



**District of Columbia Government  
Advisory Neighborhood Commission 6A  
Agenda for July 11, 2013**



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

- 7:00pm **Call to order, Approve June Meeting Minutes, Adopt Agenda**
- 7:03 **Community Comments** (2 minutes each)
- 7:05 **Community Presentation:** Project Manager Tina Fink of Toole Design Group on behalf of DDOT will present on roadway safety improvements
- 7:15 **Officer Reports:**  
Chair (2 minutes)  
Vice-Chair (2 minutes)  
Secretary (2 minutes)  
Treasurer (2 minutes) *pg. 21*
1. Approve Treasurer's Report
  2. Approve quarterly report for 3<sup>rd</sup> Quarter FY13
- 7:20 **Single Member District reports** (2 minutes each)
- Standing Committee Reports:**
- 7:35 **Community Outreach** *pg. 26*
1. Approve committee report
  2. COC will not meet in July. The next meeting will be held Monday, August 12, 7:30 pm at 1235 C St. NE. Note that this is not the 3<sup>rd</sup> Monday of the month.
- 7:40 **Alcohol Beverage Licensing** *pg. 27*
1. Approve committee report
  2. **Recommendation:** ANC take no action regarding Langston Bar and Grille's request for a class change from a CR to CT license
  3. **Recommendation:** ANC accept the ABC Board changes requested for the previously adopted settlement agreement for RedRocks and to amend the ANC's standard settlement agreement to reflect the changes required by the ABC Board
  4. Next meeting - 7pm, July 16, 2013 (3<sup>rd</sup> Tuesday)
- 7:45 **Transportation and Public Space Committee** *pg. 38*
1. Approve committee report
  2. **Recommendation:** ANC send a letter to DDOT expressing support for the Alternative 2 option for bicycle infrastructure (Contra-flow bicycle lane with parallel parking on both sides of the street) along G Street NE and I Street NE through our ANC. The letter will also express an interest in having the city prohibit



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3. sidewalk bicycling along the commercial corridor portion of H Street NE, request that DDOT develop additional bike hazard warning signs and street markings on and around H Street NE and request street repaving where needed along portions of G Street NE and I Street NE prior to striping for bike lanes.
4. Consider the referral of Chupacabra application by DDOT Public Space Committee
5. Next meeting - 7pm, July 15, 2013 (3<sup>rd</sup> Monday)

7:50 **Economic Development and Zoning pg. 40**

1. Approve committee report
2. **Recommendation:** ANC 6A support request for relief from the following provisions of zoning requirements: FAR, parking requirements, and loading (1255 H St., NE)
3. **Recommendation:** ANC 6A not support application of 1102 H St., NE (Bank of America) for the bank to use the front portion of a retail building to house two ATMs
4. **Membership:** ANC elect Stephanie Frang-Zimny as member of the EDZ Committee
5. Next meeting - 7pm, July 17, 2013 (3<sup>rd</sup> Wednesday)

7:55 **Unfinished Business**

8:00 **New Business**

1. Consideration of Maryland Avenue Traffic Calming Plan (Holmes)
2. Approve One Side Zone Six Resident Parking Only for the 600 block of Ninth Street (Nauden)

**Chair's Note:** *For the following, the BZA has scheduled hearings on these two items, one was not presented to the EDZ Committee, and the other was withdrawn before EDZ and has now been modified and rescheduled for BZA consideration. The BZA does not meet in August. The ANC can hear these cases and make its own determination; request delay of consideration by the BZA; inform the BZA that we have no opinion because we have not heard in a timely fashion from the applicants; or a combination of the last two.*

3. Possible consideration of 620 9th Street NE, rear deck, not presented to EDZ
4. Possible consideration of 1120 Park Street NE, garage with deck, withdrawn, then revived but not presented to EDZ

8:05 **Community Comments Round II, time permitting (2 minutes each)**

8:10 **Adjourn**



# Advisory Neighborhood Commission 6A Meeting Minutes of June 13, 2013



## Advisory Neighborhood Commission 6A Minutes Miner Elementary School June 13, 2013

**Present:** Commissioners Alberti, Holmes, Hysell, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams

The meeting was convened at 7pm.

### 1. Minutes

Mrs. Phillips-Gilbert had changes to the May 2013 minutes. The changes were accepted and the minutes as amended were approved by unanimous consent.

### 2. Agenda

Mr. Holmes asked to have the Frager's resolution withdrawn as unnecessary; and to withdraw an EDZ Committee membership approval. The changes were accepted and the agenda as amended was approved by unanimous consent.

### 3. Community Comment

#### Rodent Control

A representative of the Department of Health spoke about controlling the large number of rodents that appear as a result of construction in the neighborhood and distributed a fact sheet with tips for rodent control. Mr. Holmes recalled an instance where over 100 rats invaded his neighborhood. He said that a solution was to get all the neighbors to agree to allow DC's Rodent Control come onto the affected property and do their thing.

#### Lincoln Park

Dr. Joy Kinard of the National Park Service gave her monthly progress report on the restoration of Lincoln Park, and now reports that the project will not be done before July 1 or the last week in June because of problems they have found with underground pipes. She said that, however, they were working on the playgrounds and "last things" like trash cans and fences, and rodent control. She reported that in September, they will undertake turf renovation on Capitol Hill parks, but not Lincoln Park because it will have been closed for so long.

#### Community News

Michael Herman announced that Gregory Walton, who had worked at the Safeway Starbucks, had died.

Malia Salaam of DDOT announced a "Streetcar Fair" on June 27 at 6:30 pm at the Atlas Performing Arts Center for an update on the progress of the H Street Streetcar.



#### 4. Officers' Reports

##### Chair

Mr. Holmes thanked EDZ Committee member Charmaine Josiah for her efforts to develop training for ANC people, especially members of the EDZ Committee. She has worked with the American Institute of Architects and the Office of Planning to develop a course of study.

On another issue, he urged people to patronize Khan's Barbeque at 12<sup>th</sup> and H Street. They have agreed to limit their sidewalk café hours to those of the ANC's standard Settlement Agreement. These are good neighbors.

He said that Cusbah, across the street, has decided not to abide by the agreement reached last fall to revert to the Standard Agreement standard hours for sidewalk cafes when Khan's agreed to the standard hours.

He reported that the EDZ Committee will need a new chair, and he hoped to have word on that immediately. He said he has asked a senior member of the committee whether they would undertake the task. There is also another excellent choice available. Many thanks, he said, are due to Laura Gentile for her service as a committee member, which she will continue, and her service as chair. She has a new job and has less time available to undertake this very important task.

##### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$12,268.60, and the savings account balance was \$13,715.76. There was a Quarterly allotment from the District of Columbia of \$4,607.82 and an interest payment to the savings account of \$.23. There were disbursements of \$166.08 to FedEx Office for the May '13 statement (Check # 1600); \$200 to Heather Schoell for the May '13 agenda package (Check #1601); \$180 to Roberta Weiner for transcription of the April '13 ANC minutes (Check #1602); and \$296.99 to Labyrinth to pay for games for a grant to Elliot-Hine Middle School PTSA, leaving a balance of \$16,033.35 in the checking account, and \$13,715.98 in the savings account.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to accept the disbursements. The motion passed without objection.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to approve the Treasurer's Report. The motion passed without objection.

#### 5. SMD Reports

**Mr. Hysell** Mr. Hysell reported that for the past two months he has been working with Valor Development and the Atlas District Neighbors Association to resolve their differences, and he is pleased that Valor has agreed to repave the alley at a cost of \$150,000 that will be borne by the developer. With the new development's parking feeding through the alley, repaving will help both the developer and the neighborhood. He thanked his fellow commissioner for supporting his motion to table Valor's request for zoning relief at the previous ANC meeting as it provided a great opportunity to negotiate this compromise.



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Mr. Ward gave thanks to the District for its efforts in street cleaning on 19<sup>th</sup> Street NE. However, there are no street cleaning signs and the community would like to have them. He also reported that kids are hanging out at the school at 19<sup>th</sup> and E Streets and it's becoming a site for crime.

Mrs. Phillips-Gilbert reported on the opening of the exciting new playground in Rosedale. She said it is unique, arguably the only playground nationally that is designed for children with disabilities. She thanked the Chair for coming to the opening with his daughter and grandchild. She also thanked him for the circus tickets she was able to share with her constituents.

