



District of Columbia Government Advisory Neighborhood Commission 6A Agenda for February 9, 2017



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

- 7:00 pm **Call to order**
- 7:01 pm **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:02 pm **Community Presentations**
Councilmember-At-Large David Grosso, Chairman, DC Council Committee on Education
U.S. Attorney's Safety & Criminal Justice Update - Doug Klein, Community Prosecutor
SMYAL (Supporting and Mentoring Youth Advocates and Leaders) - Sultan Shakir
Seventeenth (17th) Street Construction Update- Mohamed Dahir, DDOT and Mike Gales, RK&K Engineers
- 8:00 pm **Officer Reports**
1. Approve Treasurer's Report **pg. 24**
- 8:05 pm **Standing Committee Reports:**
Community Outreach pg. 25
1. No report. Committee did not meet in January 2017.
2. Next meeting - 7:00 pm, February 27, 2017 (4th Monday)
- 8:06 pm **Alcohol Beverage Licensing pg. 26**
1. No report. Committee did not meet in January 2017.
2. Next meeting - 7:00 pm, February 21, 2017 (3rd Tuesday)
- 8:07 pm **Transportation and Public Space pg. 27**
1. No report. Committee did not meet in January 2017.
2. Next meeting - 7:00 pm, February 27, 2017 (delayed due to President's Day holiday)
- 8:08 pm **Economic Development and Zoning pg. 28**
1. Approve January 2017 committee report.
2. **Recommendation:** ANC6A support the application of the owners of 600 9th Street, NE for variances from non-conforming structure requirements of Subtitle C § 202.2, lot occupancy requirements of Subtitle E § 304.1, and rear yard requirements of Subtitle E § 306.1, to permit the location of decks over rear-attached garage.
3. Next meeting - 7:00 pm, February 15, 2017 (3rd Wednesday)
- 8:20 pm **New Business pg. 33**
1. Letter to Mayor/Council - Support for immigrants and refugees in our community (Malone)
2. Letter to OSSE - Request data re: teacher turnover rates at local schools (Zimny)
- 8:35 pm **Single Member District reports (1 minute each)**
- 8:45 pm **Community Comments (2 minutes each)**
- 8:55 pm **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of January 12, 2017



Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School January 12, 2017

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

The meeting convened at 7:00 pm.

Chairman Phil Toomajian called the roll and announced the presence of a quorum.

Motion: Mr. Toomajian moved and Commissioner Sondra Phillips-Gilbert seconded the motion to adopt the Commission rules. The motion passed by unanimous consent (7-0).

Motion: Mr. Toomajian moved and Ms. Phillips-Gilbert seconded the motion to consider the election of Commission officers by slate with Phil Toomajian as Chair, Mike Soderman as Vice Chair, Calvin Ward as Secretary and Stephanie Zimny as Treasurer. The motion passed by unanimous consent (7-0).

Motion: Mr. Toomajian moved and Commissioner Soderman seconded the motion to elect the following members and leaders of the permanent committees for 2017.

Economic Development and Zoning Committee - Brad Greenfield (Chair), Jake Joyce, Missy Boyette, Justin Thornton, Michael Hoenig, Stephanie Zimny

Transportation and Public Space Committee - Omar Mahmud (Co-Chair), Todd Sloves (Co-Chair), Jeff Fletcher, Andrea Adleman, Lara Levison, Hassan Christian, Elizabeth Nelson

Alcohol Beverage Licensing Committee - Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Roger Caruth, Michael Herman, Justin Rzepka, Mark Samburg

Community Outreach Committee - Dana Wyckoff (Chair), Roni Hollmon, Gladys Mack, Joyce West. The motion passed by unanimous consent (7-0).

Motion: Mr. Toomajian moved and Commissioner Ward seconded the motion to adopt a schedule of monthly meetings, on the second Thursday of each month for 2017 (except August): February 9, March 9, April 13, May 11, June 8, July 13, September 14, October 12, November 9, and December 14. The motion passed by unanimous consent (7-0).

