



**District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for November 8, 2012**



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

7:00pm **Call to order, Approve September Meeting Minutes, Adopt Agenda**

7:05 **Community Comments** (2 minutes each)

7:10 Errol Williams, Staff Engineer on behalf of DDOT re: safety improvement evaluation of 17th and 19th Street corridor between Benning Rd. NE and Potomac Ave. SE

7:40 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Treasurer (2 minutes) *pg. 25*

7:50 **Single Member District reports** (2 minutes each)

Standing Committee Reports:

7:55 **Community Outreach**

1. Next meeting - 7:30pm, Nov. 19, 2012 (3rd Monday)

8:00 **Alcohol Beverage Licensing** *pg. 28*

1. Approve committee report
2. **Recommendation:** ANC protest the new license for Avery's Bar and Lounge at 1370 H St. NE unless there is a signed, approved VA prior to the petition date
3. **Recommendation:** ANC invoke the cure provision of the ANC's voluntary agreement with Twelve located at 1123-1125 H St. NE due to continued noise complaints from neighbors
4. Next meeting - 7pm, Nov. 20, 2012 (3rd Tuesday)

8:05 **Transportation and Public Space Committee** *pg. 30*

1. Approve committee report
2. Next meeting - 7pm, Nov. 19, 2012 (3rd Monday)



**District of Columbia Government
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2nd Thursdays at 7pm, Miner Elementary, 601 15th St., NE
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8:10 Economic Development and Zoning pg. 34

1. Approve committee report
2. **Recommendation:** ANC support the Gallaudet Campus Plan before the Zoning Commission
3. **Recommendation:** ANC support addition to 1128 Park St before the Historic Preservation Office
4. **Recommendation:** ANC support the conceptual massing and design of the redevelopment of 901 D St before HPO
5. **Recommendation:** ANC oppose before the BZA increased density at 901 D Street NE, unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in that neighborhood
6. **Recommendation:** ANC support the selection of the Rise and Argos Groups proposals for the RL Christian site redevelopment and request DMPED issue a call for best and final offers
7. **Recommendation:** ANC conditionally support a variance to operate a deli at 409 15th St. NE
8. **Recommendation:** ANC appeal building permit issued for 607 14th Place NE because it does not comply with lot width and lot occupancy requirements
9. Next meeting - 7pm, Nov. 21, 2012 (3rd Wednesday)

8:15 Unfinished Business

8:20 New Business pg. 52

1. Consider Alcohol Beverage Control Board changes made to the voluntary agreement with Spot on H (Healy)
2. New language for the bylaws, with the vote on this motion to be taken in Dec. (Holmes)
3. Appeal building permit #B1209455 of 1400 Maryland Ave. (Ronneberg)
4. Send a letter to the acting director of the District Department of the Environment requesting information on whether underground tanks had been removed and installed at 1400 Maryland Ave without a permit (Ronneberg)

8:25 Community Comments Round II, time permitting (2 minutes each)

8:30 Adjourn



Advisory Neighborhood Commission 6A Meeting Minutes for October 11, 2012



Minutes ANC 6A Miner Elementary School October 11, 2012

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

The meeting was convened at 7pm.

1. Minutes

The minutes for September 2012 were approved by unanimous consent.

2. Agenda

Mr. Hysell requested that Options Charter School be added to Unfinished Business. Mr. Alberti asked to have an appropriation for minutes transcription and agenda packet preparation added to New Business. A request for a letter to DCRA for a permit for an underground tank was requested for New Business. The agenda as amended was approved by unanimous consent.

3. Community Presentations

Criminal Justice Coordinating Council

Tamika McThorn of the Criminal Justice Coordinating Council gave a brief presentation on the agency, which is an independent agency in the Mayor's Office and serves as a liaison among federal and local law enforcement agencies in areas such as truancy prevention, and re-entry programs for parolees. She called attention to their web site (cjcc.dc.gov) and said they have issued new annual report which is available from the agency (202/442-9283). She announced an informational meeting on October 25 at the Thurgood Marshall Building from 6:30 pm. Mr. Alberti pointed out the irony of the agency working both on prevention and post-prison programs.

DeLoran Foundation

Lloyd Cornish, founder of the DeLoran Foundation, gave a brief presentation on his program, which works with 16-23 year old youth, providing basketball leagues as a way to address education, employment and the economic hardship facing the District's inner city communities. The group has also started the Green District, which is working to empower youth to beautify their communities. They also have the Alternative Education League (AEL) that enables night school, GED and adult education students to participate in basketball leagues. Cornish can be reached at 202/271-7993.

Rosedale Homecoming Day

Necothia Bowen invited the audience to Rosedale Homecoming Day on October 13 at the Rosedale Recreation Center.



Advisory Neighborhood Commission 6A Meeting Minutes for October 11, 2012



4. Officers' Reports

Chair

Mr. Holmes reported that he was pleased to be at the opening of the Rosedale Library on October 18, with the Mayor and other officials. He also reported that people who wished to be poll watchers for the November 6 election had until October 23 to apply to the Board of Elections. He also reported that the recycling pick-up date for 8th to 12th Street between E and D Streets NE, and 12th and 14th between E and F Streets NE will be changed to Thursdays.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$12,869.49 and the savings account balance was \$9,044.37. There was an allotment from the District of Columbia for the 3rd Quarter of FY 12 of \$4,836.27, and an interest payment to the savings account of \$.15. There were disbursements of \$180 to Roberta Weiner for transcription of July 2012 ANC minutes (Check #1572); and \$200 to Heather Schoell for the September 2012 agenda package (Check #1573) leaving a balance of \$17,325.76 in the checking account, and \$9,044.52 in the savings account.

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

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

Motion: Mr. Alberti moved/Mr. Hysell seconded a motion to approve the Quarterly Report for the 4th Quarter of FY 2012. Mr. Alberti said the report had been distributed a week prior to the meeting for comments. The motion passed without objection.

Mr. Holmes reported that the ANC had received its annual report card from the DC Auditor and had passed with flying colors.

5. Single Member District Reports

Dr. Ronneberg said that noise at XII is a continuing problem. He also reported that RPP parking has been removed around Sherwood to the dismay of people living there.

Ms. Veenendaal-Selck said she is thrilled that the Rosedale library is opening.

Mr. Alberti reported that there will be an informational session on the International Baccalaureate Program at the Atlas Center to provide information for local parents.

Mr. Hysell thanked Fox 5 and Sherry Lee who responded to his outreach to all the TV networks about a constituent with a home on Florida Avenue adversely impacted by a developer and it aired on September 29. He also reported that neighbors are concerned about the expansion of the Options school; he and constituent Tom Kotorac met with Option's school attorney Paul Dalton, and the school has purchased Segways and committed in writing to take additional steps, which the ANC will see in 40 minutes.



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6. Community Outreach Committee

The report of the committee was accepted without objection.

Eastern SHS PTSA Grant

This is a request for a grant for \$533 for the band program to provide storage carts and pole bags. The committee approved the grant in June; however a representative of the organization, as required by ANC regulations, did not appear at the full ANC meeting, so the grant was set aside. Mark Roy, of the Eastern Senior HSPTA did attend the September meeting to ask that the grant be approved. The conditions have not changed, the need for the funds still exist, so the Committee voted unanimously again approve the grant.

Motion: The Committee moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the ANC provide \$533 toward the cost of storage carts and pole bags as requested in the grant application from the Eastern HS PTSA. The motion passed without objection.

Revised Grant Guidelines

Ms. Nelson introduced the revised grant guidelines, which has been under discussion for several months, by saying the ANC used to have more money than grant applicants, but now the situation is reversed, and the budget overall is reduced. She said the provisions are to give guidance to the ANC and to potential applicants:

1. Grant budgets will be divided in half for "winter" (apply in October-February) and "Summer" (apply in March-July) cycles.
2. The "seasons" grant budget will be further divided in half for larger (>\$300) and smaller (<\$300) grants.
3. Small grants will be reviewed on a monthly cycle with deadlines as they currently are. (Applications due the second Monday of the month for consideration at the COC meeting on the third Monday of the month and approved at the next month's ANC meeting.) This would allow for organizations, especially small ones, to respond to unanticipated funding needs.
4. Larger grants for the winter cycle will be considered at the February COC meeting from the pool of applications received in the period beginning October 1 and ending the second Monday in February. Larger grants for the summer cycle will be considered at the July/Aug COC meeting from the pool of applications received the period beginning March 1 and ending the second Monday in July. The COC will consider the relative merits of applicants' proposals in making funding recommendations. Those recommendations will be forwarded to the ANC for consideration at the March and September ANC meetings.
5. Any funds not expended from the small grants funding pool for a given season-cycle will be available for larger grants at the end of that cycle.



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6. Any funds not expended in the winter cycle will be available in the summer cycle. Unexpended large grants funds from the winter cycle will be available in the small grants pool in the summer cycle.
7. Past grant history will be considered in making funding recommendations.
8. Preference will be given to locally-based organizations.

Motion: The Committee moved/Ms. Veenendaal-Selck seconded a motion to adopt the Committee's recommendation for revised guidelines for grants procedures by the COC and the ANC. Mr. Alberti said that the guidelines will be tough to implement and provides no panacea. There's a chance the larger grants will eat up the funds. Ms. Nelson said that is why the recommendation is to divide available funding in half between large and small grants so that some funding remains for small grants. When they can see what the budget "pie" looks like, the threshold for large/small grants may have to be revisited and made smaller. The motion passed without objection.

Ms. Nelson announced that there might not be an October Committee meeting.

7. Alcohol Beverage and Licensing Committee

The report of the committee was accepted without objection.

Maketto - 1351 H Street NE

Motion: The committee moved/Mr. Healy seconded a motion to accept the committee's recommendation and protest the license for Maketto at 1351 H Street NE unless there is a signed, approved VA prior to the petition date. It is expected that it will happen within the next few days. The motion passed 5-0-1, with Mr. Alberti not voting.

8. Transportation and Public Space Committee

In the absence of Chair Omar Mahmud, Mr. Holmes handled the committee's business.

Brick Sidewalk Extension on 12th Street NE

This is a request for support, at the request of Ms. Lawler, of a petition to DDOT by residents of the 1200 block of D Street NE to extend the brick sidewalk to the curb. **Motion:** Mr. Holmes moved/Mr. Healy seconded a motion to accept the Committee's motion. Mr. Holmes said he had written a letter on his own. Ms. Nelson said that if people are concerned about mud, they should be replacing tree boxes. Mr. Alberti said that he wanted to see what addresses are affected and how many houses. Mr. Healy added that the ANC should just ask the City to explore what needs to be done. Mr. Holmes said that the neighbors want it done. The motion passed 5-1, with Mr. Alberti in opposition.

Letter to DDOT requesting Reduction in Meter Times

Motion: Mr. Holmes moved/Mr. Healy seconded a motion to accept the Committee's recommendation that the ANC send a letter to DDOT requesting that 4-hour parking meters in the 800 block of 12th Street NE be converted to 15-minute parking.



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The residents of that block want the limit because of business pickup. Mr. Alberti said the committee minutes implied it was a solution for Horace and Dickies, but maybe it's short-sighted and it's also appropriate for other areas as well. Mr. Alberti offered an amendment to the letter to DDOT that requests a study of where 15-minute parking is appropriate on H Street and streets feeding into it. Mr. Healy added that it is particularly appropriate for 8th Street, but, he said, he might not vote for it because the residents have one-side only parking, and it cuts down on the number of spaces available. Mr. Alberti said he had a different impression from reading the minutes, and he would withdraw his amendment, the motion passed 6-0.