Mr. Mahmud announced he would be holding an SMD meeting on the third Monday of the month at 6:15 pm at the Sherwood Recreation Center. He also said he has had reports of abandoned housing.

### 6. Community Presentation

#### Mayor Vincent Gray

Mr. Holmes introduced Mayor Gray, who began by thanking Mr. Holmes for his "great" service, and said he earned every dollar the ANCs were being paid by the City.

He said that the City was generally doing very well by putting the focus on fiscal stability. The City was in a challenging position at the start of the administration: there was not a single discretionary dollar available in the escrow fund to dip into if needed. He said he had rebuilt the fund and there is more than \$1 billion in the fund now, which includes the standard that the fund contain at least 60 days operating funding for the city budget. He said this is the only city in America that will have that kind of reserve.

He then discussed his One City, One Hire program, which he calls a bridge to economic development, and has now put 6,480 people back to work, and has 907 employer partners.

He talked about going to Las Vegas for the shopping center conference to attract new business to the District, and he was struck by the construction cranes he noted here last year as a sign of economic development. He said there are currently 61 cranes working in the District.

In the area of public safety, homicides are down to 88. There were 41 at this time last year, and it is at 34 this year.

He then addressed his Sustainable DC Plan to deal effectively with the proposed growth of the city. He said that by 2032 there will be 875,000 people in the District, and the Plan focuses on economic development, health and wellness, the environment and equity and diversity. He said he would like to add 100,000 jobs and used Costco as an example, not contributing to "retail leakage" and adding revenues to the city's coffers, and providing more amenities for the residents of the city.

From there he segued into the trolley, saying it will provide a transportation alternative, more of which are needed. He said they will begin testing the trolleys soon on test tracks off of South Capitol Street. At the end of three months, the federal Department of Transportation will come in and inspect and test the system. The test tracks will become part of the Anacostia line, another part of what will become a 37-mile system. Within the next two years, parameters will be set for the scope of the system. He said the District can't take any more cars and alternatives must be found. He mentioned the success of the Bikeshare program, and that he is committed to 100 miles of bike lanes.



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He said he is trying to make sure that Frager's can get back into business as soon as possible, and is working with them to get their permits as quickly as possible. He has made the Dept. of Employment Services available to them for their employees.

He introduced the team from DDOT and said they are working on Maryland Avenue to design short-term improvement and at the same time doing long-term planning. He said they are making progress on C Street, reducing lanes, etc. and the design plans are at about 90%. He reported that the design is complete for 17<sup>th</sup> and 19<sup>th</sup> Streets and there are plans for a meeting on June 27<sup>th</sup> at Pilgrim AME Church.

He mentioned the 12,000 square foot Rosedale playground and said it's the first accessible playground in America, and said that at the opening Mamie Peanut Johnson lectured him that she was a baseball player and complained that her recently named field is for football, not baseball.

He reported that there is work being done on Florida Avenue. They are planning to address the Whitfield death with a HAWK traffic signal. He said it is low cost, has flashing lights, stops traffic and is pedestrian-friendly. There will also have infrastructure improvements on Florida Avenue from Benning Road and the Starburst all the way down to New York Avenue.

The Mayor then reeled off a list of areas where the District excels nationally: first in LEED-certified buildings; first in tech employment; first in retail development; first in college students; best-educated city; first in women's economic development; and 180 million tourists last year.

He then addressed medical marijuana, which he said may be the only existing program on the east coast. It's a great example of what it means to be a DC citizen, it took ten years but the citizens succeeded. He said that credit cards will not be able to be used—the credit card companies won't honor the cost. But ATMs will be installed at dispensaries.

He said that they closed 15 more schools because they don't want them to be vacant, and said that having competition among schools is a good thing. He pointed out that DC now has the most robust early childhood program in the country, with 90% of four-year-olds enrolled. He said he wants to be able to do more, to have longer school days with fewer after-school programs—they should just be called school. A longer school year is also needed—school vacations were instituted because kids had to work on the farm which they don't have to do any more.

The floor was then opened for questions: John Hill had problems with getting trees trimmed, and was referred to the DDOT team to be directed. Andy Wild, who has been working with Mr. Hysell, has an ongoing problem with a house her children own that is located in a commercial zone, and a developer has taken over the property. The Mayor referred the problem to Chris Fitzgerald.

Calvin Ward said that the main issue in his SMD is crime. There was a murder two days ago at 18<sup>th</sup> and D Streets, and there have been robberies and the neighbors are very upset. He said he had met with Commander Hickson but wants a concerted effort. Mayor Gray said that he is aware of the problems because he reads the crime statistics every morning. Commander Hickson, who was present, noted that the area was in the 5<sup>th</sup> District, not his. Mrs. Phillips-Gilbert said that when the neighborhood was in the 1<sup>st</sup> District, things were under control, but under the 5<sup>th</sup> District the residents don't know what is going on. She said it was very stressful—the shots were heard. The Mayor said that what's needed is to have an analysis and a plan.



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Nikki Bowen thanked the Mayor for all the help he is giving to the Rosedale neighborhood, with DDOT coming out and working for needed changes.

Mr. Holmes thanked the Mayor, who agreed to take additional questions in the hall.

### 7. Transportation and Public Space Committee

The report of the Committee was accepted by unanimous consent.

#### Chupacabra - 9<sup>th</sup> and H Street NE

This is a request for support of a public space permit for a sidewalk café at Chupacabra, a new Mexican/Latin restaurant at the corner of 9<sup>th</sup> and H Streets NE.

**Motion:** The committee moved/Mr. Mahmud seconded a motion that the ANC send letter of support for Chupacabra's public space application proposing use of the space as a patio, but only so long as Chupacabra agrees to the following conditions (to be set forth in a gentleman's agreement between the owners and ANC 6A). In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.

Chupacabra will:

1. Install fencing around the perimeter of the public space patio designed to contain trash and other items, particularly by eliminating large spaces at the bottom of the fence;
2. Regularly maintain the tree box and keep all areas in front of the business clean, including the adjacent alley, sidewalk and street gutter;
3. Adjust the patio public space plans, if necessary to ensure the sidewalk area adjacent to the patio is at least the same width as the sidewalk along the rest of the west side of the 800 block of 9<sup>th</sup> Street NE;
4. Implement a detailed trash plan for the site, which shall be presented for review and approval by ANC 6A;
5. Limit the hours of use of all outdoor patio space to the same hours contained in the ANC 6A Voluntary Use Agreement, which are currently Sunday to Thursday until 11pm and Friday and Saturday until midnight.
6. Not place tables in the patio area north of the front door entrance (as shown in the plans) or utilize this area for any other use that will encourage customer use of the area; and
7. Take steps to mitigate customer noise, particularly at the north and northeast end of the public space patio at all times, including the closure of an overhang wall or window flaps after 10pm each night, or at some other time as reasonably agreed to by the owners and the ANC. There will be no music or other amplified sound in the patio area.

Kevin Bombardier, one of the restaurant's owners was present at the meeting and gave a description of the space, which had been a detailing shop. He said he had upgraded the building, put in lights, and is working with MPD to develop a security plan. He said he had limited space but had built an 8' fence to enclose the trash area. He said he will have five-day trash pick-up, and has plans for recycling and rodent control.

He said that he is submitting his hours to the ABL committee, and disagrees that the TPS Committee is the place to discuss hours and would like to remove that discussion from Public Space. Mr. Mahmud said that at the time of the committee meeting Mr. Bombardier had not applied for a license, and the Committee had to deal with what was in front of it. Neighbors had come to the meeting and were



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concerned. Unlike other establishments, the patio area extends into the neighborhood. There's no Settlement Agreement, but there was a hope that the business would make a goodwill gesture and agree to the hours. Mr. Bombardier responded that he is very aware of the noise and vigilant about it and can even provide the ANC with tons of data.

Mr. Alberti said he was a little perturbed about where they are negotiating within the ANC, and think it may be a red herring. Mr. Holmes said 11pm on weeknights, midnight on weekends - the hours will be the same no matter where they're negotiated and he wanted to know what the problem was with where they were negotiated. Mr. Williams asked whether it meant that he's not going to agree to the hours, and Mr. Bombardier said he didn't know because he doesn't know enough about the hours.

Mrs. Phillips-Gilbert asked who, without a liquor license, enforces noise and was told by Mr. Mahmud that it's DDOT, with the agreement. The motion passed 8-0, unanimously.