Motion: Mr. Toomajian moved and Ms. Phillips-Gilbert seconded a motion to participate in and to authorize the Treasurer to write a \$25.00 check to participate in the ANC Security Fund. The motion passed by unanimous consent (7-0).

The minutes for the ANC December 2016 meeting and the agenda for the January 2017 meeting were accepted without changes or objection.

Community Presentations

Max Brown, Chairman, Board of Directors, Events DC

Mr. Brown gave an update on the RFK Campus Redevelopment Project. He mentioned that the DC United Soccer team will be leaving the stadium site in 2018 and that the stadium will be razed soon thereafter. Mr. Brown advised that the current lease stipulates that any proposed future development on the stadium



Advisory Neighborhood Commission 6A Meeting Minutes of January 12, 2017



site can be used for sports, recreation or entertainment purposes only and that there are twenty-three (23) years left on the current lease. Mr. Brown gave detailed information on both the short-term and long-term plans for the RFK Redevelopment Project, and provided a pamphlet detailing these proposals. Mr. Brown spoke at length to the concerns expressed by both the ANC 6A Commissioners and community members on this subject, advising that quarterly meetings will continue to be held with the public, and that separate briefings will be conducted with the ANC serving in the area(s) of the proposed development, including prior to the commencement of demolition. More detailed information on RFK Redevelopment Project can be obtained at www.rfkcampusfuture.com.

Amber Breitenberg, Senior Manager, FRESHFARM H Street NE Farmers Market

Ms. Breitenberg spoke to the Commissioners regarding the continued operation of the FRESHFARM H Street NE farmers market, in addition to keeping the market's location at the current site on Thirteenth (13th) Street NE between H Street and Wylie Streets.

Motion: Mr. Toomajian moved and Commissioner Patrick Malone seconded the motion that a letter of support for the FRESHFARM H Street Farmers Market be forwarded to the DC Department of Transportation (DDOT). The motion passed unanimously (8-0).

Mr. Doug Klein, Community Prosecutor, U.S. Attorney, Safety and Criminal Justice

Mr. Klein's scheduled appearance has been postponed to the meeting on February 9, 2017.

Officer Reports

Mr. Toomajian mentioned that Ward 6 Councilmember Charles Allen is scheduled to speak with the ANC 6A Commissioners at their March 9, 2017 meeting, and that Councilmember David Grosso will join the Commission at their February 9, 2017 meeting.

Treasurer's Report

Commissioner Stephanie Zimny presented the FY2017 First (1st) Quarterly Report. The FY2017 First (1st) Quarterly Report was accepted without objection.

Ms. Zimny also delivered the Treasurer's Report. The opening balance in the checking account was \$12,839.96, with a forwarding balance of \$4,621.20. There were disbursements of \$450.00 to Irene Dworakowski (Check 1770) for agenda/web master services; \$183.50 to FedEx; (Check 1771) \$200.00 for December 2016 minutes; (Check 1772) \$25.00 to ANC Security Fund (Check 1773) \$756.41 grant to Miner Elementary School (Check 1774), leaving a balance of \$11,225.05, in the checking account and \$13,747.14, including a \$.024 interest deposit in the savings account. A Petty Cash Summary was included in the report showing a forwarding balance of \$25.00. The report was accepted without objection.

Committee Reports

Community Outreach Committee (COC)

The December 2016 COC was accepted without objection.

Next meeting - 7:00 pm, January 23, 2017 (4th Monday).

Alcohol Beverage Licensing (ABL)

The December 2016 ABL Committee Report was accepted without objection.



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The Committee moved and Ms. Zimny seconded a motion that the ANC approve the settlement agreement with Bespoke 1337 LLC, T/A Hill Prince, at 1337 H Street NE. The motion passed (8-0).

The Committee moved and Mr. Toomajian seconded a motion that the ANC approve the settlement agreement with Naomi's Ladder II LLC, at 1123 H Street, NE. The motion passed (8-0).