Bench at Capitol Towers

The ANC received a public space application for the installation of a bench outside Capitol Hill Towers residence at 900 G Street NE. The location is outside the entrance near the sidewalk. A great deal of concern was expressed because this block is already prey to loitering and other public safety concerns. Mr. Mahmud and Mr. Holmes agreed that it would be best for the building to locate the bench inside the fence surrounding the building and underneath the walkway canopy to protect residents from the elements, and that the bench be divided to discourage sleepers. **Motion:** Mr. Holmes moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation that the ANC support changes to the public space application for placement of a bench in front of Capitol Hill Towers. The changes include dividing the bench's seats, moving the bench off public space to behind the fence. Mr. Alberti allowed that it is a better solution for Capitol Hill Towers. The motion passed unanimously, 6-0.

Rock & Roll National Marathon

Mr. Holmes began by stating that a great deal of hard work had gone into making changes to the route and processes of the Rock & Roll National Marathon, and introduced Diane Thomas of the Marathon who discussed many of the changes including the expanded use of web sites, mailers, door hangers, and street signs. The web site will contain customized web sites for each Capitol Hill neighborhood. There will be bump cross routes for automobiles, coordinated by MPD. There is a new clean-up plan, there will be no watering stations in ANC 6A, and the sound will be reduced on H Street and unamplified at Lincoln Park. The start is at 14th and Constitution.

Mr. Holmes said that "in a startling change," because of the responsiveness of the marathon staff, he was prepared to support the race. Mr. Alberti added that after four years of stinging criticism, he would like to commend Ms. Thomas for putting together a plan that responds to the community. Mr. Holmes also thanked Paul Quander and Tanya Mitchell.

Selected street closings: H Street, closed from 8:24 am till 11:51 am; C Street, end of the half marathon, will reopen at 12:29 pm; East Capitol Street will be closed from 8:39 am to 10:43 am; and East Cap Bridge westbound will reopen at 1:27 pm.

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to approve the route of Rock & Roll National Marathon with the proviso that there be a change that permits easier entrance and exit from the encircled areas of the Hill. The motion passed unanimously, 6-0.



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9. Unfinished Business

Options School

Mr. Hysell introduced Paul Dalton, general counsel of Options School, who, in turn went into the hall and returned with Mr. Perry Malone (202/657-1218) and Mr. Malik Carson (202/657-1039), two black-clad security officers on Segways, who are now the visible face of Options' neighborhood security force. Dalton distributed a letter to the community and said that the school spent over \$10,000 on equipment and training (they used the Arlington Police Training program), and the two officers will be out in the community from 8am till 4pm and have an assigned route that includes alleys, as well as response to incidents. Their phone numbers are listed on the ANC 6A website, and they are available to respond to members of the community. He said that 15 other staff members will be on daily outside patrol in the mornings and at dismissal, and will patrol different routes each day.

Mr. Alberti asked what their strategy is and was told they plan to change their route every day going to E Street, over to 12th Street, from H to 18th and C. The idea is to keep people moving. There is room for comments on the web site and they welcome comments from the neighborhood.

Principal Bunch of Miner Elementary School commented on the students walking down F Street, and they have been smoking pot. She is particularly concerned about the morning—7:30 - 8:30am—and hoped she could get help.

Mr. Holmes said that the charter school board had been following through with material they had promised the ANC. Mr. Hysell said that Options had already done three things they had committed to do, so progress was being made. He is hopeful that the commitment from Options won't wane in the future.

10. Economic Development and Zoning Committee

The committee report was accepted without objection.

Design Changes at 601-645 H Street NE

In 2007, the BZA approved a redevelopment plan for the 601-645 block of H Street NE. The developer, Jair Lynch, proposes to increase the number of entries on H Street to increase the amount of retail in the project. The current scheme maintains the massing of the 2007 plans, but has improved materials and textures. It will be a rental residence with about 300 units and will have heavy landscaping at the G Street side of the building. There will be a rooftop pool and an interior courtyard. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to adopt the Committee's recommendation that the ANC send a letter to the Zoning Administrator in support of the design changes to 601-645 H Street NE. The motion passed unanimously, 6-0.



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Murry's/H Street Storage PUD

Trent Smith of Insight Property Group presented information on the project he is developing on the north side of H Street between 6th and 7th Streets NE. The lot is currently home to Murry's, property Insight owns, and H Street Self Storage, which is currently under contract to be purchased by Insight. The project will be built in two phases, the first encompassing Murry's, the second, the storage facility. The site is in the H Street overlay and proposes eight stories, and will pull back at the rear to relate to the R-4 zoning. The building's relationship to the building across the street will be to create three distinct simple elements that read as three separate buildings. A more complete description of the project can be found in the Economic Development and Zoning Committee minutes. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to adopt the Committee's recommendation to write a letter of support to the Zoning Administrator for the set-down of the PUD for Murry's/H Street Self Storage. The motion passed unanimously, 6-0.

712 I Street NE

This is a request for support for a BZA application by Pilgrim Baptist Church at 712 I Street NE for a variance ion to use a house at the property for administrative offices. **Motion:** The Committee moved/Mr. Healy seconded a motion that the ANC accept the Committee's recommendation to send a letter to the BZA supporting the use variance for administrative offices for 712 I Street NE. The motion passed unanimously, 6-0.

11. New Business

Living Social Glow Run

Mr. Holmes reported that information on the Living Social Glow Run, for which ANC support has been requested, but has not been given to the Commission because no-one involved in the race provided any materials or contacted any Commissioner, leaving many unanswered questions: What is a "rave run", what is their cleanup plan (particularly around watering stations), what are the noise levels affecting residential areas, and precisely when will the streets leading to and from 22nd Street open and close? Ms. Nelson added that if they can't bother to come, a letter of disapproval should be sent. The motion to oppose passed 5-0-1.

Support for DCRA Permit for Tank Burial

Motion: Dr. Ronneberg moved/Mr. Hysell seconded a motion that the ANC send a letter to DCRA enquiring about the absence of a permit for the installation of an underground tank at 1400 Maryland Avenue NE. The motion passed unanimously, 6-0.



Advisory Neighborhood Commission 6A Meeting Minutes for October 11, 2012



FY 2013 Budget

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion to approve the FY 2013 Budget for ANC 6A. The members of the Commission had an opportunity to review the budget and comment on it. The motion passed unanimously, 6-0.

Allocation of Funds for Minutes Transcription and Packet Production

Motion: Mr. Alberti moved/Dr. Ronneberg seconded a motion to allocate up to \$250 each per month for the transcription of the ANC minutes, and the editing and assembly of the ANC agenda package. The motion passed without objection.

12. Community Comment

Mr. Healy commended Mr. Alberti for his testimony on the Chair of ABRA. He said that significant issues were raised, and that working with ABRA on a weekly basis, it's clear there's a basis for what he said.

The meeting adjourned at 8:45pm.



Commission Letters of October 11, 2012 Meeting



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



October 12, 2012

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

Re: Facade redesign of 601-645 H Street, NE (Case #17521)

Dear Zoning Administrator LeGrant,

At a regularly scheduled and properly noticed¹ meeting on October 11, 2012, our Advisory Neighborhood Commission (ANC) voted 6-0-0 (with 5 Commissioners required for a quorum) to support a redesigned facade for 601-645 H Street, NE.

Kevin Roberts, of Jair Lynch Development Partners, has worked with ANC 6A for the past several months on the redesign of the structure's facade. We believe that the new facade is a much better fit for H Street while complying with the design requirements and standards of Sections 1324 and 1325 of the H Street Overlay.

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

On behalf of the Commission,

David Holmes
Chair

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com email group and the ANC-6A@yahoogroups.com listserv (not controlled by the ANC), and through print advertisements in the *Hill Rag*.



Commission Letters of October 11, 2012 Meeting



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



October 12, 2012

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

Re: BZA Case #18418 (712 I Street, NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed¹ meeting on October 11, 2012, our Commission voted 5–1–0 (with 5 Commissioners required for a quorum) to support the applicant’s request for a special exception pursuant to Section 216 of the zoning regulations to allow the use of an existing building at 712 I Street, NE, as the administrative offices for the church. The building is adjacent to the church, which is located at 700 I Street, NE.

The ANC discussion pointed out that the anticipated administrative use did not need a special exception. The Commission’s support is predicated on the applicant’s assertion that the building will only house administrative uses for the church itself, plus protected usages such as church school and small church music groups.

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

On behalf of the Commission,

David Holmes

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Commission Letters of October 11, 2012 Meeting



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



October 12, 2012

Ms. Catrina Felder Harrison
District Department of Transportation
Public Space Committee
55 M Street, SE
Washington, DC 20003

Re: Petition by residents to extend brick sidewalk to curb on the 1200 block of D Street NE

Dear Ms. Harrison,

At Advisory Neighborhood Commission 6A's (ANC) regularly scheduled and publicly announced¹ meeting on October 11, 2012, the Commission voted 5 – 1 – 0 to support efforts by ANC 6A residents listed on the attached petition to request that the Department of Transportation (DDoT) explore the feasibility of extending the brick sidewalk to the curb along the 1200 block of D Street, NE. The residents desire a cleaner and less muddy way to reach the street and their cars.

Thank you for considering this letter of support. Should you have any questions about this matter, please email Omar Mahmud of our ANC's Transportation and Public Space Committee at mahmud6a01@gmail.com.

On behalf of the Commission,

David Holmes
Chair

cc: Tommy Wells, Ward 6 Councilmember

Attachment

¹ANC 6A meetings are advertised electronically on anc6a-announce@yahoo.com email group and the ANC-6A@yahoogroups.com (not controlled by the ANC) email list, and through advertisements in the *Hill Rag*.

NOTE: Pictures and petition were included with letter.



Commission Letters of October 11, 2012 Meeting



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



October 12, 2012

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

Re: ZC Case #12-18 (Murry's/H Street Self-Storage redevelopment)

Dear Ms. Schellin:

At a regularly scheduled and properly noticed¹ meeting on October 11, 2012, Advisory Neighborhood Commission 6A (ANC) voted 6-0-0 (with 5 Commissioners required for a quorum) to support the setdown of this PUD.

The applicant's agent, Mr. Trent Smith, has worked with ANC 6A for the past several months on the structure's massing and design, and has been very responsive to community feedback. As a result, we believe setdown is appropriate for this case.

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

On behalf of the Commission,

David Holmes

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Commission Letters of October 11, 2012 Meeting



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



October 14, 2012

Ms. Catrina Felder Harrison
District Department of Transportation
Public Space Committee
55 M Street, SE
Washington, DC 20003

Re: Public Space permit for a bench at 900 G Street, NE

Dear Ms. Harrison,

At Advisory Neighborhood Commission 6A's (ANC) regularly scheduled and publicly announced¹ meeting on October 11, 2012, the Commission voted 6 – 0 – 0 to oppose the proposal for a bench in public space at the Capitol Hill Towers (CHT).

We have several objections:

The planned undivided 72" bench will become a convenient sleeping spot;

There has been vigorous neighborhood opposition to a near-by bench (now removed) as it became a site for drug sales and public drunkenness;

We are currently having trouble with the sale of drugs and sex directly across the street on the steps to the Sherwood Recreation Center; and

The proposed location is perfect for individuals to set up to importune entering and departing residents of Capitol Hill Towers for donations.