### Residential Parking Permit Hours

**Motion:** The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to send a letter of support to DDOT regarding the petitions submitted by the residents of the 900 block of L Street NE to extend residential parking permit (RPP) hours of enforcement and to implement Resident Only parking restrictions. The motion passed unanimously, 8-0.

## 8. Economic Development and Zoning Committee

The report of the Committee was accepted by unanimous consent.

### 803 9<sup>th</sup> Street NE

This is a request for support of a BZA application for a roof for an existing open carport that was on the property when the owners purchased their home. The roof would increase the lot occupancy to 69.5% but has no other impact on the property. **Motion:** The Committee moved/Mr. Holmes seconded a motion that the ANC support the Committee's recommendation to write a letter to the BZA in support of the plans to construct a roof for a carport at 803 9<sup>th</sup> Street NE. The motion passed unanimously, 8-0.

### Membership

**Motion:** Mr. Holmes moved/Mr. Mahmud seconded a motion to elect Cody Rice as a member of the Economic Development Committee. The motion passed unanimously, 8-0.

## 9. New Business

### Taking Public Parks for Private Use

Mr. Alberti introduced a letter to DDOT's Public Space Administration detailing three instances where DDOT has issued permits and divided public land so that private individuals can use the property. In one instance part of a corner triangle park is being planted by an abutting private property owner. He said he has gotten nowhere in dealing with DDOT, including no response to a simple FOIA request. Of particular concern is a piece of land belonging to the National Park Service, which can be used by DDOT only in very limited ways. The letter says that while the ANC is not opposed to seeing the public take responsibility for the parks, they shouldn't be appropriated for private use and it should be done with DDOT assistance and after presentation to the appropriate ANC. Finally, the letter requests that DDOT send a representative to the next ANC Public Space meeting to discuss the matter. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the sending of the letter to DDOT. The motion passed unanimously, 8-0.



## Advisory Neighborhood Commission 6A Meeting Minutes of June 13, 2013



### Proximity Preference for School Within a School

Ms. Nauden presented a motion requesting that School Chancellor Kaya Henderson be asked that proximity preference be invoked for School Within a School, moving to her SMD. She said that people are bused in from across the city, and neighbors of the school within the community should be enabled to be part of that school community. Mr. H—the decisions have been made by DCPS. The school has no neighborhood boundary but is citywide. ANCs 6A and 6C had not been notified, he said, and could have had a useful role to play. Mr. Alberti said he is generally in favor of neighborhood preference but this could have unintended consequences. Ms. Nauden said that everyone wants to go to this school and the proximity preference should be restored to what it always was at Peabody.

Elizabeth Nelson said that it was her understanding that it used to be a charter school within the Cluster - albeit a DCPS charter school, and a small debate—unresolved—ensued as to whether it had been a charter. Ms. Nauden said it was very American to have neighborhood schools with kids going to school close to home. Phil Toomajian said that there should be a 3000' boundary set, which is what the school has always had. Kids were turned down this year that live close by. Mr. Alberti said he was sorry there was no larger public discussion. He would have liked to have heard from someone from DCPS. There are a lot of tough questions that need answers.

Another parent raised the point that he wants his child close to home and this would be good start. Margaret Holwill pointed out that Capitol Hill schools suffer disproportionately because they are in demand. Someone from the DCPS Critical Response Team has been invited to address the ANC next month.

**Motion:** Ms. Nauden moved/Mr. Holmes seconded a motion to send a letter to Chancellor Kaya Henderson requesting that proximity preference be reinstated at the School Within a School. The motion passed 6-0-1, with Mr. Alberti abstaining.

The meeting was adjourned at 9:25 pm.



# Commission Letters of June 13, 2013 Meeting



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



June 14, 2013

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

Re: BZA Case 18571 (803 9th Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on June 13, 2013, our Commission voted 8-0 (with five Commissioners required for a quorum) to support the request for a variance from the alley setback requirements under subsection 2300.2 and a special exception under section 223, to allow the construction of a carport at the rear of a row dwelling, not meeting the lot occupancy (section 403), and nonconforming structure (subsection 2001.3) provisions in the R-4 District at premises 803 9th Street, N.E. (Square 933, Lot 14).

We ask that this letter be accepted as a late addition to the case record, and that we then receive our "great weight".

Please be advised that Laura Gentile and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or David.Holmes@anc.dc.gov.

On behalf of the Commission,

David Holmes  
Chair



# Commission Letters of June 13, 2013 Meeting



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



June 15, 2013

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

Dear Mr. Bellamy,

Advisory Neighborhood Commission 6A (ANC) strongly asserts that the conversion of public parks to private use should be discouraged. We also believe that permitting for this use of public space should be sent to the ANCs for their consideration with at least 45 days advance notice for the opportunity to exercise their great weight. Our ANC adopted a motion at our June 13 meeting to authorize this letter expressing our sentiments by a vote of 8-0 (with five Commissioners required for a quorum). The meeting was our regularly scheduled, publicly<sup>1</sup> announced monthly meeting.

Three parks, at least, in ANC 6A have had, or are authorized to have, portions converted to private use. These parks are neighborhood gathering places, a place to enjoy some greenery, to exercise kids, and are owned by the entire community through the city or the National Park Service (NPS). In one example, the park has been divided by a fence that excludes city workers from the repair of lights and the fountain water pump. In another, a city office offered a substantial portion of a corner park to an adjoining church to pave and expand their structure. In the third, shrubs have been planted to exclude public access.

We are eager to see neighbors take responsibility for improving the condition and appearance of our parks, although the choice of which shrubs and trees should be subject to City review for appropriateness and safety. We hope DDOT will help with such arrangements. Plantings and fences should not, however, exclude the public from use of these small corner parks. We can't lose park space; there is little enough now.

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@googlegroups.com](mailto:anc6a-announce@googlegroups.com), ANC- 6A and NewHillEast yahoo groups, on the Commission's website, and through print advertisements in the *Hill Rag*.



These “pocket” parks are a defining element of the historic L’Enfant plan. Their loss affects the livability and pleasantness of our neighborhoods.

To restate, we are opposed to the conversion of public space in our corner parks to restricted private use, and feel very strongly that this permitting of public space should be presented to the appropriate ANCs for consideration prior to issuing any permit.

We ask that you send a representative of the Public Space Regulation Administration to ANC 6A’s July 15, 2013 Transportation & Public Space Committee meeting to discuss DDOT’s processes and policies governing requests by private citizens and corporations to build upon, landscape or otherwise utilize public park land. Please let me know who we should contact regarding your staffs’ attendance at that meeting.

Respectfully yours

David Holmes  
Chair

cc: Mayor Vincent Gray  
Council Chair Phil Mendelson  
Councilmember Marion Barry  
Councilmember Tommy Wells  
Jeffery H. Powell, DDOT Acting Associate Director  
Matthew Marcou, DDOT Deputy Director for Public Space Regulation



# Commission Letters of June 13, 2013 Meeting



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



June 15, 2013

Ms. Kaya Henderson  
Chancellor  
DC Public Schools  
1200 First Street, NE  
Washington, DC 20002

Dear Chancellor Henderson,

Advisory Neighborhood Commission 6A (ANC) requests that you reinstate proximity preference at the School Within A School (SWS). The ANC adopted a resolution making that request at its regularly scheduled and publicly<sup>1</sup> announced meeting of June 13, 2013. The vote was 6-0-1, with five required for a quorum.

SWS’s move to the Goding building at 920 F Street, NE, is a welcome development for the Capitol Hill community and ANC6A. SWS has always had strong ties in our community and its attendees are predominantly drawn from our neighborhood—currently, it has the highest percentage of neighborhood children of any school on Capitol Hill.

The ANC would like to see those ties to SWS’s immediate community continue. Unfortunately, the children who live closest to the school who sought admission to it in this year’s lottery were not afforded the opportunity to attend. As our neighborhood continues to add elementary-aged children at the fastest rate in the city, the community’s need for early education slots in schools like SWS also grows. While we do not quibble with DCPS’s decision to drop boundaries from admission to SWS and to make it a citywide school, we strongly urge that neighborhood proximity preference be reinstated.

Such a preference will allow neighborhood families to play an important role in the school that is closest to their home and will aid the school by having strong support from its neighboring community. It will also support the emphasis that SWS’s Reggio Emilia curriculum

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places on local community and parental involvement by connecting the school to its immediate neighbors.