The Commission tabled the request that the ANC support a stipulated license for Naomi's Ladder II LLC, at 1123 H Street NE by unanimous consent due to the Commission's view that stipulated licenses are the exception and not the norm and due to the late posting of the placards for and associated past issues with the applicants at this location.

The Committee moved and Mr. Toomajian seconded the motion that the ANC approve the settlement agreement with Ben's Chili Bowl/Ben's Upstairs, at 1001 H Street NE and withdraw its protest of the establishment's license application and request for an entertainment endorsement. The motion passed (8-0).

Next meeting - 7:00 pm, January 17, 2017 (3rd Tuesday)

Transportation and Public Space Committee (TPS)

The December 2016 TPS Committee Report was accepted without objection.

The Committee moved and Mr. Toomajian seconded a motion that ANC 6A provide a letter of support for the 2017 Rock and Roll Marathon and Half-Marathon contingent on the provision of the following conditions:

- A. A summary and description of the usage and location of TCOS in or adjacent to ANC 6A;
- B. A description of the door hanger campaign and which neighborhoods in ANC 6A will receive door hangars, including a quality control program to ensure the door hangers are not left in front yards;
- C. A description of the location of crossings along parts of the route in ANC 6A
- D. A description of the bus stop and/or bus notification campaign for X2, 90 and 92 buses;
- E. Confirmation that the Tenth (10th) Street NE checkpoint will be open to allow Capitol Hill Towers Residents to access their parking lot entrance on 10th Street;
- F. Confirmation that staging of Department of Public Works (DPW) trucks will be at RFK Stadium and not on neighborhood streets;
- G. Notification of any other ANCs that express opposition to the event and the reasons for the opposition.

Additionally, ANC 6A declare its support for keeping the Marathon on H Street NE; and urge the Metropolitan Police Department (MPD) to reopen street closures as soon as all runners and Marathon Staff have cleared the area. Ms. Romo-Thomas added that the Marathon had agreed to restrict the use of loud music at the AutoZone site this year per the Commission's request. The motion passed (8-0).

Next meeting - 7:00 pm, January 23, 2017 (4th Monday - delayed due to MLK holiday)

Economic Development and Zoning (EDZ)

The December 2016 EDZ Committee report was accepted without objection.

Next meeting - 7:00 pm, January 18, 2017 (3rd Wednesday).



Advisory Neighborhood Commission 6A Meeting Minutes of January 12, 2017



New Business

Motion: Mr. Toomajian moved and Ms. Zimny seconded a motion that ANC 6A send a letter to the D.C. Council and to Mayor Bowser regarding problems in the implementation and operation of the “Youth Rehabilitation Act” and urging action to curb its abuse and to provide actual rehabilitation services to offenders. The motion passed unanimously (8-0).

Single Member District Reports

Commissioner Ward (6A08) mentioned meeting with other area ANC Commissioners regarding historic designation for Kingman Park and environs; and that car breaks continue to be a problem in his district.

Commissioner Zimny (6A06) spoke about the Miner Elementary School PTO meeting with DCPS representatives to address ongoing problems; mentioned a letter being sent to the DC Department of Transportation (DDOT) regarding community concerns about traffic issues around the Chick Fil-A restaurant, and that a meeting has been scheduled with Ward 6 Councilmember Charles Allen and representatives of the restaurant to address these issues.

Commissioner Toomajian (6A02) mentioned an upcoming fundraising auctions to take place at the Ludlow-Taylor Elementary School, SWS at Goding and several other neighborhood schools and urged community participation in these events in support of our local schools.

Commissioner Phillips-Gilbert (6A07) advised of the recent opening of a transitional housing facility for LGBTQ youth in her district. Commissioner Phillips-Gilbert is concerned that there has been little notification of neighborhood residents before the facility opened. Mr. Toomajian advised that he would make appropriate inquiry into the matter.

Commissioner Marie-Claire Brown (6A01) advised that she would be meeting with representatives of the developers W.C. Smith and The Rappaport Companies regarding proposed and/or ongoing projects; and that there are continuing issues with the use of the Sherwood Recreation Center as a hypothermia shelter.