We believe the bench should be placed behind the CHT fence.

Omar Mahmud and David Holmes are authorized to act on behalf of the ANC in this matter. Should you have any questions about this matter, please email Omar Mahmud of our ANC's Transportation and Public Space Committee at mahmud6a01@gmail.com.

On behalf of the Commission,

David Holmes, Chair

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Commission Letters of October 11, 2012 Meeting



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



October 14, 2012

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

Re: Replacement of four-hour parking meter spots with 15-minute parking spots (metered or unmetered) in the 800 block of 12th Street, NE

Dear Director Bellamy:

At our regularly scheduled and publicly announced¹ meeting on October 11, 2012, Advisory Neighborhood Commission 6A (ANC) voted 6 – 0 – 0, with five required for a quorum, to request that the Department of Transportation (DDoT) explore changing certain four-hour metered parking spots to 15-minute parking spots (metered or unmetered) along the 800 block of 12th Street NE.

As you are no doubt aware, parking is becoming harder to come by along the H Street Corridor. The lack of available parking at this location, in particular, is causing a nuisance situation for residents as patrons visiting nearby businesses (especially those picking up to-go food orders) park in public space and on sidewalks, block the nearby alley, double-park or otherwise park illegally. Changing the four-hour parking limits along the southern end of this block will promote parking spot turnover and hopefully reduce illegal parking. We are open to other suggestions DDoT may have for alleviating the parking concerns along this block.

Thank you for taking the time to consider this request. Our hope is that DDoT will implement this proposal and explore other ways to reduce illegal parking along the H Street corridor.

Omar Mahmud and David Holmes are authorized to act on behalf of the ANC in this matter. Should you have any questions, please email Omar Mahmud, Chair of our ANC's Transportation and Public Space Committee at mahmud6a01@gmail.com.

On behalf of the Commission,

David Holmes
Chair

cc: Tommy Wells, Ward 6 Councilmember

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Commission Letters of October 11, 2012 Meeting



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



October 12, 2012

Ms. Tanya Mitchell
HSEMA
2720 Martin Luther King, Jr. Avenue, SE
Washington, DC 20032

Dear Ms. Mitchell,

Advisory Neighborhood Commission 6A (ANC) has voted not to support the LivingSocial Glow Run scheduled to take place on November 17, 2012. This vote took place October 11, 2012, at a regularly scheduled and publicly announced meeting with a quorum present¹. Five commissioners are required for a quorum. The vote was 5-0-1.

We had agreed to the request of Michelle A. Mobley of LivingSocial to appear before the ANC at our October meeting. She confirmed she would attend, but did not.

We are concerned that the Race will close 22nd, C, and East Capitol Streets. No information has been given us on when the streets will close or re-open, about community warning notices, and about any advance warning electronic signs aimed at those who might have been intending to cross the East Capitol Street Bridge.

Since music seems to be a major focus of the Run, we wanted information about proposed volume levels and the orientation of loudspeakers along the route (will they be aimed into our residences or towards parkland?).

Trash is another concern. What preparations have been made for trash pickup? Water cups and discarded warm-up clothing usually litter the route, especially near the start of even a 5K race.

I suspect our concerns could have been answered, but there is now no way to know. Ms. Mobley approached our ANC after the regular monthly meeting of our Transportation and Public Space Committee. So, there was no way our committee could make a recommendation to the full Commission.

Nonetheless, I placed the 5K Run on the ANC agenda for the October meeting, asking that materials be provided to the Commissioners in advance of the meeting. None were.

No representative of the Race bothered to attend the ANC's meeting. No consultation, no information, no outreach to the community has taken place. Therefore, we must oppose this race.

For the Commission,

David Holmes
Chair

cc: Tommy Wells

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com email group and the ANC6A@yahoogroups.com listserv (not controlled by the ANC), and through print advertisements in the *Hill Rag*.



Commission Letters of October 11, 2012 Meeting



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



October 14, 2012

Ms. Tanya Mitchell
HSEMA
2720 Martin Luther King Jr. Avenue, SE
Washington, DC 20032

Re: 2013 Rock “n” Roll USA Marathon & Half Marathon

Dear Ms. Mitchell:

At Advisory Neighborhood Commission 6A’s regularly scheduled and publicly announced¹ meeting on October 11, 2012, the Commission voted 6 – 0 – 0 to support the Rock “n” Roll Marathon & Half Marathon scheduled for March 16, 2013.

We are particularly pleased with the course changes the sponsor has made for the 2013 race, ensuring that our ANC will not be encircled by the race and its street closures. The new route uses Constitution Avenue to exit runners from the Hill. This will allow residents to leave Capitol Hill by driving west along Massachusetts Avenue and D Street, as well as by Third Street NE north to H Street westward.

Moving the start to the Mall avoids the trash problems that have bedeviled our neighborhood. The use of East Capitol Street by only those running the full Marathon will decrease the traffic to one-fifth the numbers that ran along the street this year. In addition, the ANC has been assured by Ms. Diane Thomas that the volume level at the music stage on H Street will be lowered substantially and that the stage at Lincoln Park will be unamplified music only.

I wish us all an easy quiet event this coming year.

On behalf of the Commission,

David Holmes, Chair

cc: Tommy Wells, Ward 6 Councilmember

¹ ANC 6A meetings are advertised electronically on anc6a-announce@yahoo.com email group and the ANC-6A@yahoogroups.com (not controlled by the ANC) email list, and through advertisements in the *Hill Rag*.



Commission Letters of October 11, 2012 Meeting



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



October 28, 2012

Mr. Fred Moosally, Director
Alcoholic Beverage Regulation Administration
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: Maketto (1351 H Street, NE)

Dear Sir:

At its regularly-scheduled and publicly-announced¹ monthly meeting of October 11, 2012, Advisory Neighborhood Commission 6A (ANC) authorized the Chair to protest the license of Maketto (1251 H Street, NE). The motion carried 5-0-1 with Commissioner Alberti abstaining. The quorum required is five Commissioners. Commissioner Alberti neither voted nor participated in the discussion.

Our protest is based upon the threat to the peace, order and quiet of the neighborhood. The ANC is also troubled that there may be an adverse impact on residential parking as well as by concerns about trash, loitering, and pedestrian safety. It is, however, our expectation that we will withdraw this protest after the acceptance of a voluntary agreement between Maketto and the ANC.

Should you have any questions, please contact Commissioner Adam Healy, chair of the ANC's Alcohol Beverage Licensing Committee at healyanc6a01@gmail.com or 202.556.0215. Commissioners Healy and Holmes are authorized to represent the ANC in this matter.

On behalf of the Commission,

David Holmes
Chair

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com email list and the ANC-6A@yahoogroups.com (not controlled by the ANC) email list, and through print advertisements in the *Hill Rag*.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING, HISTORIC PRESERVATION OFFICE
1100 4th Street, SW, Suite E 650, Washington, DC 20024**

HPA No. 11-488

IN THE MATTER OF:

House of God, Inc.
1310 East Capitol Street, NE
Washington, D.C. 20003
Square 1035, Lot 70

DECISION AND ORDER

This is an application by Church of God, Inc. to demolish a carriage house adjoining a public alley behind the church in the Capitol Hill Historic District. The Historic Preservation Review Board (HPRB), at its meeting of October 27, 2011, unanimously adopted the staff recommendation that the application should not be approved because the proposed work is inconsistent with the purposes of the Historic Landmark and Historic District Protection Act. The Church then made this application to the Mayor's Agent, arguing that denying the permit imposes an unreasonable economic hardship, within the meaning of D.C. Code § 5-1002(14). For the reasons explained below, the permit must be DENIED.¹

The Church is housed in a former rowhouse constructed in 1908. At the rear of the lot, facing the alley, is a masonry, two-story carriage house dating from around the same time. The Church purchased the property in 1986 from another church. At that time both the church building and the carriage house were included within the Capitol Hill Historic District. The carriage house has deteriorated over the years, and its roof collapsed during a snowstorm in 2010. The Church applied to the HPRB in May 2010 to demolish the carriage house and install a parking pad. The HPRB unanimously recommended against the application as inconsistent with the purposes of the Act and urged the Church to seek other solutions for the carriage house through consultation with community organizations.

Subsequently, the Department of Consumer and Regulatory Affairs issued an order to the Church to make the carriage house safe through stabilization or removal. In May 2011, the Church again applied for a demolition permit. The staff of the Historic Preservation Office (HPO) met with Church leaders and cleared another application for a permit to remove an unsafe wall. But the staff recommended to the HPRB that it not recommend approval of the application to demolish the remaining parts of the carriage house. While it admitted that the building needed extensive work, including a new roof, the HPRB stated that the building still maintained its integrity, conveyed its origins as stable, and contributed to the character of the public alley on which it stood. Church members testified about their worries about the safety of the structure and their need for parking. The HPRB voted unanimously, eight votes to zero, to recommend denial of the

¹ This opinion will constitute the findings and fact and conclusions of law required for decision in a contested case under the D.C. Administrative Procedure Act, D.C. Code § 2-509(e).



application, agreeing with the staff that the carriage house continued to contribute to the historic character of the neighborhood, so that demolition would not be consistent with the purposes of the Act.

The Mayor's Agent held a hearing on the Church's application on February 10, 2012. The church's pastor, Ella Thornton, and some members argued that stabilizing the carriage house was too economically burdensome for a small congregation, most of whose members are retired and on fixed incomes. Several neighbors appeared to oppose the application, including representatives of Advisory Neighborhood Commission (ANC) 6A, the Capitol Hill Restoration Society, and the North Lincoln Park Neighborhood Association. They testified that the carriage house conveys significant aspects of local history, because a viewer can see its origins as a stable. Several also argued that the Church had allowed the building to deteriorate and should not be rewarded by now being permitted to demolish the building.

A permit to demolish a contributing building in a historic district cannot be granted unless the applicant meets the burden of proof showing either that granting the permit is "necessary in the public interest" or "that failure to issue a permit will result in unreasonable economic hardship to the owner." D.C. Code § 6-1104(e). Here, the Church has argued only for a finding of unreasonable economic hardship, which the Act limits to circumstances where "failure to issue a permit would amount to a taking of the owner's property without just compensation." *Id.* § 6-1102(14). The statutory definition thus incorporates the judicially crafted standard for a regulatory taking under the Fifth Amendment of the United States Constitution. The most frequently followed articulation of that standard is found in *Penn Central Transportation Co. v. City of New York*, 438 U.S. 104 (1978), a historic preservation case. The opinion established an *ad hoc* balancing of the diminution in value from the regulation, particularly when it frustrates reasonable, investment-backed expectations, in light of the character and purpose of the government action. Moreover, the decision-maker must consider the property as a whole. Thus, the carriage house cannot be considered separately from the entire Church property on East Capitol Street. Our Court of Appeals has interpreted unreasonable economic hardship provision to mean that the Mayor's Agent must inquire "whether any reasonable economic use exists for the property." *900 G Street Associates v. Department of Consumer and Regulatory Affairs*, 430 A.2d 1387, 1391 (D.C. 1981) (emphasis in original). The court elaborated:

We thus need only to consider in the instant case whether there is any other reasonable economic use for the Building. If there is, there has been neither a constitutional taking nor an unreasonable economic hardship imposed by the decision of the Mayor's Agent in this case. Petitioner had the burden of proof in the hearing to establish that no other reasonable economic use for the Building existed.