Thank you for your consideration of our request to reinstate a proximity preference at SWS. Should you have any questions regarding this matter, please contact me or ANC6A-02 Commissioner Gloria Nauden (202-528-9005; gnauden@gmail.com) regarding this matter.

For the Commission,

David Holmes  
Chair

cc: Vincent Gray, Mayor  
Abigail Smith, Deputy Mayor for Education  
Tommy Wells, D.C. Councilmember, Ward Six  
Monica Warren-Jones, State Board of Education



## Commission Letters of June 13, 2013 Meeting



Here is the DCPS response to the ANC 6A letter requesting the reinstatement of neighborhood preference for the School Within A School at the Goding building on F Street NE.

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David Holmes  
Chair, Advisory Neighborhood Commission 6A

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From: Rinkus, Christopher (DCPS)  
Sent: Tuesday, June 18, 2013 11:33:47 AM  
To: Holmes, David (ANC 6A03)  
Subject: Thank you for your Correspondence with DCPS  
Auto forwarded by a Rule  
Commissioner Holmes,

Thank you for your e-mail about the status of the School Within A School (SWS) boundary. I wanted to take this opportunity to reiterate the DCPS position and to share more concretely the rationale for the recent decisions to maintain SWS as a citywide school.

After careful consideration, in January of this year, the decision was made for the 2013-14 school year that SWS should be citywide with sibling preference. The reasoning revolved around 5 main points:

- It made more sense to fully consider a proximity preference or neighborhood boundary during the boundaries and feeder pattern revision process since DCPS is planning on taking a deeper dive into population numbers, enrollment, capacity data, and enrollment policies during this process.
- Based on the successes of schools like Capitol Hill Montessori (also citywide), DCPS was confident that SWS would be able to maintain a very strong sense of community and parent involvement.
- Although some SWS families expressed interest in establishing a boundary, there were many others who advocated against a boundary and embraced the city-wide approach.
- Establishing a boundary before a comprehensive plan in place could cause undo confusion and disruption. In essence, we would run the risk of establishing a boundary and then have to revise it one to two years later.



## Commission Letters of June 13, 2013 Meeting



- Finally, we have made, and continue to make, investments in nearby schools and do not want to risk unnecessarily negatively impacting such schools. Instead we instituted a city-wide approach and are committed to monitoring enrollments and incorporating the issue of establishing a boundary into a comprehensive review.

Lastly, at this time it would not be possible to change SWS' citywide status for the upcoming school year. The lottery has already been run resulting in 69 students being offered placement at SWS. If we were to re-run the lottery we would end up taking away already-awarded placements as well as impact other DCPS schools' lottery placements.

I hope this helps to further explain the DCPS position on this matter. Please let me know if you have other questions. I've included my contact information below. Thanks,

Chris Rinkus

**Christopher Rinkus**  
**Manager, Critical Response Team**  
**Office of the Chief of Staff**

District of Columbia Public Schools  
Office of the Chancellor  
1200 1st Street NE  
Washington, DC 20002

Office: (202) 442-5679  
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# Commission Letters of June 13, 2013 Meeting



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



June 26, 2013

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

Dear Mr. Marcou,

Our ANC adopted a motion at our June 13 meeting to express our opposition to the proposed use of public space for a sidewalk café/patio by a business called Chupacabra located at 822 H Street NE by a vote of 8-0 (with five Commissioners required for a quorum). The meeting was our regularly scheduled, publicly announced<sup>1</sup> monthly meeting.

We are not certain if this matter is currently up for review before DDOT or the Public Space Committee. Our ANC has only heard about this application from the business, but has received no formal notice or a copy of this application from DDOT. In addition, this matter does not appear to be on the DDOT Public Space Committee agenda for June 27, 2013. However, we are sending this letter regardless assuming this matter will soon be before DDOT for review. We hope that we can reach an agreement with Chupacabra in advance of this matter appearing on the agenda of the Public Space Committee.

The motion our ANC passed on June 13 (attached) sets forth concerns the ANC has asked the business to address prior to the use of public space for a sidewalk café/patio. Our ANC asked Chupacabra to at least informally agree to address these concerns, a request to which the business has not agreed. The main point of disagreement is with respect to the hours of operation of the sidewalk café/patio area on public space. Our ANC is concerned, particularly given the anxieties expressed by neighbors who reside on the same block of 9th Street as the restaurant, with the owners' plan to operate the patio area with no restriction on the hours of its use. Given the unique location of this sidewalk café/patio space, which extends right up to the residential neighborhood on 9th Street NE north of H Street NE, any noise created by patrons using the space will permeate the nearby neighborhood. The closest residence is separated only by a 10 foot alley from the proposed seating area.

Our concern is heightened if such activity is permitted to extend beyond reasonable hours of operation (which we believe to be until 11 pm Sunday to Thursday and until midnight on Friday and Saturday). Other businesses using outdoor space along H Street are required to agree to these hours in settlement agreements with our ANC, so we think it is reasonable to ask this business to do the same, even if it has yet to file for an alcoholic beverage license.

To restate, we are opposed to the Chupacabra use of public space for a sidewalk café/patio so long as the business plans to use it in a way that we fear does not meet the reasonable expectations of nearby residents. Failing to address this problem now will only lead to a strain on city resources as DCRA, MPD and other agencies are called on for service requests to address neighborhood complaints about late night operations on the patio.

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



## Commission Letters of June 13, 2013 Meeting



Therefore, we respectfully request that you deny the proposed public space application of Chupacabra so long as the business fails to agree to the ANC requests explained in the attached motion, particularly the proposed hours of operation for the sidewalk café/patio space.

On behalf of the Commission,

A handwritten signature in black ink that reads "David Holmes".

David Holmes  
Chair

cc: Councilmember Tommy Wells  
Courtney Williams, DDOT  
Catrina Felder, DDOT



## Commission Letters of June 13, 2013 Meeting



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



### Motion to Present to the Department of Transportation, Public Space Committee

Motion adopted:

That the ANC send a letter of support for Chupacabra's public space application proposing use of the public space area adjacent to its property as a patio (the "Public Space Patio"), but only so long as Chupacabra agrees to the following conditions (to be set forth in an agreement between the owners and ANC 6A):

1. Install fencing around the perimeter of the Public Space Patio designed to contain trash and other items, particularly by eliminating large gaps at the bottom of the fencing, so long as such requirement is not cost prohibitive;
2. Regularly maintain the tree box and keep all areas in front of the business clean, including the adjacent alley, sidewalk and street gutter;
3. Adjust the Public Space Patio site plans, if necessary, to ensure the sidewalk area adjacent to the Public Space Patio is at least the same width as the sidewalk along the rest of the west side of the 800 block of 9th Street NE;
4. Implement a detailed trash plan for the site, which shall be presented for review and approval to ANC 6A;
5. Limit the hours of use of the Public Space Patio to the same hours contained in the ANC 6A ABL Voluntary Use Agreement, which are currently Sunday to Thursday until 11 pm and Friday to Saturday until 12 am midnight;
6. Not place tables in the Public Space Patio area north of the front door entrance (as shown on the plans) or utilize this area for any other use that will encourage customer use of the area;
7. Take steps to mitigate customer noise, particularly at the north and northeast end of the Public Space Patio at all times, including the closure of an overhang wall or window flaps after 10 pm each night, or at some other time as reasonably agreed to by the owners and the ANC; and
8. Ensure there is no amplified sound, including the playing of music (live or recorded) on the outdoor patio space. In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.

This motion was adopted June 13, 2013 by a vote of 8 - 0 with five Commissioners needed for a quorum. The vote took place at the regularly scheduled, publicly announced monthly meeting of ANC 6A. ANC 6A meetings are advertised electronically on the [anc6a-announce@googlegroups.com](mailto:anc6a-announce@googlegroups.com), ANC- 6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



# Commission Letters of June 13, 2013 Meeting



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



June 18, 2013

Mr. Terry Bellamy  
Director, Department of Transportation  
55 M Street SE  
Washington, DC 20003

Re: Resident Only Permit Parking for the 900 block of L Street NE

Dear Director Bellamy:

The Commissioners of ANC 6A endorse the neighborhood petitions seeking to extend residential permit parking hours and to implement resident only parking on the 900 block of L Street, NE. The Commission voted unanimously, 8-0-0, with five required for a quorum. The vote took place at our regularly scheduled publicly announced<sup>1</sup> monthly meeting.