Commissioner Matt Levy (6A04) spoke about a scheduled meeting with community members about traffic issues around Maury Elementary School. Mr. Levy also gave an update on the proposed renovation and potential expansion of the school.

Commissioner Malone (6A05) expressed concern about the Maury Elementary School expansion and the ongoing discussion of neighborhood boundary lines regarding eligibility for attendance. Mr. Malone also spoke of the need for improved coordination of sidewalk repairs by DDOT.

Community Comments

Ms. Naomi Mitchell of Ward 6 Councilmember Charles Allen’s office presented commemorative election ballots from the Councilmember to ANC 6A Commissioners.

A neighborhood resident spoke to the Commission about giving attention to the both the rehabilitation portion of the “Youth Rehabilitation Act” as well as the safety concerns.

The meeting adjourned at 8:38 pm.



Advisory Neighborhood Commission 6A Community Presentations





Commission Letters of January 12, 2017 Meeting



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



January 13, 2017

Mayor Muriel Bowser, Members of the Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W.
Washington, DC 20004

Re: Violent crime, recidivism and WP investigation into Youth Rehabilitation Act

Dear Mayor Bowser and Members of the Council:

At a regularly scheduled and properly noticed meeting on January 12, 2017¹, ANC 6A voted 8-0 (with 5 Commissioners required for a quorum) to express our concerns to you regarding serious problems with the District's criminal justice system identified in the Washington Post's recent "Second-Chance City" investigative reporting. ANC6A has long been concerned with threats to public safety posed by a small number of repeat offenders and the extent to which those offenders are able to repeatedly victimize citizens across the District. Among the issues identified as posing threats to public safety in the Washington Post's extraordinary reports are the way the "Youth Rehabilitation Act" (DC Official Code § 24-901 *et seq.*) has permitted certain adult offenders to repeatedly receive lenient sentences, in some cases allowing these defendants to commit additional serious, violent crimes, including murder. The Washington Post reporting likewise reveals questionable practices by the Pretrial Services Agency, such as the failure to implement court-ordered GPS monitoring prior to a defendant's provisional release, and that the Act fails to provide other rehabilitation services in lieu of incarceration.

We are gratified by your steadfast commitment to public safety, as demonstrated most recently by your recent signing of a new law to discourage released offenders from tampering with their GPS monitoring devices and the requests that you and Councilmember Charles Allen have made for additional data regarding the effects of court's applying the "Youth Rehabilitation Act" to young adult offenders who commit crimes in the District. We applaud Councilmember Allen for planning a February hearing of the Council Committee on Public Safety and the Judiciary to review this issue and strongly urge the Executive and the Council to produce legislation to ensure that the criminal justice system adequately protects the safety of District residents from repeat violent offenders.

Thank you for your serious consideration to the concerns raised by our Commission. Please be advised that I am authorized to act on behalf of ANC 6A for the purposes of these issues and I stand ready to assist you and the Council's Public Safety Committee with your efforts to address them.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of January 12, 2017 Meeting



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



Ms. Tanya Mitchell
District of Columbia Homeland Security and Emergency Management Agency (HSEMA)
2720 Martin Luther King, Jr. Avenue SE
Washington, DC 20032

Re: ANC 6A Support for the 2017 Rock and Roll Marathon

Dear Ms. Mitchell:

At a regularly scheduled and properly noticed meeting¹ on January 12, 2017, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to support the 2017 Rock 'n' Roll USA Marathon & Half Marathon.

We are pleased that organizers have committed to an extensive community notification plan, which includes posting road closure signs all along and near the race route, as well as leaving door-hangers at residences along and near the route. We understand that a notice will also be placed in our local community newspaper, the Hill Rag. We are also pleased that you have undergone an effort to find ways to ensure residents around the C Street NE portion of the course are not prevented from movement from their neighborhood during the race for as little time as possible. Additionally, we would like to urge MPD to reopen street closures as soon as all runners and clean-up crews have cleared the street. In previous years, roads have remained closed longer than needed, imposing an undue inconvenience on residents.