Id. The Act also requires the applicant to submit information designed to clarify the economic effect of the preservation laws, including attempts to sell or rent the property and consideration of "profitable adaptive uses." D.C. Code § 1104(g)(1)(A)(vi) & (vii). *See also* 10C D.C.M.R. §402.7.



The evidence presented at the hearing indicates that, while preserving the carriage house may be an economic burden to the church, it is not an unreasonable economic hardship within the meaning of the Act.² The church bought its entire property in 1986 for \$50,000; the District assessed the property for tax purposes in 2011 at \$624,740. Memorandum from House of God, Inc. to Office of Planning, January 19, 2012, at 2. The ANC representative offered testimony that surrounding properties had been appraised at around \$1,000,000. Mayor's Agent Hearing Transcript at 26. There is no debt service on the Church's property. Although the Church has few members, it runs surpluses in its modest annual budget. Pastor Thornton testified that these surpluses were being saved for a new roof for the main church building. *Id.* at 46-47. The Church introduced a report from a structural engineer who described the current condition of the carriage house and recommended that it be demolished. Memorandum from King Architects to Pastor Thornton, January 16, 2012. The report did not provide an estimate of the cost of stabilizing the walls of the carriage house. A Church member testified that, based on discussions with the engineer, the cost would be a minimum of \$30,000. Amanda Molson of the HPO testified that the staff believed that rehabilitation of the carriage house is feasible and consistent with other preservation projects around the District. *Id.* at 23.

The evidence does not establish that the Church could not afford to stabilize the carriage house walls. It owns a valuable property that can provide collateral for a loan at current low interest rates, and it enjoys a positive cash flow. The Church has not shown that it cannot afford such debt payments while keeping a roof over its head. Such an effort might be challenging for a small congregation but hardly imposes costs amounting to a taking. Moreover, the Church never had a reasonable expectation that it could demolish the carriage house. The Church, after all, purchased a building complex already under historic district protection and allowed the carriage house to deteriorate to the point where significant stabilization expenditures are required for safety.³ The record supports a finding that the increased costs for stabilization or rehabilitation are attributable to the Church's failure to maintain the building. Granting a demolition permit under these circumstances would reward poor stewardship and provide an incentive to others to do likewise.⁴

Moreover, under *900 G Street Associates*, reasonable alternative uses include sale of the property as long as it would not be at an unconscionable loss. 430 A.2d at 392. The Church has not seriously considered selling the entire property and relocating, which it seems it could do at a profit.⁵ No evidence was offered that the Church's mission is tied to its current Lincoln Park

² The Mayor's Agent applies the preservation law and cannot decide disputes based on general principles. "[T]he Mayor's Agent under the Preservation Act has no authority to order the demolition of a historic landmark in the interest of the health, safety, and welfare of the community. While such factors are of unquestionable public importance, there is no statutory basis for a Mayor's Agent appointed under the Preservation Act to consider them." *District of Columbia Preservation League v. Department of Consumer and Regulatory Affairs*, 646 A.2d 984, 991 (D.C. 1994).

³ The testimony indicates that some Church members have long wanted to demolish the carriage house to provide parking spaces. HPRB Transcript, at 7.

⁴ Although some opponents argued that the Church is guilty of demolition by neglect under D.C. Code § 6-1104.02, no proceeding has been commenced against the Church and the issue is not before the Mayor's Agent. The Church does have a legal duty to maintain and protect the carriage house under D.C. Code § 6-1104.01, as well as according to the Property Maintenance Code, Title 12G DCMR.

⁵ Pastor Thornton testified: "We've thought about it, but it goes back to membership. We can sell. We can get a nicer place with -- with a lot of parking, but are you able to keep that place if you don't have the monies coming in?"



location nor that its members live nearby. This makes the case different from *Third Church of Christ, Scientist*, where the Mayor’s Agent found that a church could not address economic hardship through sale because its mission was tied to its downtown location, and no alternative locations nearby could be found.⁶ No analogous claim has been made here.

While the law seems clear that the Church has not made out a case for unreasonable economic hardship, requiring the Mayor’s Agent to deny the demolition permit, the result hardly seems satisfactory. The Church now has a duty to stabilize the carriage house to address safety concerns, consistent with the order from DCRA. Merely prohibiting the demolition of the carriage house, however, will not restore it to beneficial use. HPRB urged the Church and local community groups to cooperate to stabilize and save the carriage house and share expenses, which seems highly desirable. The Church has not explored any adaptive reuse or conveyance of the carriage house through sale or lease. Indeed the Church expressed unwillingness even to consider leasing the carriage house.⁷ The Church feels beleaguered and lacks knowledge of real estate and preservation. Community groups ought to approach the Church with alternatives for restoring the carriage house. A renovated carriage house could generate additional income for the Church through rental of space. Our preservation law prohibits unwarranted demolition but seeks constructive solutions.

ACCORDINGLY, the demolition permit is DENIED.

October 17, 2012

J. Peter Byrne
Mayor’s Agent Hearing Officer

Confirmed:

Harriet Tregoning
Director, Office of Planning
October 19, 2012

If you don't have the people coming and if you don't have the monies coming in... then you don't have anything but a lost piece of property.” MA Transcript, at 64-65. Given the value of the Church’s current property, this pessimistic projection, unsupported by any market data, is unpersuasive.

⁶ “It is the unique relationship between the Church and its location that differentiates this case from [others]. Under the circumstances presented here, the Church need not prove efforts to sell its building in order to relocate, because relocation is not a viable option.” HPA No. 08-141, at 25 (May 12, 2009), at http://www.law.georgetown.edu/library/collections/histpres/get-document.cfm?id_no=215&display=text.

⁷ Pastor Thornton testified: “When you have someone else on your property, leasing your property, they can do whatever they choose to do. I think they can because they’re leasing it.... And we have a church there. It’s a church service that goes on there. So to have someone coming -- and we don't work on Sabbath. So, to have someone on our premises there leasing our property on Sabbath would be a violation for us.” Transcript 48. A lease or a deed with a covenant can specify that the occupant may not work in the property at designated times.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Decision and Order was served this 22nd day of October, 2012 by mailing a copy of the same *via* electronic mail or first-class, United States Postal Service mail, postage prepaid, to the following:

House of God, Inc.
c/o Pastor Ella Thornton
1310 East Capitol Street, NE
Washington, D.C. 20003-1533
ellathornton@rcn.com

Advisory Neighborhood Commission 6A
P.O. Box 75115
Washington, D.C. 20013
Anc6A@gallaudet.edu

David J. Maloney
District of Columbia State Historic Preservation Officer
david.maloney@dc.gov

Catherine Buell, Esq.
Chair
Historic Preservation Review Board
cbuell220@yahoo.com

Matthew L. Zimmerman
Electronic Resources and Services
Georgetown University Law Center Library
mlz4@law.georgetown.edu

Certifying Officer



Officer Reports - Treasurer



ANC 6A Treasurer's Report October 2012

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

Checking Account:

Balance Forwarded		\$	17,325.76
Receipts:			
District Allotments:	\$	-	
Transfers from Saving Account	\$	-	
Other:	\$	-	
Total Receipts	\$	-	
Total Funds Available	\$	17,325.76	

Disbursements:

Heather Schoell (Agenda Package Oct. 2012)	Ck #1574	\$	200.00
Roberta Weiner (Minutes Sept. 2012)	Ck #1576	\$	180.00
FedEx Office (Oct. 1, 2012 Statement)	Ck #1576	\$	356.98
Total Disbursements		\$	736.98

Ending Balance		\$	16,588.78
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Savings Account:

Balance Forwarded		\$	9,044.52
Receipts:			
Interest	10/31/12	\$	0.15
Transfers from Checking Account			
Total Receipts		\$	0.15
Total Funds Available		\$	9,044.67
Disbursements		\$	-
Ending Balance		\$	9,044.67

Prepared November 1, 2012



Officer Reports - Treasurer



ANC 6A Treasurer's Report October 2012

PETTY CASH SUMMARY

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

Prepared November 1, 2012



Committee Reports
Community Outreach Committee (COC)



No October Meeting



Committee Reports

Alcohol Beverage and Licensing (ABL)



Alcoholic Beverage Licensing Committee ANC 6A October 16, 2012

Pursuant to notice duly given, a meeting of the Alcohol Beverage Licensing Committee (“Committee”) of ANC6A was held commencing at 7:00 pm EST on October 16, 2012 at the Sherwood Recreation Center, 640 10th Street, NE Washington, DC 20002.

Committee Members Present: Adam Healy, Katy Thomas, Michael Herman, and Anne Marie Koshuta
Committee Members Absent: None
Commissioners Present: None
Community Members Present: Avery Leake, Meredith Sharp, Denise Corte, and Brian Roberts.

I. Call to Order

Chairman Healy called the meeting to order at 7:07 pm. The meeting having been duly convened was ready to proceed with business. Without objection the September 2012 minutes were approved and the agenda was approved with the addition of an agenda item related to ABC Board changes to the voluntary agreement for Spot on H.

II. Community Comment

None.

III. New Business

ABC Board Changes to the Voluntary Agreement for Spot on H

Mr. Healy indicated he was contacted by ABRA staff and informed that the Alcoholic Beverage Control Board requires the following changes to the Spot on H voluntary agreement:

On October 3, 2012, the Board reviewed the Agreement, which was approved with modifications to remove or modify the following provisions, which exceed the scope of DC Official Code 25-446 and 23 DCMR 1609:

- **Section 1 (Public Cleanliness...):** Remove subsection f.
- **Section 2 (Business Operations and Practices):** Remove subsection i.
- **Section 3 (Music/Dancing/Entertainment):** Modify the following sentence from subsection d, “If the patio has been open for business... expanded hours of operation on the patio,” so that it reflects that the ANC will consider modifying the Voluntary Agreement to allow for expanded hours on the patio, rather than the existing language that indicates the licensee may submit a change of hours application.
- **Section 3 (Music/Dancing/Entertainment):** Remove subsection g.
- **Section 7 (Enforcement):** Remove subsection b.



Committee Reports Alcohol Beverage and Licensing (ABL)



Mr. Healy indicated that he has been unable to make contact with ABRA staff to discuss why these changes are required since they've been in the standard voluntary agreement approved by the ABC Board in the past. He will continue seeking clarification and will take up the matter at the full ANC meeting in November.

Avery's Bar and Lounge

The owner Avery's Bar and Lounge to be located at 1370 H St. NE appeared before the Committee regarding his application for an alcohol license. He made a detailed presentation at the September 2012 ABL Committee meeting before the application had been placarded.

The Committee discussed the issue of how the ANC has a policy of strongly supporting CR over CT licenses. This applicant is seeking a CT license because he's leasing a location that is not equipped with a kitchen and the landlord won't install one. Mr. Healy noted that a CT has operated at this location for several years without any complaints from the neighborhood.

Mr. Healy moved/seconded by Ms. Thomas that the ANC protest the new license for Avery's Bar and Lounge located at 1370 H St. NE unless there is a signed, approved voluntary agreement prior to the protest date. Motion carried 3-0-1, with Ms. Koshuta abstaining.

Continuing Noise Complaints from Twelve (1123-1125 H St NE)

Mr. Healy stated that Commissioner Ronneberg continues to receive noise complaints from constituents that can hear music from Twelve in their homes. Mr. Healy invited Bernard Gibson, the owner of Twelve, to attend the meeting but he didn't hear back from him.