This, obviously, is a form of neighborhood protection from the parking saturation of H Street. Within the next few months the ANC will forward additional blocks needing and seeking this protection.

The ANC's contact for this matter is Commissioner Omar Mahmud at mahmud6a01@gmail.com. His phone number is 202-594-9848.

On behalf of the Commission,

David Holmes  
Chair

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



# Officer Reports - Treasurer



## ANC 6A Treasurer's Report June 2013

Period Covered

### Checking Account:

Balance Forwarded \$ 16,033.35

### Receipts:

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

Total Receipts \$ -

Total Funds Available \$ 16,033.35

### Disbursements:

Heather Schoell ( Agenda Package June 2013)	Ck #1604	\$	200.00
Roberta Weiner (Minutes May 2013)	Ck #1605	\$	180.00

Total Disbursements \$ 380.00

Ending Balance \$ 15,653.35

### Savings Account:

Balance Forwarded \$ 13,715.98

### Receipts:

Interest	06/28/13	0.23
Deposit -		
Transfers from Checking Account		

Total Receipts \$ 0.23

Total Funds Available \$ 13,716.21

Disbursements \$ -

Ending Balance \$ 13,716.21

Prepared June 30, 2013



## Officer Reports - Treasurer



### ANC 6A Treasurer's Report June 2013

#### PETTY CASH SUMMARY

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

Prepared June 30, 2013



# Officer Reports - Treasurer



## ANC QUARTERLY REPORT OF FINANCIAL ACTIVITY Quarterly Report Period Covered: April-June 2013

ANC [6A]

### Summary of Receipts and Disbursement: Checking Account

**Balance Forward** (from "Ending Balance" of Previous Quarterly Report) \$12,890.52

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**Receipts:**

District Allotment	\$4,607.82
Interest	\$0.00
Other	\$0.00
Transfer from Savings	\$0.00

---

Total Receipts \$4,607.82

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Total Funds Available \$17,498.34

---

**Disbursements**

1. Net Salary & Wages	\$0.00
2. Insurance:	
a. Health	\$0.00
b. Casualty/Property	\$0.00
3. Total Federal Wages Taxes (Income and Soc. Sec.)	\$0.00
4. State and Local (DC, MD, VA) Income Taxes Paid	\$0.00
5. Unemployment Insurance Taxes	\$0.00
6. Tax Penalties Paid	\$0.00
7. Local Transportation	\$0.00
8. Office Rent	\$0.00
9. Telecommunication Services	
a. Landline Telephone	\$0.00
b. Cellular Telephone	\$0.00
c. Cable/Internet Services	\$0.00
10. Postage and Delivery	\$0.00
11. Utilities	\$0.00
12. Printing and Copying	\$408.00
13. Flyer Distribution	\$0.00
14. Purchase of Service	\$1,140.00
15. Office Supplies	\$0.00
16. Office Equipment	\$0.00
a. Rental	\$0.00
b. Purchase	\$0.00
17. Grants	\$296.99
18. Training	\$0.00
19. Petty Cash Reimbursement	\$0.00
20. Transfer to Savings Account	\$0.00
21. Bank Service Charges	\$0.00
22. Website/webhosting	\$0.00
23. Other	\$0.00

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Total Disbursements \$1,844.99

---

**Ending Balance:** (Should Agree with Checkbook Balance at End of Quarter) \$15,653.35

---

Approval Date By Commission: \_\_\_\_\_

Treasurer \_\_\_\_\_ Chairperson \_\_\_\_\_

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

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





# Officer Reports - Treasurer



## INCOME FORM

**ANC [6A]**

### SAVINGS ACCOUNT

Check if ANC has NO Saving Account

**Balance Forward:** (from "Ending Balance" of Previous Quarterly Report) \$13,715.52

**Receipts:**

Transfer(s) From Checking Account \$0.00  
 Other (Interest Earnings, etc.) \$0.69

Total Receipts \$0.69

**Total Funds Available** \$13,716.21

**Disbursements:**

Transfer(s) to Checking \$0.00  
 Other \$0.00

Total Disbursements \$0.00

**Ending Balance:** \$13,716.21

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Please list each bank deposit made this quarter into the ANC's checking and savings account		
Deposits to Checking Account (Include transfers from savings account)		
Source	Amount	Date
District Allotment	\$4,607.82	5/7/2013
Interest		
Other		
Savings		
Deposits to Savings Account (Include transfers from checking account)		
Source	Amount	Date
Checking account		
Other	\$0.69	Various



## Committee Reports

### Community Outreach Committee (COC)



#### ANC6A Community Outreach Committee

ANC6A Community Outreach Committee

June 17, 2013 Minutes

Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE

Meeting called to order at 7:30 pm

Committee members present: Elizabeth Nelson (Chair), Louis Barbash, Maurice Cook, Gladys Mack, Jean Kohanek, Rose Williams (quorum)

Committee members absent: Pat Joseph

Commissioners present: Sondra Phillips-Gilbert

- I. Agenda  
Adopted.
- II. Confirmation of plans to advertise grant opportunities  
Ms. Nelson reported that a notice has been submitted for publication in the July issue of the Hill Rag; a notice ran in the July issue of The Buzz newsletter; the application deadline will appear on the Community Calendar page of the website. In addition she will send to the listserv in about two weeks, not wanting to send it so far in advance that people forget about it.
- III. Report on ANC/COC activities  
Per the grant application from the Eliot-Hine MS PTSA, toys/games were purchased from Labyrinth (who gave very generous discount) and delivered by Commissioner Alberti to the school. The acknowledgement letter has been received as required.
- IV. Discussion of ANC outreach activities  
Per the report from the May COC meeting, proposals for such an event were due prior to the June meeting. However, no proposals were received so the matter was tabled.
- V. Confirmation of next meeting date.  
**The committee will not meet in July. The next meeting will be held Monday, August 12, 7:30 pm at 1235 C St. NE. Note that this is not the 3<sup>rd</sup> Monday of the month.**
- VI. Mr. Cook reminded all that Ward 6 Family Day will be held Saturday, June 22 from 1-5 pm at Canal Park. Serve Your City volunteers will be providing children's activities.
- VII. Meeting adjourned at 7:45 pm



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### Alcoholic Beverage Licensing Committee

ANC 6A

June 18, 2013

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7pm EST on June 18, 2013 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

**Committee Members Present:** Jay Williams (Chair), Michael Herman, Roger Caruth, Adam Healy, Ann Marie Koshuta, David Oberting

**Committee Members Absent:** Mary Cary Bradley, Christopher Seagle, Katy Thomas

**Commissioners Present:** David Holmes

**Community Members Present:** Sarosh Hussain (Cusbah), Antonio Roberson (Langston Bar and Grille), Gladys Mack, Kirsten Stone, Erin Martin, and Hallie Groff (Clark Realty Capital), Mallory Gladding (Flats at Atlas)

#### I. Call to Order

Jay Williams called the meeting to order at 7pm. The meeting having been duly convened, was ready to proceed with business with a quorum. Mr. Williams reviewed the agenda and asked if there were any additions or edits. There were none.

