing the application. The vote will be presented to the full ANC during the January meeting.

An additional motion was made to state that an ANC representative (Ronneberg, Holmes, Hysell, former Commissioner Schultheiss, or Mahmud) represent the ANC in from of the Public Space Committee.

Additional Community Comment

None

**Next Scheduled ED&Z Committee Meeting:
Wednesday, January 11, 2012
7-9 PM
640 10th St NE
Sherwood Recreation Center, 2nd Floor**



Committee Reports

Economic Development and Zoning (EDZ)



January XX, 2012

Ms. Catrina Felder
Secretary, Public Space Committee
District Department of Transportation
1100 4th St SW, Second Floor
Washington, DC 20024

RE: DDOT Public Space Tracking #67549 (1400 Maryland Ave NE)

Dear Ms. Felder,

At a regularly scheduled and properly noticed meeting¹ on January 12, 2011, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to oppose the applicant's request for a public space permit (DDOT PS Tracking Number #67549). The reasons for the Commission's opposition are enumerated below:

1. The submitted plans do not reflect existing conditions at 1400 Maryland Ave site. The plans reflect the site conditions of the original public space application (PS Tracking #40122) which was submitted approximately three years ago. However, during intervening period:
 - a. The location of the Maryland Avenue bus stop was moved from the far side of 14th Street intersection (in front of the vacant church) to the near side (in front of the proposed gas station). (Figure 1 of Attachment A)
 - b. Legal on-street parking spaces were installed on the south side of 1400 block of Maryland Avenue (adjacent to Checkers). These spaces must be eliminated in order to accommodate the turning radius of fuel tanker turning eastbound on Maryland Ave from 14th St. (Figures 2 and 3 of Attachment A)
 - c. Maryland Ave and its immediate side-streets are currently undergoing a comprehensive traffic and parking planning study that may recommend establishing on-street parking spaces for 700 block of 14th St. If on-street parking spaces are established on 14th St, they will need to be eliminated in order to accommodate the turning radius of a fuel tanker exiting the site onto 14th St.

We request that the PSC deny the current application on the grounds that the site plan does not reflect existing and planned conditions on adjacent roadways and require the applicant to resubmit plans that reflect the current location of the bus stop on 14th St as well as the current and planned on-street parking spaces on Maryland Ave and 14th St NE. In addition, the applicant should demonstrate how proposed fuel deliveries will impact the current and planned conditions on these adjacent roadways.

2. No circulation plans were included with the public space application. The lack of circulation plans makes it impossible to fully understand how vehicles will use the site and interact with the 14th St bus stop. For example, the Commission is concerned that although vehicles entering the site from 14th St are directed to the southern side of the pumping stations, cars with gas tanks on their right hand side will use the north side of the pumping stations because of the proximity of their gas tanks to the dispenser.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the Hill Rag.



Committee Reports

Economic Development and Zoning (EDZ)



In addition, the applicant has failed to consider the effect their patrons and the increased traffic across the sidewalk will affect the safety of transit patrons waiting at the stop. We are concerned the bus patrons will be put at risk and transit operators may have difficulty serving the bus stop.

Without circulation plans, it is impossible to understand how on-site traffic circulation problems and interference with the 14th St bus stop will be avoided. In addition, the Public Space Committee rejected the applicant's 2008 public space application in part to the lack of circulation plans (p. XX of attachment B).

We request that the PSC deny the current application and require that the applicant submit circulation plans as part of a new public space application which detail all likely impacts to off-site pedestrian and bus patron safety, on-street public parking, customer queuing on public space and on-site circulation patterns within the property.

3. The applicant does not show an “unbroken, raised median in the center Maryland Ave for the length of the property’s Maryland Avenue frontage” as required in the BZA Order 17825 (Attachment C). DDOT’s letter requesting the unbroken, raised median on Maryland Ave due to traffic safety concerns is included as Attachment D. The applicant has instead only lengthened the median strip by 5 feet which, according to DDOT, will make left hand turns onto Maryland Avenue even more dangerous.

Our Commission requests that that PSC deny this application because it does not comply with Condition #11 of BZA Order 17825.

4. The proposed site plan will cause vehicles to queue on the 14th St driveway, sidewalk and roadway, thereby creating dangerous conditions for pedestrians and other vehicles. At the December 21st meeting of ANC 6A’s Economic Development and Zoning Committee, the applicant stated that only one car could queue on private land when entering the site from the 14th St entrance. The second car would need to queue on the driveway, the third car on the sidewalk and the fourth car on 14th St. roadway, which is a heavily used single lane street.