Mr. Robertson, Ms. Corte, and Ms. Sharp said they continue to be able to hear music coming from this establishment in their homes and that there has been no improvement since the last time this matter was discussed at the ABL Committee in May 2012. These residents indicated that they can hear loud music coming from both the rooftop venue as well as from inside the establishment. Ms. Sharp indicated that once the insulation was removed from the second floor windows, she can now hear in her house music coming from inside Twelve.

Mr. Healy moved/Ms. Koshuta seconded that the ANC invoke the cure provision of the ANC's voluntary agreement with Twelve located at 1123-1125 H St NE. Motion carried 4-0.

IV. Adjourn

The Committee adjourned at 8:34 pm.



Committee Reports

Transportation and Public Space (TPS)



ANC 6A Transportation & Public Space Committee Meeting Minutes Sherwood Recreation Center Library (10th Street and G Street NE) October 15, 2012

- I. Call meeting to order at 7:04 pm.
- II. In attendance: Adam Healy, David Holmes, Nick Alberti, J. Omar Mahmud, Mark Eckenwiller, James Henry and Juan Amaya from DDOT, Rob Sabbakhan from DCRA, Preston Moore and Tiffany Smith from DPW, Carolyn Davies and other community members.
- III. Community Comment - None.
- IV. New Business
 - A. Discussion regarding public space use authorization and enforcement with representatives from the Dept. of Consumer and Regulatory Affairs (DCRA), the Dept. of Public Works (DPW) and the District Dept. of Transportation (DDOT).
 - i. Mr. Mahmud introduced the topic explaining that there has been much confusion in our community regarding public space use authorization and enforcement. It is unclear which District agencies are responsible for various aspects of public space use. He asked each agency to explain its role in approving and/or enforcing public space use.
 - ii. Mr. Amaya briefly explained the history of the public space permitting process in DC. The District Public Space Committee now reviews public space applications and it is made up of two members from DDOT, one from DCRA, one from the Office of Planning and one from the Office of the Secretary. After the committee makes a decision to grant a public space use request, DDOT then issues the permit. ANC can weigh in on pending applications before the Public Space Committee, but can also weigh in on public space permits issued previously. The Public Space Committee is established by a mayor's order that is renewed every four years.
 - iii. Mr. Alberti asked in which circumstances does the committee take up a case for review. Mr. Amaya: when there are Violations of the permit conditions and safety concerns. Or if the applicant no longer carries adequate insurance.
 - iv. Mr. Mahmud asked when it is appropriate to allow parking on public space? Mr. Amaya indicated parking on the sidewalk is never allowed, but that parking may be authorized on the "parking space" or the space designed for greenery at the front of property lots. The committee will look at circumstances in these cases to determine if parking in green spaces should be allowed.
 - v. Mr. Healy: Is 822 H St. NE parking ok? Is the permit valid? Mr. Amaya says it is ok and valid. The permit holder is up on paying rent.
 - vi. Mr. Holmes: How do you check the validity of the permit each year? Mr. Amaya: it is up to DCRA to check on the certificate of occupancy periodically.



Committee Reports

Transportation and Public Space (TPS)



- vii. Mr. Sabbakhan: There are no drawings to determine if they are using the space properly. The drawings may be archived, which he can check on.
- viii. Mr. Holmes: This parking use (at 822 H St. NE) is a dangerous condition. Can we now object to this use before the public space committee? Mr. Amaya: Yes, the ANC can formally request a review.
- ix. Mr. Sabbakhan indicated he has observed the car on the sidewalk and has looked into citing it.
- x. Mr. Amaya indicated he has not seen this type of use approved in the past. This does not look to be an easy spot to turn into from the street. This is a very unique and strange area for a use like this. However, there was a permit issued by DCRA back when DCRA issued public space permits and it is therefore currently valid. The best thing for the ANC to do is take a resolution and send it to Mr. Amaya.
- xi. Mr. Mahmud asked what role DCRA currently assumes in the public space permitting process. Mr. Amaya indicated DCRA closely coordinates with other agencies on issues such as occupancy permits, but that DCRA does not issue public space permits any longer.
- xii. Mr. Alberti asked who collects rent. Mr. Amaya: OTR. The money goes to the general fund. DDOT ensures rents are paid.
- xiii. Mr. Eckenwiller pointed out that there are a couple items to consider with respect to 822 H Street. What are the dimensions from the curb to the property line that can be used for parking space? If you look at the permit, it says permitting according to attached plans. But the plans have been lost so there's no way to enforce. According to Mr. Eckenwiller, Keith Cross, head of parking enforcement management administration, told him that DPW and DDOT absolutely will not enforce parking on public space violations.
- xiv. Mr. Amaya: The space rented at 822 H St. NE is 217 sq ft and rent paid is \$1,955.71/year. However, he doesn't think the permit contemplated parking a large vehicle like the one currently parking on the space. DDOT did not issue the permit; the Public Space Committee did so it has the authority to revoke this permit. Mr. Amaya will send Mr. Mahmud the information regarding how much space is to be used for parking at this location. He also indicated that he doesn't know of any informal agreement to not enforce parking on public space as Mr. Eckenwiller suggested given it would be illegal to do this.
- xv. Mr. Sabbakhan: I am in charge of 30,000 permits issued in DC. Just because the permit says the use is "per the plan" and the plan isn't attached, that does not mean city lacks authority to enforce. We can look into the archives to find the approved plans. If plans are not available now that doesn't mean we can't find the plans in archives and enforce.
- xvi. Mr. Amaya indicated DDOT and DPW have enforcement authority for illegal parking.
- xvii. Mr. Holmes: There was an agreement to stop enforcement which came from complaints about enforcement of people parking in driveways on the Hill. He



Committee Reports

Transportation and Public Space (TPS)



agreed with it when they were enforcing it. It was a great thing, but now it's not being enforced, possibly due to political pressure.

- xviii. Ms. Davies: I live on corner of 12th and Wiley and there is daily illegal parking there. She saw MPD allow someone to park illegally the other day because person was going to Horace and Dickies. She sees official vehicles illegally park all the time, which gives the message that it's ok to do this.
- xix. Mr. Healy pointed out it's not really 1D officers doing this. Still sees big problems with parking at 12th and H/Wiley, but DPW doing a good job with enforcement.
- xx. Mr. Mahmud: Is the use transferrable? Mr. Amaya: the permit attaches to the property so the property owner can have someone else park there so long as the rent is paid.
- xxi. Mr. Holmes: Who do I call if someone is parking in public space? Call 202-541-6083.
- xxii. Mr. Alberti: I have a good experience getting DPW to enforce with persistence.
- xxiii. Ms. Davies: Not my job to do the policing of my corner. There should be proactive targeted enforcement for known parking areas. DPW representatives indicated they know of this problem area, but don't have the man power to have someone at this spot at all times. Mr. Healy: Can we get more targeted enforcement at certain times maybe? DPW puts more people there currently on Friday nights.
- xxiv. Mr. Sabbakhan indicated we could send a request for an archive search for the permit plan to Jeffrey Mason @ dc gov. Mr. Mahmud indicated he would get the full address to Mr. Holmes.
- xxv. Call 311 or the main DDOT number for DDOT enforcement (when there is permit violation), but call DPW for illegal parking enforcement.
- xxvi. Dcgis.dc.gov - website for obtaining property lines for a specific address.
- xxvii. Ms. Davies raised question about container overstaying public space permit in the 800 block of 12th St. DDOT indicated they're on it. DPW will be asked to remove it this week if he can't get the container owner to move it this week. They have already been cited. Mr. Amaya agreed to talk to the owner of this company to get the issue taken care of.
- xxviii. Ms. Davies also wants to know if someone looks at site to determine if the proposed use is safe. DDOT indicated a site inspection is done before the use is approved. DDOT looks at the intersection to determine if intersection will not be obstructed, etc. They have found that the containers sometimes move after the inspection, but he relies on citizens to report this.

B. Discussion regarding bus stop located in front of Rose's Dream (1370 H St. NE)

- i. Owners of Rose's DejaVu (1378 H St.) in attendance asked for further help with problems they are dealing with at the bus stop. The bus stop was previously at the northeast corner for 30 years. The bus stop was then moved to the northwest spot



Committee Reports

Transportation and Public Space (TPS)



in front of these businesses. They claim bus customers are now loitering and causing damage to his business. He brought this up to WMATA, DDOT, Councilmember Wells, and the ANC over a year ago. Councilmember Wells and the ANC sent letters of support to get the bus stop moved. They got a letter from DDOT indicating why the bus stop has not been moved. These businesses now have a business relief fund grant and a grant from H Street Main Street.

- ii. The current ask is for a public space use to create a border to protect his business from people on the street.
- iii. Mr. Amaya indicated a copy of the public space application should be sent to him so he can do an initial review. He will then send the application to the ANC for review. Mr. Mahmud agreed that this matter isn't currently ripe for review by the ANC and that the ANC will have to evaluate an actual application before deciding whether to support it and the proposed use of public space.

V. Additional Community Comment - None.

VI. Adjourn meeting at 8:55 pm.



Committee Reports Economic Development and Zoning (EDZ)



Report of the Economic Development and Zoning Committee of ANC 6A (1 of 2) October 17, 2012

Present: Members: Missy Boyette, Jeff Fletcher, Laura Gentile, Charmaine Josiah, Dan Golden
Commissioners: David Holmes

Laura Gentile chaired the meeting.

Call to Order

Community Comment

There were no community comments.

Status Reports

Resolution of Previously Heard BZA/HPRB Cases: None.

Vacant Properties: No report.

Zoning Regulations Rewrite: No report.

H Street Business Liaison Report: No report.

Old Business

None.

New Business

ZC #12-15 Gallaudet Campus Plan: Architect Hansal Bauman presented the project, with Chris Collins from Holland & Knight in attendance. Gallaudet is seeking approval for their campus plan through the year 2022. Mr. Bauman explained that university campuses go before the Zoning Commission every ten years. The next Zoning Commission hearing is scheduled for November 26. The University is asking for further processing so that the details of specific projects can be reviewed at a later time. Buildings #108 and #109 on the campus map are two buildings which are part of the historic district and which are being converted back to residential use from office use. This is expected to occur prior to the school year beginning in September 2013. The University has undergone a series of community outreach sessions throughout this year - three forums to gather input and a fourth forum to synthesize - as well as a process of gathering internal input from faculty and staff. Mr. Bauman explained that the University has received support from ANC5B on October 4, and will also request support from ANC6C.

The campus is primarily zoned R-4. Mr. Bauman described the 99 acre campus, which has, in addition, two parcels of land outside of the campus plan. The University is looking to phase the master plan. On the diagrams that were presented, the buildings rendered in dark brown indicate new buildings; buildings rendered in tan indicate renovated buildings or buildings with a change of use; buildings rendered in white indicate existing buildings. The southernmost portion of the campus is the historic



Committee Reports

Economic Development and Zoning (EDZ)



district. The upper 1/3 of the campus is the secondary school. The center of the campus is the academic mall with residential to the north. The academic fields are located at the easternmost edge of the campus. The University campus was founded in 1864 and has developed over time.