#### II. Community Comment

- Mr. Hussain addressed the Committee regarding the ANC’s recent decision to protest Cusbah’s license renewal. He stated that Cusbah is currently the only establishment with patrons allowed to be on its sidewalk patio until 3am. He said that he understands that there are noise complaints in the area, but that he wants a compromise rather than to limit his hours to 11pm and midnight. He acknowledged that 3am is not a necessary closing time, but that midnight limits his time to do business. He argued that there have been no noise complaints or police complaints regarding Cusbah. He argued that he has made efforts to reach out to neighbors and the ANC, and that the fact that there have been no noise complaints is evidence of this outreach. Mr. Hussain stated that he was in the process of placing a canopy over the patio, and that if he received any noise complaints he would shut down the patio immediately.
- Mr. Hussain said that he is interested in bringing together all establishments with public space patios to work out a compromise with the ANC, noting that the H Street neighborhood is competing with U Street and Adams Morgan.
- Mr. Oberting requested a clarification of the current standard settlement agreement restrictions on public space. Mr. Williams explained that all other establishments with public space patios have settlement agreements with provisions stating that they have to close the patios at 11pm on weeknights and midnight on weekends.
- Mr. Hussain stated that the noise violations in his area are coming from Twelve, not Khan’s or Cusbah, and asked to see evidence of noise complaints to ABRA or MPD.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- Mr. Oberting asked if Mr. Hussain agreed that it's not fair for Cusbah to be the only establishment open late. Mr. Hussain stated that other owners with public space patios support him and don't believe that the limitation should be in place for anyone. He stated that the limitation was suffocating business.
- Ms. Koshuta stated that there appears to be no longer a competitive disadvantage with Khan's, and it sounded like there may not have been a competitive disadvantage to begin with. Mr. Hussain stated that when he first started the business, he believed he was at a disadvantage, but later realized his business was more successful than Khan's.
- Mr. Caruth stated that he specifically remembered when Mr. Hussain was before the Committee previously, he presented plans for the enclosure of the patio, and asked what the timeline was for completion. He also asked what Mr. Hussain proposed for patio closing times. Mr. Hussain responded that he would be comfortable with closing sometime between 1:30 and 2am.
- Ms. Koshuta stated that there was a lot of discussion regarding public space patios at the previous Committee meeting, and she did not recall any business owners or managers present complaining about the sidewalk patio restrictions. She specifically noted that the general manager of Argonaut stated that the restriction was good for neighbors, and that if one establishment got later hours, all would want it. She argued that any change in sidewalk patio hours should be holistic, rather than on an individual basis.
- Mr. Oberting noted that he was in favor of businesses having patios open later, but that it appeared most of the Committee was not.
- Mr. Caruth stated he was in favor of uniformity in the ANC.
- Mr. Hussain stated he may be the only establishment left to not agree to the limited hours, but that the other establishments backed him in his refusal to agree to the change. He stated that the problem is that this meeting is on the record, and many business owners preferred to meet informally. Ms. Koshuta stated that all issues between businesses and their neighbors should be dealt with in a public meeting.
- Ms. Mack said that she has been in the neighborhood for ten years (and part as an ANC Commissioner), and that other businesses should voice their own opinions. She stated that any noise complaints should be addressed during an establishment's renewal period. She also noted that Twelve has soundproofed windows.
- Mr. Hussain stated that the fundamental issue here is regarding noise. Mr. Herman stated that the issue is more the potential for noise, and Mr. Oberting stated the issue was uniformity.
- Mr. Hussain thanked the Committee for providing him with the opportunity to speak at the meeting.

### III. Old Business

None.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### IV. New Business

- A. **Discussion of request by Langston Bar and Grille at 1831 Benning Road, NE (License Number ABRA-076260) for a class change from a Retailer's "C" Restaurant to a Retailer's "C" Tavern.**

Mr. Roberson, owner of Langston Bar and Grille, came before the Committee to discuss his request to change his establishment from a CR to a CT license.

- Mr. Roberson stated that he is requesting the change for his business because he is not able to maintain the 40% food revenue requirement for CR licensees. Individuals come into his establishment for dinner, but they stay for drinks afterward. He is trying to improve the quality and selection of food, but he wants to keep his food prices down.
- Ms. Mack stated that a resident behind Langston Bar and Grille opposed the change because of noise. She said that when the resident calls, the manager will turn down the music, but there have been other issues (including a box of fish being thrown through her window that the manager paid to replace, and problems with noise in the parking lot and patrons urinating in the alley).
- Mr. Healy stated that the establishment was on the last meeting's agenda for its license renewal, and that that meeting would have been the appropriate place to raise any noise complaints or issues with patron behavior. He stated he didn't see any problems with this request, noting that the ANC's policy against CTs that was set in 2011 was because of the view that there was an over-concentration of establishments with CT licenses in the neighborhood.
- Ms. Mack stated that she lives on the same block, and that she was concerned this change could lead to more public drunkenness if the establishment is not selling as much food. Mr. Roberson said he had no plans to sell less food, and noted that the establishment's brand is based on food.
- Mr. Oberting stated that he believed the problems raised by Ms. Mack weren't related to the issue of CR vs. CT. Mr. Caruth stated it appears that Mr. Roberson is making a business decision, and that noise issues go more towards his relationship with the community and with the police. Mr. Roberson stated he is in regular contact with local police officers, and that the neighbor cited by Ms. Mack (Ms. Mayo) is the only resident behind his establishment, and he has worked with her.
- Ms. Koshuta asked if the anti-CT policy was meant to cover all of ANC 6A, or just H Street. She stated that if we're encouraging CRs and businesses aren't able to make their numbers, we could be facing a slippery slope of more requests like this. Mr. Roberson stated that CT licensees sell food as well.
- Mr. Herman stated that he recalled the resolution disfavoring CTs was applied to H Street, not the entire ANC, and he sees a different situation here due to Langston's location. Ms. Mack disagreed, stating that H Street should not be divided from the rest of the ANC.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Mr. Healy moved/seconded by Mr. Oberting that the Committee take no action regarding Langston Bar and Grille's request for a class change from a CR to CT license. Motion carried 5-0-1, with Ms. Koshuta abstaining.

#### **B. Presentation by representatives from Flats at Atlas regarding H Street food and beverage tour scheduled for October 19, 2013.**

Kirsten Stone, Erin Martin, and Hallie Groff, of Clark Realty Capital, presented plans for a food and beverage tour of H Street, planned for October 19, 2013.

- Ms. Groff stated that Flats at Atlas, located at 1600 Maryland Avenue, is making its last push for lease stabilization. The goals of the event are to showcase the apartment building, and promote the neighborhood and H Street as a destination during the day.
- The company organized a similar event last year (Fall for H Street), which had more of a bar crawl theme. Establishments were reluctant to participate due to the risk of fines from ABRA, and the event was planned too late to take before the ANC for review.
- Ms. Groff and Ms. Martin stated that another goal of the event was to raise funds for a local charity. Last year's event raised \$500 for H Street Main Street (which represented all of the take for the event beyond its costs).
- The event is planned for Saturday, October 19, from 1pm to 6pm. There will be brunch/food specials.
- Last year's event involved both food and drink specials.
- The representatives from Clark Realty spoke with Martha Jenkins of ABRA today, and she stated that she didn't see the event as falling within the definition of "bar crawl." She stated that with ANC support, she could send a request to the ABC Board.
- Mr. Williams stated that he believed it was relatively easy to avoid the definition of pub crawl simply by not offering drink specials. Ms. Koshuta stated that she would want to see the event skew more toward food specials.
- The Committee discussed a "Zombie Bar Crawl" that took place in 2012 that caused problems for participating establishments with ABRA.
- Mr. Healy said that he was concerned that exempting one pub crawl leads to arguments from other organizers that their event should be exempted as well. He said he had encountered problems with event organizers in the past contacting him at the last minute and then later misrepresenting what he told them. He recommended that the organizers of this event get any assurances from ABRA in writing, because the ABC Board could still disagree and side with an individual investigator not aware of Ms. Jenkins' legal opinion.
- Mr. Caruth stated that during the day, many establishments may already have their own drink specials in place, meaning there would be no need for the event to have its own drink specials and therefore not run into problems with the definition of pub crawl. Mr. Oberting agreed.
- The representatives from Clark Realty stated they felt they needed to at least acknowledge drink specials; otherwise participants would go to just one establishment and stay there for the food. Ms. Koshuta noted that a recent Frager's fundraiser involved small plates of food



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



from different establishments, so this might be a good approach for the event to encourage participants to go to multiple locations.

- Mr. Caruth suggested that the organizers provide any written assurances from ABRA to establishments participating in the event, so that if they had issues with an investigator, they would have documentation on hand.
- Ms. Stone, Ms. Martin, and Ms. Groff thanked the Committee for their suggestions and stated they would take them all into consideration when working with ABRA to make sure the event does not run afoul of any regulations or settlement agreements. Mr. Williams thanked them for attending the meeting and working with the ANC.

#### V. Adjourn

Mr. Williams thanked all who attended the meeting, and the Committee for its continued service. The Committee adjourned at 8:30 pm.



# Committee Reports Alcohol Beverage and Licensing (ABL)



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

by and between

**[Name of Establishment]**

Street Address, NE  
Washington DC 20002

and

**Advisory Neighborhood Commission 6A**

### **Preamble**

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

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

Further, ANC 6A acknowledges that this Settlement Agreement shall be presented to all Class \_\_\_ 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 Settlement 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 \_\_\_ Liquor License at the subject premises; and,

Settlement Agreement between [Name of Business] and ANC6A

Page 1 of 4



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
  - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
  - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
  - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
  - d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
  - e. Assisting in maintenance of the curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.
  - f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
  - g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
  - h. Requiring the owner and employees not to park on public space between the building and the curb.
  - i. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.
  