In years past, members of the community expressed concerns regarding pickup of trash, clothing and signs, as well as exhaust fumes of many trucks waiting to clean up the course. After meeting with race organizers, we have been assured that clean-up trucks will not be permitted to idle and that staging of these trucks will occur away from homes in the RFK Stadium complex area. Our ANC has also been assured that trash pick-up will occur immediately following the event and all posted signs will be removed the day after.

We are also encouraged that that no amplified music or performances will occur in Lincoln Park this year. However, we remain concerned about the volume level of performances at a stage located in the Auto Zone parking lot on the 1200 Block of H Street NE. Last year, nearby residents lodged noise complaints, and neighbors as far south as C Street NE have said they were able to hear music from this stage, which we would consider excessive. We appreciate that the race organizers will mitigate the level of volume at this location by placing a quieter band on that stage.

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Commission Letters of January 12, 2017 Meeting



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Advisory Neighborhood Commission 6A
Box 75115
Washington, DC 20013



Finally, we would like to voice our support for the race's current route along H Street NE. The Rock and Roll Marathon and Half Marathon have used this route for as long as the race has taken place in DC - more than a decade. Its presence brings welcome support for local businesses on H Street NE and provides our community with a source of new attention to our booming commercial corridor. We would oppose any plan to re-route the race on a nearby residential street.

Given the race organizers' responsiveness and their commitment to meeting the above conditions, ANC 6A is pleased to continue to support this event.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Charles Allen
DDOT Associate Director for Public Space Matthew Marcou
ANC6C Chair Karen Wirt
Ms. Diane Romo Thomas



Commission Letters of January 12, 2017 Meeting



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



January 12, 2017

Mr. Leif A. Dormsjo
Director, District Department of Transportation
55 M Street SE
Washington, DC 20003

RE: FRESHFARM Market at H and 13th Streets NE

Dear Director Dormsjo:

At a regularly scheduled and properly noticed meeting¹ on January 12, 2017, our Commission voted 8-0 (with 5 Commissioners required for a quorum) to provide our full and unqualified support to the continuation of the FRESHFARM H Street NE farmers market in 2017.

The H Street Market well serves our community by providing wonderful and healthy local products to a wide range of residents. ANC 6A strongly supports the continuation of the market at the same site as last year – on Thirteenth (13th) Street NE, north of H Street NE and south of Wylie Street NE. The permit should be granted for every Saturday from April through December 2017 from 8:00 am until 1:00 pm as agreed to by the District Department of Transportation (DDOT) and FRESHFARM Markets.

Please also ensure that the very popular H Street Festival does not prevent the market from opening on the date that it is scheduled this year. Last year, the market continued until its normal closing time on the day of the festival and the market vendor vehicles exited north on Thirteenth (13th) Street without disrupting the festival activities. This arrangement appeared to work well for both the market and the festival.

Thank you for giving great weight to the recommendation of ANC 6A.

On behalf of the Commission,

Phil Toomajian,
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Charles Allen
Amber Breitenberg, FRESHFARM Markets

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Commission Letters of January 12, 2017 Meeting



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



January 12, 2017

Mr. Donovan Anderson, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: ABRA-104782 (Bespoke 1337, LLC, t/a Hill Prince), 1337 H Street NE

Dear Mr. Anderson,

Please be advised that at the January 12, 2017 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (8-0) to approve the enclosed Settlement Agreement with Bespoke 1337, LLC, t/a Hill Prince, ABRA # 104782, in lieu of a protest of the establishment's license application. This vote took place at the ANC's regular and publicly announced meeting.¹

If you have any questions, please do not hesitate to contact me. I can be reached at 202-906-0657 or WilliamsANC6A05@gmail.com.