Principles of the master plan were discussed:

1. An opportunity to engage the city in a new way, with the main point of entry on Florida Avenue and a new point of entry (pedestrian) at the intersection of Florida and 6th
2. An opportunity to strengthen the academic heart of campus

The plan proposes mixed-use consistent with the SAP (small area plan) in order to relate to the market across 6th Street. The plan also suggests relocation of the aging library such that the new location will relate to the pedestrian entry. Hall Memorial Building at the end of the mall will become a student center, to encourage new ways of teaching and accommodate a projected 300 bed increase. The east side of the campus contains a site earmarked for a recreation center which will be a public / private partnership. At the north side of the site is the Model Secondary School for the Deaf, which is federally funded. The plan adds approximately 100,000 sq ft of building to the campus. Enrollment increase is projected at 1-3% (annual growth).

In addition, Mr. Bauman described three phases of development. The first phase includes the renovation of the two houses (to residential use) as well as a residential facility for the MSSD building. Phase two consists of the development of the corner at 6th & Florida. Phase three includes the larger building projects, all of which require funding and design. The master plan responds to increased value in sustainability and accessibility. Mr. Bauman stated that the University is seeking a letter of support from ANC6A.

Committee members asked questions. Charmaine Josiah inquired as to the time periods for the three phases. Mr. Bauman stated that Phase I is immediate, Phase II is within 3-5 years, and Phase III is 5+ years out. Mr. Bauman explained that, at the corner of 6th & Florida, the landscape will come out to the corner. Missy Boyette inquired as to the MSSD's relationship to the site context. Mr. Bauman responded by stating that the master plan team engaged the Urban Land Institute into analysis of how to incentivize proper planning. Charmaine Josiah asked about the two lots outside of the main campus. Mr. Bauman responded by stating that these are not in the campus plan. Dan Golden asked whether students are required to live on campus; Mr. Bauman responded that, no, they are not. There will not be a great increase in student housing, but there will be an increase in the types of housing. Missy Boyette inquired as to whether there will be any new academic programs. Mr. Bauman responded that the University will add pre-law, pre-med and pre-architecture, but these are part of the strategic plan, not the master plan. The University's goal is to explore the pedagogy of being deaf in the world. Commissioner Holmes inquired as to whether the project will seek a LEED certification. Mr. Bauman stated that LEED Silver is achievable. Missy Boyette asked whether there were proposed changes to campus access points. Mr. Bauman responded by stating that, at West Virginia & Florida Avenues, there will be a new pedestrian path and that there are no new vehicular access points anticipated. He also explained that DDOT is discussing reduction of the width of the street lanes on Florida Avenue.

Recommendation: The Committee voted 5-0 to recommend that the ANC write a letter of support for the campus plan and for further processing.



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HPA #12-618 (1133 Park St. NE): Jennifer Fowler of Fowler Architects presented the project. The project is a by-right Historic Preservation case. Lot occupancy is proposed to be 60%. The owner wishes to increase the size of their kitchen and to have an improved connection to the back yard. The exterior facade will consist of HardiPanel siding and double-hung windows. The layout is such that the proposed renovations will close in the existing dogleg. The owner is seeking historic preservation approval.

Mrs. Fowler stated that the owner does not yet have letters of support, but will request these and forward them to the ANC. Laura Gentile explained that the ED&Z Committee will vote to approve the project contingent upon receipt of letters of support.

Committee members asked questions. Missy Boyette inquired as to whether the existing addition is an enclosed porch. Mrs. Fowler responded yes, and that the space on the first floor is currently a mechanical room. Dan Golden asked whether there were windows proposed on the side. Mrs. Fowler stated there are no windows proposed on the side as this is on the property line. Dan Golden inquired as to when the shed was built. The owner responded by stating that the shed was built at least 15 years ago. Charmaine Josiah asked Commissioner Holmes whether there were any specific historic issues with this case. Commissioner Holmes stated that this is the only all-wood-structure block left.

Recommendation: The Committee voted 6-0 to recommend that the ANC write a letter of support to the Historic Preservation Review Board, contingent on receipt of letters from neighbors.

HPA #12-XX (901 D St NE): Robin from CAS Riegler presented the project. CAS Riegler was founded three years ago; this is their first project in Capitol Hill. CAS Riegler has teamed with Ditto Residential on this development. R2L Architects is the architecture firm responsible for the design, as they are familiar with historic / adaptive reuse projects.

901 D Street, NE was built as a school in 1903 and operated as a school until 1979, when it was converted to bank use. Martin from Ditto Residential stated that they have been working on this project for 9 months (on the design for 6 months) and have been through several iterations. The current design, he explained, is the result of community meetings as well as discussions with Amanda Molson. Martin stated that Ditto and CAS Riegler are here to request support for the historic plan (facades and site plan). The project proposal is by-right, but the developer is requesting additional units, which will be addressed at a second ED&Z meeting next Tuesday. The existing facade will be restored; Martin explained that the original building plans showed 4 dormers, but only one was built; the other 3 will be placed on the building as part of this renovation. On the site, the concrete at grade will be removed and replaced with landscaping. The existing vinyl windows will be replaced with wood windows.

Sasha Rosen from R2L Architects discussed the firm's experience with adaptive reuse / preservation and new construction. R2L is responsible for the fire station on Pennsylvania Ave., where the doors were widened. Also worked on the Wonder Bread Factory at 7th and S Streets, 450 K St., and Canterbury at 3rd & G Streets (which was an HPRB case). The proposal at 901 D St. NE suggests one new townhouse along D St., which is similar to its neighbors to the east. At the existing historic building, the landscape will be mounded up at areaways into the lower level units. The Historic Preservation office has limited the amount of interior wall demolition; the current plans show new openings in existing walls which are depicted by dashed lines.



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Committee members asked questions. Commissioner Holmes explained that the developers are not permitted to gut the existing building; rather, they have to preserve the major structure. Laura Gentile inquired as to what was changed, if anything, as a result of conversations with Amanda Molson. Sasha Rosen responded that the design team got rid of the roof deck and also limited the amount of interior demolition. Commissioner Holmes asked about whether porches would be included at the new rowhomes on 9th Street. Mr. Rosen responded that there would be no porches, as the preference is 3-story houses without porches, similar to some existing houses on the west side of 9th Street. Dan Golden asked about the townhouses. Mr. Rosen explained that the D Street townhouse will be sold to a single buyer as 2 units. Dan Golden and Missy Boyette expressed concerns about the proposed mansard roof on the D St. townhome, stating that the windows are too tall and the mansard roof is too tall as compared to the existing neighboring townhomes. Missy Boyette asked that the designers consider taller windows on the first floor (as compared to the upper floors) of the 9th Street townhomes, as this is common on Capitol Hill. Missy Boyette also asked whether the mechanical units would be hidden behind the roofline of the school. Mr. Rosen responded that yes, they would, and perhaps inside as well. Missy Boyette asked whether all units would be sold as condos. Mr. Rosen responded that they would, but the townhouse on D St. would be fee simple and the units on 9th would be sold. Charmaine Josiah asked about the drainage for the entrances into the lower level of the townhouses. Mr. Rosen explained that this would be handled with a drain in the areaway slab. Missy Boyette asked whether the new townhomes would have brick on all exterior sides. Mr. Rosen said that they would be all brick.

The developers and architect explained the schedule for the project. The case will go before the BZA on December 11 and before HPRB in November (for concept approval). Martin stated that there will be two phases of construction. The project has both HPO and zoning issues (zoning issues will be discussed at a separate meeting next Tuesday, specifically relating to the developer seeking additional units and flats on the northernmost townhome on 9th St.).

Recommendation: No specific recommendation was made; rather, this case will be heard again at a second ED&Z meeting for the month of October. At that time, a recommendation will be made.

Additional Community Comment

None.

**Next Scheduled ED&Z Committee Meeting (2nd meeting for October):
Tuesday, October 23, 2012
7-9 PM**



Committee Reports Economic Development and Zoning (EDZ)



Report of the Economic Development and Zoning Committee of ANC 6A (2 of 2) (Special Meeting) October 23, 2012

Present: Members: Missy Boyette, Jeff Fletcher, Laura Gentile, Charmaine Josiah, Dan Golden
Commissioners: Drew Ronneberg, David Holmes

Drew Ronneberg chaired the meeting.

Call to Order

Community Comments

Neighbors of 901 D St. NE expressed concern about parking. They will support as few units as possible to minimize parking issues.

Community member expressed support of Wall Development project at 13th & H St. NE. He specifically appreciated its cultural aspect, something he felt that H St. lacks, and its proposal to provide a lot of units.

A resident of H St. who is an artist stated that she is concerned with losing an arts presence on H St.

New Business

R. L. Christian Site Development (1300 H St. NE): Commissioner Ronneberg thanked the Deputy Mayor's office for running the previous meeting on October 4, which allowed each group to present their proposal for the site. Commissioner Ronneberg stated that the ED&Z Committee will recommend two proposals to the Deputy Mayor for a best & final offer.

Committee members offered their feedback on the six proposals:

Charmaine Josiah:

- NDC - Ms. Josiah does not see a huge need for a Yes! Organic Market. She is looking for a project that brings something different to the Corridor. She saw their involvement in City Vista as a positive.
- NCD / Wall - Ms. Josiah likes the art deco design and the inclusion of public space. She has some issues with the design, however.
- Rise - Ms. Josiah found this proposal to be an interesting and innovative idea, similar to Union Market, and appreciated the opportunity for diversity. She also saw the opportunity for community involvement to be strong, as well as saw the design as strong.
- Valor - Ms. Josiah pointed out that the ANC has worked with PGN on a nearby project so has some concerns.
- Atlas - Ms. Josiah sees the incorporation of artist lofts as good, as well as sees potential for strong design.
- Argos - Ms. Josiah likes the turret / Victorian design aesthetic.

Missy Boyette:



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- Valor - Mrs. Boyette does not see a unique design proposal in this scheme. She does feel that the police presence is a positive aspect, but 5 stories is a negative.
- Rise - Mrs. Boyette finds this proposal to have an interesting design aesthetic and likes the articulation and texture. She also likes the articulation of the retail presence at the street level as well as the process and idea of having local retail / market. She sees the incorporation of 20% affordable housing as positive.
- NDC - Mrs. Boyette stated that she is not terribly excited about Yes! Organic Market. She feels that the design is uninteresting and flat, and that the building looks more like an office building. She expressed concern about being able to see the mechanical units on the roof.
- NCD / Wall: Mrs. Boyette stated that the design of the building needs work, particularly in the massing which provides an awkward plaza space where the building peels back at the east. She sees this as an undesirable place, as it is in the shadow of the adjacent building, trash will collect here, etc. She also expressed concern about how the corner will be marked if the building does not hold the corner. She sees the 5-story proposal as negative (too tall).
- Atlas - Mrs. Boyette sees potential for some Art Deco aesthetic and likes the rhythm of the facade that is proposed along H Street. She likes the idea of an outdoor memorial and the open public space along 13th St but wonders how the outdoor market will be incorporated.
- Argos / 1300 - Mrs. Boyette dislikes the historic detailing, particularly the cupola at the corner. However, she feels that the base/middle/top treatment is successful and appreciates that the top portion of the building has a different material treatment. She sees the incorporation of a police substation as a positive, as well as appreciates the incorporation of the drycleaners, which helps with the massing and presence of the building on H St. She also sees the scholarship as a positive.

Jeff Fletcher:

- He sees Rise and Argos' proposals as interesting and creative.
- He expressed concern about height, stating that 4 floors is preferred.
- For Atlas' proposal, Mr. Fletcher likes the art deco look.