2. **Business Operations and Practices.**
  - a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
  - b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
  - c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with DC Code § 25-113(b)(5).
  - 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 in person by Applicant or a board-licensed manager.
  - f. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
  - g. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
    - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
    - ii. It is illegal to sell alcohol to anyone under age 21;
    - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
    - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
    - v. The establishment requests that customers do not contribute to panhandlers.
  - h. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
    - i. Asking loiterers to move on whenever they are observed outside the establishment;
    - ii. Calling the Metropolitan Police Department if illegal activity is observed;
    - iii. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance; and

Settlement Agreement between [Name of Business] and ANC6A

Page 2 of 4



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
  - i. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.
  - j. Applicant shall not support the installation of pay phones outside of the establishment on its property.
  - k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
  - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
- 3. Music / Dancing / Entertainment.**
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
  - b. 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 Code § 25-725.
  - c. In order to mitigate noise on an outdoor patio or summer garden the following steps will be taken:
    - i. Applicant shall not offer any type of live or pre-recorded music on the patio;
    - ii. A fence or other barrier will enclose the entire perimeter;
    - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a patio or summer garden on private property (excluding rooftops) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff. If the patio or summer garden has been open for business for at least three months during the months of April through September and noise levels from the patio or summer garden have not violated this Section and the licensee otherwise has a record of good conduct, the ANC may support a change of hours application submitted to ABRA to allow for expanded hours of operation on the patio or summer garden.
  - e. If the outdoor patio is located on public space, the hours of operation of that patio will be limited until 11:00 p.m. Sunday through Thursday evenings and 12:00 a.m. on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons.
  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
  - g. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
  - h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

Settlement Agreement between [Name of Business] and ANC6A

Page 3 of 4



# Committee Reports

## Alcohol Beverage and Licensing (ABL)



4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
6. **Miscellaneous.**
  - a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
  - b. Applicant will operate in compliance with all applicable DC laws and regulations.
7. **Enforcement.**
  - a. If either party hereto believes in good faith that Applicant is in violation of this Agreement, written notice specifying the alleged violation shall be delivered to Applicant and 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 ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees shall immediately file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
  - c. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

### In Witness Whereof

The parties have affixed hereto their hands and seals.

#### Applicant:

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

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

#### Advisory Neighborhood Commission 6A Representative:

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

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

Revised 6/23/13



# Committee Reports

## Alcohol Beverage and Licensing (ABL)



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  - f. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. “Entertainment” means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term “entertainment” shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
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  - h. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.

Settlement Agreement between [Name of Business] and ANC6A

Page 3 of 4

- Jay Williams 6/23/13 4:12 PM  
**Deleted:** do not create a repeated disturbance to the neighborhood during this time period and
- Jay Williams 6/23/13 4:13 PM  
**Deleted:** during this time period,
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# Committee Reports Alcohol Beverage and Licensing (ABL)



4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
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  - c. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

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Jay Williams 6/23/13 4:14 PM  
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Jay Williams 6/23/13 4:15 PM  
**Deleted:** or by the ABC Board consistent with

Jay Williams 6/25/13 10:48 PM  
**Deleted:** In the case of ANC6A, if applicant desires to modify the terms of this Agreement, 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 change(s) at a full public meeting.

### In Witness Whereof

The parties have affixed hereto their hands and seals.

#### Applicant:

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

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

#### Advisory Neighborhood Commission 6A Representative:

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

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

Revised 6/23/13



## Committee Reports

### Transportation and Public Space (TPS)



ANC 6A & ANC 6C Transportation & Public Space Committee Meeting Minutes  
Sherwood Recreation Center (10<sup>th</sup> Street and G Street NE)  
June 17, 2013

- I. Call meeting to order at 7pm
- II. Introductions: Members of both ANC committees and certain commissioners introduced themselves. In attendance from the ANC 6A Transportation & Public Space Committee were Todd Sloves, Jeff Fletcher, Christine Ennis, DeLania Hardy, Andrea Adleman and J. Omar Mahmud (Chair).
- III. Community Comment
  - A. A resident named Diane Hoover asked that our ANC look into why the south side of I Street NE on her block is zoned for Ward 5 and 6 parking while the north side, which is actually closer to Ward 5 is zoned for Ward 6 parking only. Commissioner Mahmud asked Ms. Hoover to discuss this with him after the meeting or send him an email so that he can follow up with DDOT.
- IV. 6A & 6C Business
  - A. Presentation by DDOT regarding bicycle infrastructure options being evaluated for G Street NE and I Street NE: Commissioner Mahmud and ANC 6C Transportation Committee Chairman, Joe McCann introduced Mike Goodno from DDOT and thanked him for all the hard work he has done bringing this project concept to our community.
    - i. Mr. Goodno provided a presentation to the committee and audience summarizing the four bike lane options DDOT is exploring for the two streets. Mr. Goodno also took questions from those in attendance and addressed concerns.
    - ii. Audience members, committee members and commissioners from both ANCs detailed their preferred options and the reasoning for their choice.
    - iii. Mr. Mahmud took an informal vote from audience members regarding their preferred option:
      1. Alternative 1 - 0 votes
      2. Alternative 2 - 12 votes
      3. Alternative 3 - 2 votes
      4. Alternative 3A - 4 votes
      5. Alternative 4 - 0 votes
    - iv. ***Commissioner Mahmud made the following motion, seconded by Todd Sloves - "That ANC 6A send a letter to DDOT expressing support for the Alternative 2 option for bicycle infrastructure (Contra-flow bicycle lane with parallel parking on both sides of the street) along G Street NE and I Street NE through our ANC. The letter will also express an interest in having the city prohibit sidewalk bicycling along the commercial corridor portion of H Street NE, request that DDOT develop additional bike hazard warning signs and street markings on and around H Street NE and request street repaving where needed along portions of G Street NE and I Street NE prior to striping for bike lanes." The motion passed 5-0-1.***



## Committee Reports

### Transportation and Public Space (TPS)



- V. Adjourn 6A & 6C Portion of Meeting
- VI. Announcements
  - A. Florida Avenue Multimodal Transportation Study Meeting hosted by DDOT - Wednesday, June 19 from 7 to 9pm, Gallaudet University - Chapel Hall (800 Florida Avenue NE)
  - B. Meeting regarding status of 17<sup>th</sup> Street NE and 19<sup>th</sup> Street NE Redesign Projects hosted by DDOT - June 27 from 6:30 to 8:30 pm, Pilgrim AME Church (612 17<sup>th</sup> Street NE)
  - C. Florida Avenue Redesign Project - 3D renderings of the proposed pilot and additional project information is available at <http://tooledesign.com/marylandave/schedule.php>.
  - D. ANC 6A will consider approval of the Maryland Avenue Redesign Project at the full ANC 6A meeting on July 11.
- VII. Adjourn meeting at 9pm



## Report of the Economic Development and Zoning Committee of ANC 6A June 19, 2013 Meeting

A Quorum was present.

Members - Charmaine Josiah, Michael Hoenig, Justin Thornton, Dan Golden  
Commissioners - Andrew Hysell, David Holmes

David Holmes chaired the meeting.

Call to Order

Community Comment

Status Reports

Resolution of Previously Heard BZA/HPRB Cases:  
Valor Development's request for zoning relief was approved.

The order for Pilgrim Church was finally published by the BZA. The BZA agreed with the ANC's contention that the requested zoning relief was unnecessary.

Relief was approved for Manny and Olga's. The BZA order specified the same restrictions proposed by the ANC.

Vacant Properties: No report.

H Street Business Liaison Report: No report.

Old Business: None

New Business:

### **1255 H St., NE (BZA 18591 - Troy Williams):**

Applicant previously presented his request for relief at the May 15, 2013 EDZ meeting, but due to concerns about the look and feel of the new windows to be installed in the building, the Committee tabled its motion to withhold support for the requested relief until Committee was able to view the windows and discuss during the following meeting.

The applicant has a BZA hearing scheduled for July 23, 2013. Requesting relief from the following provisions of zoning requirements: FAR, parking requirements, and loading.