Title 18 of the DCMR prohibits the queuing on driveways, sidewalks and roadways. Paragraph 2405.1(f) requires that “No person shall stop, stand, or park a motor vehicle or trailer in any of the following places...: In any driveway, alley entrance, or other way when stopping, standing or parking would obstruct the flow of pedestrians or other lawful traffic upon any sidewalk.” In addition, §§2405.3 requires that “No person shall park a motor vehicle or trailer, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or freight in any of the following places: On the public parking between the sidewalk space and the building line.”

Having space for queuing a single vehicle on private land is not sufficient to avoid queuing on public space. The Zoning Commission addressed vehicular queuing as part of the Zoning Regulations Rewrite Process, and approved Chapter B-15 (General Parking Regulations) on April 11, 2011 (p. Attachment E). Subsection 1511 addresses vehicular queuing in facilities that support drive-through operations (e.g. fast food drive-throughs, bank teller drive-throughs and gas stations) with the intent to “prevent negative visual impacts or encroachments on the use of public space” (§§1511.1). Subsubsection 1511.4 requires that “No queuing space may be located within twenty feet (20 ft.) of any street lot line.” and §§1511.3 requires that “The queuing lane shall provide a



Committee Reports

Economic Development and Zoning (EDZ)



minimum of five (5) queuing spaces before the first service location and one (1) queuing space after the last service location before entering public space.”

Although there may be 5 queuing spaces on private land adjacent to the Maryland Avenue entrance in the proposed site plan (a detailed circulation would settle this issue), no legal queuing spaces adjacent to the 14th St entrance exist because the one queuing space on private land is less than twenty feet from the lot line.

Because the applicant does not meet the standards contained in §1511 for queuing vehicles on private land and because queuing more than a single car from the 14th Street entrance will create dangerous conditions for pedestrians on the 14th St. sidewalk, we ask the Public Space Committee to deny the current application and require the applicant to submit revised plans where the 14th St driveway is exit only. This requirement should be enforced with prominent “Do Not Enter” signs and one-way traffic spikes.

5. The applicant has been an extremely poor steward of public space at this site. For example,
 - a. The property has been classified by DCRA as blighted and is subject to the Class IV 10% property tax rate. The owners have done nothing to correct the conditions which have led to the current blighted conditions.
 - b. The property has been subject to two proceeding at the Board of Condemnation and Insanitary Buildings within the last 5 years.
 - c. The applicant still has not paid and \$825 “Clean City” fee that was leveled against the property on 11/09/2009. These fees are levied against properties to reimburse the District of Columbia for expenses incurred in cleaning the site.
 - d. Despite repeated assurance by Capitol Petroleum’s representative at the December 18th ANC 6A Economic Development and Zoning Committee meeting that the site was regularly cleaned, residents testified that the site was a homeless encampment the accumulated trash and other debris. One resident took the photo shown in Attachment F of the conditions at the property on the night that Capitol Petroleum’s representative insisted that it was clean.

We request that the PSC deny the current application based on Capitol Petroleum’s poor stewardship of public space until the applicant removes the blighted conditions at the site and pays the outstanding fee for publically funded remediation of the site.

In summary, Capitol Petroleum's application to use public space is inaccurate because it does not reflect existing conditions at 1400 Maryland Ave site, and incomplete because it does not include detailed internal site circulation plans and site access plans. In addition, the current application does not comply with the BZA's order 17825 to close the median strip on Maryland Ave which will result in dangerous conditions for pedestrians and other vehicles. Additionally, the small queuing space provided on the 14th St entrance and inadequate on-site circulation is likely to create dangerous conditions for pedestrians and bus patrons due to queuing on public space. Finally, Capitol Petroleum has been a poor steward of public space and has been a significant contributor to blight in the community.

Please be advised that Commissioners David Holmes, Drew Ronneberg and Andrew Hysell, as well as, Former Commissioner Bill Schultheiss and ANC 6A’s Transportation and Public Space Chair Omar Mahmud are authorized to act on behalf of ANC 6A for the purposes of this case. Commissioner Ronneberg can be reached by phone at 202 431-4305 or by email at ronneberg6a02@gmail.com.



Committee Reports
Economic Development and Zoning (EDZ)



On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A



Figure 1: View of 14th and Maryland Avenue looking west



Figure 2: View of Maryland Avenue looking east from 14th St



Committee Reports Economic Development and Zoning (EDZ)



January XX, 2012

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

RE: BZA Case 18324 (1337 Maryland Ave NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting² on January 12, 2011, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to oppose the applicant's request for a variance from §401.3 to permit the use of a three-unit apartment building on a lot less than 2700 square foot in an R-4 district.

The Commission believes that the requested variance does not meet the standard for zoning relief set forth at § 3103.2. The owner has identified no physical characteristics of the lot or structure that make it difficult for the property to be used in compliance with the zoning regulations. The property can be used as a matter-of-right flat where the basement was part of the 1st floor unit or share space between units for activities like a laundry or storage. In addition, while the applicant asserts that there will be a financial hardship if the relief is not granted no evidence of financial hardship was presented. Finally, the Commission believes that there is a substantial detriment to the public good when a property owner is granted zoning relief because of his or her ignorance of the zoning regulations when a property is purchased.