Laura Gentile:

- Ms. Gentile focused her comments on issues of mixed retail and height.
- Rise - Ms. Gentile likes the idea of providing opportunities for local vendors and affordable housing units.
- Argos - Ms. Gentile appreciates the incorporation of the drycleaners in the scheme and believed that larger residential units might encourage families to move in.
- Atlas - Ms. Gentile appreciated the incorporation of a memorial and the emphasis on public space.
- Valor / Wall - Ms. Gentile saw both of these proposals as negative in respect to the fact that each proposal suggests 5 stories.
- NDC - Ms. Gentile does not see Yes! Organic Market as a positive aspect for this proposal.

Drew Ronneberg

- Argos - Commissioner Ronneberg likes that this proposal incorporates the drycleaner, and likes the design and safety elements.
- Atlas - Commissioner Ronneberg stated that the ANC has had a good relationship with Sarah Alexander in the past. He sees the Art Deco aesthetic as a positive. However, he expressed concern regarding the implementation of this project, as a previous project has not been successful.



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- Valor - Commissioner Ronneberg stated that there has been a great relationship at 1350 Maryland Ave. However, he wanted to see more development of the retail concept.
- Rise - Commissioner Ronneberg has similar comments as the other committee members related to this proposal's design and retail concept.
- NCD - Commissioner Ronneberg expressed concern over the public space as being a "dead zone".
- NDC - Commissioner Ronneberg does not see this design as compelling. He also expressed concern as the ANC has no prior experience with any of these team members.

Commissioner Ronneberg inquired as to whether community members had any additional input. No one came forth with any input other than what was mentioned at the beginning of the meeting.

Committee members voted for their top three proposals. Dan Golden abstained. The vote tally was

Team	Votes
Rise	5
Argos	5
Atlas	2
Valor	1
NCD	1
NDC	0

Based on the outcome of this vote, Commissioner Ronneberg tallied the votes and stated that the ANC will recommend the proposals by Argos and Rise.

Commissioner Ronneberg asked the committee whether members had any comments for the Deputy Mayor's office as they request a best and final offer from the selected proposals. Charmaine Josiah asked for Argos to recognize RL Christian as part of their scheme in a visual / tactile way. She also asked for some additional definition on the diversity of retail. Missy Boyette asked for both of the recommended proposals to provide parking; Commissioner Ronneberg pointed out that this is not an issue, as Rise has proposed 17 spaces below-grade and Argos has proposed spaces at grade. Commissioner Ronneberg asked that balconies on H Street facade be reconsidered. Charmaine Josiah inquired as to whether Argos has incorporated affordable housing. A representative from this team confirmed that 8 units of affordable housing will be incorporated. Missy Boyette asked that Argos reconsider the cupola. Commissioner Ronneberg stated that Argos' facade reads too horizontal.

Recommendation: The Committee voted 7-0 to recommend that the Deputy Mayor's Office take a best and final offer and recommend Argos and Rise.

HPA #12-XX (901 D St. NE): Following up on the 10/17 presentation to the ANC ED&Z Committee, the vote on Historic Preservation issues was addressed first. There were two main issues that were raised by the committee at the previous presentation: the treatment of the roof level on the townhouse on D Street, and the increased height of windows at the ground floor of the 9th St. townhouses. The D St. townhouse issue has been addressed by suggesting that the brick carry up the entire facade in lieu of a mansard roof. The developers stated that they will be filing the project on Thursday for an HPRB hearing.

The discussion was opened up for community comments and questions.



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The neighbor immediately to the east of the proposed townhouse on D St. asked a series of questions. She asked whether the townhouse would be the same height as her house. The developer responded yes. She asked whether there would be a porch on the proposed townhouse. The developer responded yes, but that the porch will be slightly lower. She asked whether the face of the new townhouse facade would project past her house. The developer / architect responded that the facade will be even with the facade of the adjoining existing townhomes. She expressed concern that the proposed townhouse extends past her house at the rear and that this will affect her, as all of the light into the back of her home comes in at her dogleg. The developer stated that they are willing to consider a reduction of the 60% lot occupancy so that she does not lose this access to light.

A second neighbor, across the street from the proposed townhouse on D St., asked why the proposed townhouse on D St. does not replicate the two townhouses to the east. The developer responded that Amanda Molson at the HPO prefers not to exactly mimic what is there; however, the developer is open to alternate designs for the D St. facade.

A third neighbor asked about closing off the exit on to D St., specifically asking about how garbage trucks will get through the site. The developer stated that there will be ten communal trash bins and that they are willing to work with the trash company to have the trash times coordinated.

A question was asked concerning why there is a connection at the existing historic building to the townhomes on 9th St. The developer stated that this was a requirement from the zoning code as well as a recommendation by HPRB.

Committee members provided feedback. Missy Boyette stated that the revised design is better. She believes the townhouse on D St. should look different, which it does, from those to the east. She did suggest that the architect look again at the proportions of windows to make them more similar to the houses to the east.

Recommendation: Regarding the preservation issues, the committee voted 5-0 to approve the general concept.

The developer team then brought up, for the same site, the zoning issues which will go before BZA. They explained that the variance application has changed from last week, such that they are asking for approval on the lot area and unit count only (they created a separate lot for the D St. townhouse so that it now conforms to zoning requirements). They explained that the Credit Union is moving out of the building by January and that they are currently reaching out to the neighborhood. The current scheme asks for 7 additional units than are allowed by zoning. The biggest concern related to this appears to be parking (R-4 has a 1:3 ratio). The developer is looking to work with DDOT and others to study options, such as bike share, car rental, etc.

Committee comments were identified. The committee asked that the developer and their team consider detriment to light and air to the neighbor on D St.

Regarding the unit count, the developer explained that they are challenged by the requirement to keep existing interior walls. There are two parking spaces required by the D St. townhouse, and the three townhouses on 9th St. will provide a number of parking spaces that are market-driven.



Committee Reports

Economic Development and Zoning (EDZ)



Commissioner Holmes stated that, while the neighborhood is delighted about the redevelopment of this site, there needs to be some agreement to limit the number of units, perhaps with RPP limitations. Commissioner Holmes asked that the committee give authority to himself and to Commissioner Ronneberg to negotiate the number of units with the developer.

Community members asked questions. One member asked for clarification on zoning for the covered parking. The developer stated that the covered parking does not affect rear yard setback because it is an accessory structure. A second member inquired as to the number of units in the 9th St. townhomes. The developer responded that this will be four 2 bedroom flats.

Charmaine Josiah asked what the ultimate total number of units would be. Commissioner Holmes stated that there is an overall density concern and that it does not matter where the density goes. Commissioner Holmes stated that there is a consensus to cap the number of units to 26 and RPP. Laura Gentile stated that this plan cannot be supported, particularly because of the detriment to public good. Commissioner Ronneberg stated that this would be a vote of opposition unless the developer can negotiate an agreement.

Recommendation: The Committee voted 7-0 to recommend that the ANC:

- Not agree to greater density than is allowed by-right;
- Authorize the chairs of the EDZ and the ANC to continue further negotiations to provide limits on the street parking to be permitted to residents of 901 D St. NE; and,
- That the future 913 D, to be located to the west of 915 D, incorporate a dogleg to provide adequate light and air to the eastern next door residence.

BZA #18451 (409 15th St NE): Alex Cho, the owner of the fusion taco restaurant, is currently leasing space at this address. DCRA has previously erred when it issued a C of O for a deli in a residential R-5-B zone. When Mr. Cho applied for a C of O for a deli, DCRA flagged it for needing a variance.

The neighbor who lives across the street was present. He expressed that his only issue with the deli is that it is "a place to hide", and he questions the operating hours.

Mr. Cho stated that he was not aware of the use issue when he leased the space. He explained that the space is intended as a carry-out, to operate until 9pm and to provide lunch and dinner. Missy Boyette inquired as to whether any measures can be taken to alleviate safety concerns, i.e. lighting, etc. Cho stated he can provide this. Commissioner Ronneberg explained that there is no variance currently with the property. Cho stated that he has signed a 5 year lease. Commissioner Ronneberg stated that if the C of O mistake had not occurred, he would not support the use variance. Dan Golden stated that the criteria for the variance has been met and put to best use. Cho stated that the BZA hearing is scheduled for the beginning of December.

The neighbor stated that the current lighting around the property is sufficient. He would like for the owner to provide exterior cameras, no breakfast service, additional lighting at the front of the building, no selling of groceries, no singles, and no sit-in service. These criteria should be held for 5 years, the term of the lease.



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Recommendation: The Committee voted 7-0 to recommend that the ANC support a variance limited to 5 years with the conditions that the facility be open from 11am until 9pm for service and that the owner provide lighting and surveillance cameras at the front and at the alley.

B1207040 (607 14th Place NE): Laura Gentile explained that a building permit has been issued improperly at this address and suggested that an appeal be made to BZA that DCRA made an error, as the project requires a variance.

Recommendation: The Committee voted 7-0 to recommend that the ANC write a letter of appeal to the BZA stating that the project requires a variance.

Additional Community Comment

None.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, November 21, 2012
7-9 PM**



Committee Reports Economic Development and Zoning (EDZ)



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

RE: ZC #12-15 (Gallaudet Campus Plan)

Dear Ms. Schellin,

At a regularly scheduled and properly noticed¹ meeting on October 17, 2012, our Commission voted X-X-X (with 4 Commissioners required for a quorum) to support the Gallaudet campus plan through 2022 and further processing so that the details of specific projects can be reviewed at a later time.

Architect Hansal Bauman presented the project on behalf of the applicant. Mr. Bauman described three phases of development and discussed principles of the master plan, which include:

- 1) An opportunity to engage the city in a new way, with the main point of entry on Florida Avenue and a new point of entry (pedestrian) at the intersection of Florida and 6th
- 2) An opportunity to strengthen the academic heart of campus

Gallaudet has undergone a series of community outreach sessions throughout this year to gather input from the public, as well as faculty and staff. The University has received support from ANC5B on October 4th, and will also request support from ANC6C.

ANC 6A appreciates Gallaudet's outreach efforts to our ANC and looks forward to working with them in the future to address common issues of concern.

Please be advised that Drew Ronneberg is authorized to act on behalf of ANC 6A for the purposed of this case. Dr. Ronneberg can be reached at ronneberg6a02@gmail.com or (202) 431-4305.

On behalf of the Commission,

David Holmes
Chair

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



Committee Reports
Economic Development and Zoning (EDZ)



November 5, 2012

Ms. Catherine Buell, Chairperson
Historic Preservation Review Board
Office of Planning
1100 Fourth Street SW, Suite E650
Washington, DC 20024

Re: HPA #12-618 (1133 Park Street NE)

Dear Ms. Buell,

At a regularly scheduled and properly noticed² meeting, our Commission voted X-X-X to recommend support for the proposed project at 1133 Park Avenue NE.

Jennifer Fowler of Fowler Architects presented massing and architectural plans on behalf of the applicant at the October 17th meeting of the Economic Development and Zoning Committee. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and I are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or Holmes6A3@gmail.com.

On behalf of the Commission,

David Holmes
Chair

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



Committee Reports Economic Development and Zoning (EDZ)



October XX, 2012

Ms. Catherine Buell, Chairperson
Historic Preservation Review Board
Office of Planning
1100 Fourth Street SW, Suite E650
Washington, DC 20024

Re: HPA #13-028 (901 D Street NE)

Dear Ms. Buell,

At our regularly scheduled and properly noticed³ meeting on September 13, 2012, our Commission voted X-X-X, to support the redevelopment plans for the Edmonds School ste.