Chairman Holmes summarized the concerns of the Committee expressed during the May 15, 2013 meeting related to the look and feel of the new windows to be placed at the building. Chairman Holmes stated that he was disappointed that the applicant had not worked with the committee prior to ordering the windows for the building and that the windows were not in keeping with the historic nature of the neighborhood or the other businesses along H street. That being said, he believed that the windows were not grounds for withholding support for the requested relief. Members asked whether the applicant was able to obtain different windows more appropriate to the neighborhood and were informed by the



applicant that the windows had already been ordered and it would be too expensive to order new windows. Members asked whether other measures could be taken to mitigate the appearance of the windows, such as painting. The applicant stated that the color is in keeping with the overall color scheme of the project and, in addition, the materials the windows are made of can not be painted.

In light of the benefit the project will bring to the community (training for food service) and the sound mitigation measures being implemented on the roof deck, such as no amplified music and an 11pm closing time, the Committee voted unanimously to support the project's request for relief.

### **1365 H St., NE (Yes! Organic):**

This property is a landmarked historic site to be used as a mid-sized grocery store. The applicant is requesting a second level to be built on top of this property. The addition will be set back and should not be visible from the other side of the street.

At the May 15, 2013 meeting, members inquired as to whether roof access could be changed. The applicant informed the members at the June 19, 2013 meeting that the rooftop access must allow access through a third story stairwell access point for safety reasons. Applicant suggested rather than having the access point located as an outcropping, it could be extended the width of the building to provide better symmetry.

Earlier the Committee expressed requested that the sign over the entry be reduced in scale, so as to not overwhelm the historic façade.

The Committee unanimously voted to support the project before HPRB contingent on the new floors not be visible from across H Street and that the applicant seek to reduce the size of the signage.

### **20 14th Street**

The architect, Paul Gaiser, representing the owner of the garage presented plans to tear down the garages and build a parking pad where the building currently sits. The owner would then sell or rent the spaces on a long-term basis.

The owner had originally wanted to replace the existing structure, but decided to tear it down after public objection to the project. Chairman Holmes explained that he had met with the DC Office of Zoning, though, who informed him that if the parking garage was not going to be commercial, the owner would not need any zoning relief and could build as a matter of right.

Members of the public in attendance asserted that their two biggest concerns related to the project were the increased noise and traffic in the alley the new cars would create and the ability of garbage trucks to access the alley. Public commenters claimed that the trash trucks will be unable to negotiate the turns necessary and may damage surrounding properties.

Committee members asked for a description of the lot on which the garage sits. The public commenters stated that for the last thirty years, part of the lot has been used as a community garden. It was speculated that they were originally used as car barns, but have never been attached to any other building. One public commenter stated that because of the narrowness of the alley, access to the garages is nearly impossible by vehicle.

Committee members also asked if the access by garbage trucks can be resolved, would the neighbors still object due to the increased noise and traffic. The neighbors present indicated that they would.



The architect for the project stated that before continuing with plans to tear down the garage, he would meet with the Office of Zoning again to determine what zoning relief he may or may not need.

The Committee took no action on the project.

### **1102 H St., NE (Bank of America):**

Application for the bank to use the front portion of a retail building to house two ATMs. As per the lease, the bank is required to use the entire space. With this requirement the space is considered a bank even though the space will be unmanned and only house two ATM machines. The usable area that will house the ATMs is 19.49%, which is a little less than the 20% maximum specified by the zoning regulations. However, because the Bank needed to use more than half of the ground floor to support the ATMs, a special exception from the 20% requirement was necessary.

This matter was initially heard at the May 15, 2013 EDZ meeting. At that time, the Committee expressed concerns that the proposed use would not utilize the property at the highest and best use of the space. The Overlay provisions state that the use of a structure as an ATM facility requires a special exception. David Holmes stated that this was because such facilities provide no regular employment, no retail or food, and are considered to be dead to the life of the Street. Questions were also raised regarding lighting, signage, security, and lease terms.

The applicant returned to the June 19, 2013 meeting with detailed plans for the project. Committee members asked how often the site would be maintained. The applicant stated that armed guards would attend to the ATMs on a weekly schedule. Custodial services, however, would likely occur once every two weeks.

Some members of the Committee continued to express concerns that the ATMs were not the best use of a potential retail space. Commissioner Hysell pointed out the Bank is already occupying space on H Street. Because that space will close if the ATMs are located at 1102 H St., no space is being lost. Committee member Justin Long expressed that he did not think the two locations were comparable, though.

Committee Member Charmaine Josiah stated that the rest of the H St. corridor is not currently served by a 24 hour ATM and this will provide that service.

A motion was made to disapprove the application and passed by a 4-2 vote.

Additional Community Comment: None

### Additional Discussion

Chairman Holmes announced that the EDZ Committee will be jointly chaired by Dan Golden and Andrew Hysell.

9pm - Adjourn

Next Scheduled ED&Z Committee:

Wednesday July 17, 2013

7-9 pm



## Economic Development and Zoning Committee



July XX, 2013

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

Re: BZA Case No. XXXXX (Bank of America, 1102 H Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on July 11, 2013, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to deny the applicant's request for a special exception pursuant to § 1304 from the requirements of § 1302.4(a), which provides that, for a "building that occupies or is constructed on a lot in a designated use area within an NC Overlay District," "[n]o more than twenty percent (20%) of the ground level floor area shall be devoted to banks, loan offices or other financial institutions, travel agencies, or other ticket offices."

The Commission supports denying the requested special exception because it would not substantially advance the stated purposes of the H Street Overlay District and because no exceptional circumstances exist that would justify the exception. Specifically, the Commission believes that the applicant's proposal to occupy the entirety of the ground floor for the purpose of installing and maintaining ATM machines does not represent the highest and best use of valuable retail space on H Street.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at [David.Holmes@anc.dc.gov](mailto:David.Holmes@anc.dc.gov).

On Behalf of the Commission,

David Holmes  
Chair, Advisory Neighborhood Commission 6A

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@googlegroups.com](mailto:anc6a-announce@googlegroups.com), ANC-6A and NewHillEast yahoogroups, on the Commission's website, and through print advertisements in the Hill Rag.



## Economic Development and Zoning Committee



July XX, 2013

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

Re: Historic Preservation Review (Yes! Organic, 1365 H Street, NE)

Dear Ms. Pfaehler,

At a regularly scheduled and properly noticed meeting<sup>2</sup> on July 11, 2013, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the proposed project at 1365 H Street, NE.

The owner is proposing to develop this landmarked historic site for use as a mid-sized grocery store. The applicant is requesting a second level to be built atop the existing structure. The second level will be set back and should not be visible from the other side of the street. There are no zoning issues with this proposal.

The ANC supports the proposal, contingent on: 1) the new level atop the existing structure not being visible from across H Street; and 2) a reduction in scale of the proposed signage over the entry to the store, so as not to overwhelm the historic façade of the building. Assuming these conditions are adopted, the ANC believes that the proposed changes to the site will provide an aesthetically pleasing fit with the remainder of the H Street corridor.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at [David.Holmes@anc.dc.gov](mailto:David.Holmes@anc.dc.gov).

On Behalf of the Commission,

David Holmes  
Chair, Advisory Neighborhood Commission 6A

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## Economic Development and Zoning Committee



July XX, 2013

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

Re: BZA Case No. 18591 (Troy Williams, 1255 H Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting<sup>3</sup> on July 11, 2013, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the applicant's request for variance relief pursuant to § 3103.2 from the requirements for maximum floor area ratio (FAR) set forth at § 771.2, the parking requirements set forth at § 2101.1, and the loading facility requirements set forth at § 2201.1.

The Commission supports granting the requested variances because the strict application of the above-referenced zoning requirements would result in peculiar and exceptional practical difficulties and hardship to the applicant and because granting the requested relief will not result in substantial detriment to the public good or substantially impair the intent, purpose, and integrity of the zoning plan. In supporting a grant of the requested relief, the Commission specifically recognizes the benefit the applicant's business will provide for the community (serving as a laboratory residency for students undertaking culinary training under the executive chef/owner under the Careers through Culinary Arts Program (C-CAP)), as well as the sound mitigation efforts being undertaken by the applicant, including the enforcement of an 11:00 p.m. closing time and a prohibition against the playing of amplified music on the building's roof deck.

Please be advised that David Holmes, Andrew Hysell, and Daniel Golden are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at [David.Holmes@anc.dc.gov](mailto:David.Holmes@anc.dc.gov).

On Behalf of the Commission,

David Holmes  
Chair, Advisory Neighborhood Commission 6A

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