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

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Commission Letters of January 12, 2017 Meeting



Made this 12th day of January, 2017

by and between

Bespoke 1337, LLC t/a Hill Prince

1337 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

Through this Agreement, both parties aim to create an environment whereby Bespoke 1337, LLC t/a Hill Prince ("Applicant") may operate as a viable contributing business in the ANC 6A community, while concurrently curtailing any adverse effects a business such as Applicant's could have on the surrounding neighborhood.

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

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

Witnesseth

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

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

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.

Settlement Agreement between Bespoke 1337, LLC and ANC6A

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

2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take reasonable steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to take reasonable steps to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage.
- d. Applicant will not provide or sell alcoholic beverages "to go."
- e. Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature unless the event has been reviewed and approved by the ABC Board.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
- g. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar within sixty days of the start of employment with Applicant.
- h. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
- i. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed;
 - iii. Keeping a written record of dates and times (a "call log") when the Metropolitan Police Department ("MPD") is called for assistance; and
 - iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- j. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board

Settlement Agreement between Bespoke 1337, LLC and ANC6A

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during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.

- k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- l. Should Applicant offer valet services, Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. Music / Dancing / Entertainment.

- a. Applicant agrees to comply with D.C. Official Code § 25-725 which stipulates, in part that ABC licensees shall not produce any sounds, noise, or music of such intensity that it may be heard beyond the premises. If necessary, Applicant will install soundproofing measures in order to ensure compliance.
- b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
- c. In order to mitigate noise on its summer garden the following steps will be taken:
 - i. Applicant shall not offer any type of entertainment on the summer garden;
 - ii. The summer garden is entirely surrounded on all sides by two story buildings. ;
 - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
 - iv. Staff will monitor the summer garden and remind guests to keep their voice levels at normal speaking tones as needed; and
 - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
- d. The hours of operation for the summer garden are limited until 12:00am Sunday through Thursday evenings, excluding the eve of Federal or District of Columbia holidays, and 2:00am on Friday and Saturday evenings and the evenings of Federal or District of Columbia holidays. The sale and consumption of alcoholic beverages must end at that time and the summer garden must be cleared of all patrons and staff with the exception for staff and patrons to use the summer garden as a means of ingress and egress to the front and back bars on the licensed premises.
Provided that:
 - i. On days designated by the DC ABC Board as "Holiday Extension of Hours" or "Daylight Savings Time Extension of Hours" Applicant may avail itself of the extended hours so provided;
 - ii. In the event the Council of the District of Columbia or the ABC Board grants licensees in general extended operating hours (such as for Inauguration or World Cup) Applicant may avail itself of such hours; and
 - iii. On the evening of New Year's Eve (December 31), Applicant may operate the summer garden for an additional hour.
- e. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
- f. Applicant will take the following steps to ensure the safety and security of patrons and employees:
 - i. All personnel shall attend and complete training course/seminar within sixty days of the start Settlement Agreement between Bespoke 1337, LLC and ANC6A



- of employment with Applicant that covers conflict resolution; procedures for handling violent incidents and emergencies; and procedures to prevent overcrowding.
- ii. Applicant will maintain an incident log which will be chronological records of any incident in the establishment that involves injury, violence, a weapon, or a call to MPD or emergency services. The incident log will be available to ABRA or MPD investigators upon request.
 - iii. In the event that a crime occurs on the premises, personnel will cordon off the area and prevent patrons or other employees from entering the area until MPD arrives. Security personnel will assist MPD after their arrival. Under no circumstances shall a member of the security personnel or employee clean or otherwise disturb the crime scene without the consent of MPD. and
 - iv. Applicant will operate a 100% ID check policy for patrons who appear to be 35 years of age or younger to ensure that minors are not served alcoholic beverages.
4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
6. **Miscellaneous.**
- a. Applicant shall maintain a copy of this Settlement Agreement in the establishment available for inspection upon request by any regulatory official, MPD Officer, or member of the public.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.
7. **Enforcement.**
- Applicant and ANC 6A agree to enter into this Agreement. In the event that either party believes that the other materially breached any obligations under this Agreement, such party shall give written notice to the other of the existence of the breach and the specific nature thereof. The party alleged to be in breach shall have fourteen (14) days from the receipt of notice to cure the alleged breach (or if the breach shall relate to excessive noise or disturbance, the lesser of 72 hours or such shorter period as may be reasonable under the circumstances to immediately restore peace, order and quiet). If Applicant fails to cure within the 14-day notice period (or, with respect to a breach which reasonably requires more than 14 days to cure, fails to commence cure of such breach and diligently pursues such cure) failure shall constitute cause for filing a complaint with the ABC Board pursuant to D.C. Official Code § 25-447. In the case of a continuing violation, no notice or opportunity to cure need be provided for subsequent violations of this Agreement, following the initial provision of notice. Any notices required to be made under this Agreement shall be in writing and sent either *via* email or U.S. mail, postage prepaid, to the parties to this Agreement at the addresses below. Notice shall be deemed given as of the time of receipt or refusal of receipt.