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

On behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A

² ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the Hill Rag.



Made this 12th day of January, 2012

by and between

Rasco Corporation/Central

1200 H Street, NE
Washington DC 20002
and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

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

Witnesseth

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

Whereas, the parties desire to enter into an agreement governing certain requirements and understandings regarding the issuance of a Retailer's Class 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 garbage removal service, regularly remove trash from the trash and dumpster

Voluntary Agreement between Rasco Corporation/Central and ANC6A

Page 1 of 4



area, and see that the trash and dumpster area remain clean.

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

2. Business Operations and Practices:

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

Voluntary Agreement between Rasco Corporation/Central and ANC6A

Page 2 of 4



New Business



i. If data from MPD indicates that this establishment has caused or is significantly contributing to additional crime or criminal activities in the neighborhood, including disorderly conduct and/or reoccurring public disturbance, the ANC 6A ABL Committee will hold a public meeting to discuss the problems and ways in which to mitigate them. The Applicant, MPD, and an ABRA representative will be invited and encouraged to participate, as well as concerned residents. MPD will be asked to recommend to the Committee the days of the week and hours when the reimbursable MPD detail should be necessary to maintain peace, order, and quiet at and around this establishment and the costs that would be associated with such reimbursable detail. If the Committee recommends the use of a reimbursable MPD detail at this establishment to mitigate these problems, the recommendation will then be considered by ANC 6A at their next scheduled meeting.

ii. If the ANC, by a majority vote, supports requiring a reimbursable MPD detail, the ANC Chair will notify in writing the First District MPD Commander or his/her designee and the Applicant that this establishment will be required to have a reimbursable MPD detail assigned to their location.

iii. The Applicant shall transmit to MPD funds sufficient to provide the next month's reimbursable MPD detail by the 1st day of each month that the reimbursable detail is required.

iv. The reimbursable detail shall be maintained by the Applicant for up to six months. Within six months, the ABL Committee will conduct another review to hear input on whether or not the reimbursable MPD detail should be continued. The ABL Committee will make a recommendation that will then be considered by the ANC at their next scheduled meeting.

k. Applicant shall not support the installation of pay phones outside of the establishment on their property.

l. Applicant will utilize and maintain high-intensity flood-lights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.

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

3. Music / Dancing / Entertainment:

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

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

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

1) Applicant shall not offer any type of live or pre-recorded music on the patio.

2) A fence or other barrier will enclose the entire perimeter.

3) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume.

4) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones.

5) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the decor.

6) No more than 40 people may be on the patio at one time.

7) The patio must be closed and cleared of all patrons and staff when licensed alcohol sales end for the day.

d. The ANC will establish a three month trial of noise levels from the outdoor area with limited hours until 11PM on weekdays and 12AM on weekends. If noise levels do not create a repeated disturbance to the neighborhood during this time period and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours. The three month time period for this applicant is _____ to _____.

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

f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may

Voluntary Agreement between Rasco Corporation/Central and ANC6A

Page 3 of 4



New Business



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

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

h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

4. Cooperation with ANC 6A. Applicant agrees to work on resolving issues preventing the applicant from fulfilling its obligations under this cooperative agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMD's are adjacent to the location of the establishment.

5. Modifications. This agreement can be modified only by mutual agreement of all the parties with the approval of the ABC Board or by the ABC Board consistent with DC Code § 25-446. In the case of ANC6A, if applicant desires to modify the terms of this agreement, the applicant, prior to implementing the change(s), shall receive written agreement from ANC6A after a majority of the commissioners shall have voted in favor of the changes at a full public meeting.

6. Miscellaneous:

a. Applicant shall post a copy of this voluntary agreement in the establishment in conjunction with the posting of its alcoholic beverage license.

b. Applicant will operate in compliance with all applicable DC laws and regulations.

7. Enforcement:

a. If either party hereto believes in good faith that the applicant is in violation of this agreement, written notice specifying the alleged violation shall be delivered to the applicant and the applicant shall have ten (10) days after receipt of such written notice to come into compliance with this agreement or respond to said alleged notice of default.

b. Applicant and the ANC 6A Commission agree to enter into this agreement. If the applicant should breach the conditions of this agreement, it is understood by all parties that the ANC 6A, and/or its committees, or others shall immediately petition the ABC Board for a "show cause" hearing pursuant to 23 D.C.M.R. 1513.5.

c. This cooperative agreement is binding on the applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: DRISS OUADPHIRI Date: 01-04-12

Signature: [Handwritten Signature]

Advisory Neighborhood Commission 6A Representative:

By: _____ Date: _____

Signature: _____