The applicant presented massing and architectural plans to our Economic Development and Zoning Committee's August 15, 2012 meeting. The ANC believes that the presented plans tastefully fit into the massing and architectural style of buildings in the Capitol Hill Historic District.

Please be advised that Missy Boyette and David Holmes are authorized to represent the ANC for the purposes of this case. I can be reached at 202.251.7079 or Holmes6A3@gmail.com.

On behalf of the Commission,

David Holmes
Chair

³ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the *Hill Rag*.



Committee Reports Economic Development and Zoning (EDZ)



October XX, 2012

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

Re: BZA Case No. 18451 (409 15th St NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting⁴ on November 8, 2012, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to conditionally support the applicant's request for a variance under §3103.2 to permit a commercial use (a deli) in a residential (R-5-B) zone.

Our commission finds that:

- a. There are unusual circumstances associated with the property. The property was historically used for commercial purposes and DCRA previously erred in issuing a certificate of occupancy for a deli in a residential zone.
- b. The applicant has demonstrated hardship because the building cannot be used for residential purposes.
- c. The public good will not be infringed if the conditions outlined below are included as part of the zoning order.

ANC 6A's support of this request for variance is predicated on Mr. Alexander Cho's (the lessee) public statements that he will accept the following enumerated conditions:

1. The hours which retail sales will be permitted will be between 11 am and 9 pm. This purpose of this condition is to prevent students of the nearby schools from congregating at the deli before classes.
2. The front and side of the building will be well lit.
3. Security cameras will be used to monitor the front and side of the building.
4. The variance will be valid for 5 years from the date of the zoning order.

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

On Behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A

⁴ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserve and through print advertisements in the Hill Rag.



Committee Reports
Economic Development and Zoning (EDZ)



Before the

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:)
Advisory Neighborhood Commission 6A for the)
Administrative Decision of DCRA to issue)
Building Permit # B1207040)

Statement of the Applicant

Advisory Neighborhood Commission 6A (“ANC 6A”) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Building Permit # B1207040 (“the Permit”) at 607 14th Place NE and in support of its appeal states:

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (“DCRA”) erred in its decision to grant Building Permit # B1207040. The property that is subject to this appeal is located at 607 14th Place NE (Square 1051, Lot 0181) and in an R-4 district. The requested reason for revocation is because DCRA approved the building permit in violation of 11 DCMR Section 401.3. Specifically, the lot size of 1021sq. ft. is under the minimum required of 1800 square feet, and the lot width, which is 13 feet according to the drawings, is less than the minimum 18 feet required. Because both the lot area and lot width fail to comply with the minimum zoning requirements, the application needs a variance from Section 401.3.

DISCUSSION

11 DCMR §401.3 states:

Except as prescribed in the other provisions of this chapter, the minimum dimensions for a lot in an R-4 residential district shall be 1800 square feet in lot area and 18 feet in width of lot.

The property does not meet either of the lot width or lot area requirements of this subsection. Also, as stated in Section 401.2, the applicant would be able to build if the lot met 80% of the width and area requirements, was unimproved in 1957 and



Committee Reports Economic Development and Zoning (EDZ)



the same person did not own the adjacent lot. 11 DCMR §401.2 states:

Except as provided in §401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has the lot area or width of lot less than that specified in §401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least 80% of the lot area and width of lot specified under §401.3.

At this time, it is not known if the lot was unimproved in 1957 and if the adjacent lot was under different ownership. However, even if the lot met these two criteria, it still would not meet the 80% of the width or area requirements (1540 sq. ft. lot area, 15.4 ft. lot width).

REQUEST FOR RELIEF

The appellant requests that the Board ORDER DCRA to revoke Building Permit #B1207040 because it was inappropriately granted the without complying with the requirements of Section 401.3.



Committee Reports Economic Development and Zoning (EDZ)



October XX, 2012

Ms. Reyna Alorro and Mr. Ethan Warsh
Office of the Deputy Mayor for Planning & Economic Development
1350 Pennsylvania Avenue, NW, Suite 317
Washington, DC 20004

Re: ANC 6A proposal recommendations for the redevelopment of the RL Christian Library Site at 1300 H St NE.

Dear Ms. Alorro and Mr Warsh,

At a regularly scheduled and properly noticed meeting⁵ on November 8, 2012, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to recommend to DMPED that the Rise Development and Argos Group proposals be selected to make best and final offers for the redevelopment of the RL Christian Library site at 1300 H St NE. ANC 6A would appreciate the opportunity to provide feedback on the best and final offer proposals.

The Commission evaluated the 6 proposals primarily based on the following factors:

- d. Buildings with four stories are preferred in order to not overwhelm the mass of existing buildings on the 1300 block of H St NE.
- e. The building's design should fit into the existing architectural fabric of neighboring structures.
- f. The proposed commercial use should be retail. In addition, the Commission strongly prefers that the retailers be local rather than large chains.
- g. Whether our ANC has had positive prior working relationships with the team members.
- h. Whether the project includes a public safety aspect and/or arts related uses.
- i. Whether the proposal incorporate a tribute to RL Christian.

Our Commission believes that the Rise Development and Argos Group proposals best meet these criteria. In addition, our Commission was impressed with the Argos' incorporation of the adjacent cleaners into their proposal and with Rise's model of local ownership.

We would like to see the following issues addressed by the two teams' best and final offer proposals:

Argos Group

5. Design – emphasize verticality in the window bays
6. Retail Concept – better development of the retail concept for the portion of the building that is not devoted to the cleaners.
7. Emphasis on Artist Housing for the affordable units.
8. Incorporation of a physical tribute to RL Christian.

⁵ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoo.com listserv and through print advertisements in the Hill Rag.



Committee Reports

Economic Development and Zoning (EDZ)



Rise Development

1. Design – elimination of the projecting balconies from the facade (juliet balconies are acceptable)
2. Incorporation of a physical tribute to RL Christian into the design.
3. Incorporation of a public safety aspect into the proposal.

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

On Behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A



New Business



Following Gottlieb Simon's suggestion, I propose the following addition to the Commission Bylaws. Since a bylaw proposal must be announced one meeting prior to being considered, it will come up for a vote in December.

New Article VIII, section 2 (b) 3: "If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor.";

and renumber the old VIII, section 2 (b) 3 as VIII, section 2 (b) 4.

David Holmes



Before the

DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT

APPEAL OF:)
Advisory Neighborhood Commission 6A for the)
Administrative Decision of DCRA to issue)
Building Permit # B1209455

Statement of the Applicant

Advisory Neighborhood Commission 6A (“ANC 6A”) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Building Permit #B1209455 (“#B1209455”) at 1400 Maryland Ave NE and in support of its appeal states:

SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (“DCRA”) erred in its decision to grant #B1209455 on November 1, 2012. The property which is subject to this appeal is located at 1400 Maryland Ave NE (Square 1049, Lots 803 and 21) and is zoned HS-A/C-2-A. The requested reason is because DCRA issued the permit for the wrong zone (C-3-A) and did not require the applicant comply with 11 DCMR Subsections 1324.2 and 1324.10, which was required by the correct zone (HS-A/C-2-A).

DISCUSSION

One January 26, 2010, the Board of Zoning Adjustments issued BZA Order #17825 which granted a special exception to construct a gas station at 1400 Maryland Ave NE. The applicant applied for a building permit on May 31, 2011 and DCRA issued Building Permit #B1107494 on May 4, 2012 which stated:

Renovation and repair for existing vehicle fuel service station with BZA order #17825. Special exception granted 1/26/2010 pursuant to 2 exhibits No 60 & No. 66A with 12 conditions.

However, Building Permit #B1107494 did not include construction of a “grocery store”, which was the reason why the applicant applied for #B1209455 on May 29, 2012. That permit application stated it was for a:

1 level convenience store to be added to existing vehicle service station already permitted for under building permit no. B1107494. Originally the 1 level convenience store was part of the previous application and was approved by zoning, however, we removed it from the application because we had not been to the health



New Business



department yet and needed to obtain our building permit immediately.

And the text of the issued permit (#B1209455) stated:

Grocery store to be added to existing vehicle service station under separate building permit No. B1107494. Originally the 1 story store was part of the previous application, and was removed to become this permit.

DCRA erred in issuing #B1209455, because the zoning of the site changed from C-3-A to HS-A/C-2-A on December 9, 2011 as part of Zoning Commission case #10-19. The change of zoning did not impact #B1107494 because it was submitted to DCRA within two years of the issuance BZA Order #17825, in compliance with 11 DCMR §3130.1 which states:

No order authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years ...unless, within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

However, #B1209455 was applied for more than two years after the issuance BZA Order #17825, and the applicant did not request an extension of the Board Order according to §3130.6. As a result, the Board Order was expired when the applicant applied for #B1209455, and the building permit should have been evaluated under a HS-A/C-2-A zone rather than a C-3-A zone. Properties in HS-A/C-2-A zones are subject to design requirements §1324.2 and §1324.10, which state:

Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets. (§1324.2)

and

Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street N.E., 14th Street, N.E., or 15th Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk. (§1324.10)

The building plans clearly show that the proposed structure does not comply with either of these sections.

REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to revoke Building Permit #B1209455, because DCRA incorrectly granted the permit for a C-3-A zone, when the controlling zone is HS-A/C-2-A.



New Business



October XX, 2012

Mr/s. ????
Acting Director
District Department of the Environment
1200 First St NE
Washington, DC 20002

Re: Request for Information on the Permitting of Underground Tanks at 1400 Maryland Ave NE

Dear XXXX,

At a regularly scheduled and properly noticed meeting⁶ on November 8, 2012, our Commission voted X-X-X to request that your agency investigate whether the unpermitted removal and installation of gasoline tanks occurred at 1400 Maryland Ave NE, and report the results of your investigation to our ANC.

Capitol Petroleum is currently building a gas station at 1400 Maryland Ave per building permit #B1107494. They also applied for Underground Tank Permit #UT1200057 on April 18, 2012. Their application was to:

Furnish and Install a new fueling system to include 1-20,000 gal double wall fiberglass tank,
1- 6,000 gal fiberglass doublewall tank, 2-dispenser Islands, associated fiberglss [sic] double
wall piping and 1- 20'x50' Canopy

DCRA's on-line permitting system shows that DDOE held the application for corrections (HFC) on May 7, 2012 and the permit was never issued. However, the underground tank has already been installed at the site. After several unsuccessful attempts to contact DCRA's permitting office to find out why the underground tank was installed without an approved underground tank permit, ANC 6A sent the attached letter to the DCRA director asking for information regarding this issue.

ANC 6A is concerned about a number of issues and requests DDOE investigate and clarify the following matters:

1. Was an old underground tank removed from the site? This appears likely because the site had previously been a gas station. If one was removed, was it done with the proper permits and DDOE inspections?
2. If an underground tank was removed, was the surrounding soil tested for fuel contamination? If so, was this done with DDOE knowledge and were the proper procedures followed?
3. Was the new underground tank installed with DDOE's knowledge, approval and inspections?

Our ANC is concerned that proper procedure was not followed in this case and an underground tank was installed without a permit or DDOE approval. We are also concerned that an old tank may have been removed without DDOE knowledge or proper approvals and there may be soil contamination which was not properly tested or remedied. Your assistance in this matter will be greatly appreciated.

On Behalf of the Commission,

David Holmes
Chair, Advisory Neighborhood Commission 6A

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