If to Applicant: 1337 H Street, NE
Washington, DC 20002
davidbwiseman@gmail.com

Settlement Agreement between Bespoke 1337, LLC and ANC6A
Page 4 of 5



Commission Letters of January 12, 2017 Meeting



If to the ANC: Advisory Neighborhood Commission 6A
P.O. Box 75115
Washington, DC 20013
ANC6A@yahoo.com

Either party may change its notice address by written notice to the other. Failure to give notice shall not constitute waiver or acquiescence to the violation, but notice shall be a prerequisite to the filing of a complaint with the ABC Board or any other enforcement action.

This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Bespoke 1337, LLC


By: David Wiseman, Managing Member

Date: 01/04/2017

Signature: 

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 01/12/17

Signature: 



Commission Letters of January 12, 2017 Meeting



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



January 12, 2017

Mr. Donovan Anderson, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: ABRA-093103 (Ben's Chili Bowl/Ben's Upstairs), 1001 H Street NE

Dear Mr. Anderson,

Please be advised that at the January 12, 2017 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (8-0) to approve the enclosed Settlement Agreement with Ben's Chili Bowl/Ben's Upstairs, ABRA # 093103, and to withdraw its protest of the establishment's license renewal. The ANC further voted not to protest the request by this establishment for an Entertainment Endorsement (my understanding is that an application was previously filed, then withdrawn, but a new application has been submitted). This vote took place at the ANC's regular and publicly announced meeting.¹

If you have any questions, please do not hesitate to contact me. I can be reached at 202-906-0657 or WilliamsANC6A05@gmail.com.

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

¹ ANC 6A meetings are advertised electronically on anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of January 12, 2017 Meeting



Made this 12th day of January, 2017

by and between

Ben's Chili Bowl/Ben's Upstairs (ABRA # 093103)

1001 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Witnesseth

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

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

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily, once during the morning and once during the evening.
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
 - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
 - d. Exercising due diligence to prevent and/or rid vermin infestation in and around the establishment, including following, minimally, the recommendations and guidelines of the Vector Control Division of the Department of Public Works.
 - e. Assisting in maintenance of the curbs in front of the establishment to keep them free of trash, removing snow and ice from the sidewalk, and complying with all applicable D.C. laws and regulation in these respects.
 - f. Planting, watering, and generally tending to tree boxes directly in front of the subject premises, if any.
 - g. Promptly removing or painting over any graffiti written on the exterior walls of the property.
 - h. Requiring the owner and employees not to park on public space between the building and the curb.
 - i. Not locating trash bins, chairs, tables, or other equipment on public space without a valid space permit.

Settlement Agreement between Ben's Chili Bowl/Ben's Upstairs and ANC6A

Page 1 of 4



2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage. Wine shall be corked in accordance with DC Code § 25-113(b)(5).
- d. Applicant will not provide or sell alcoholic beverages “to go.”
- e. Applicant agrees not to promote or participate in bar or pub “crawls” or any other event of this nature unless such event has been approved in writing by ABRA.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
- g. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete alcoholic beverage server training.
- h. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
- i. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed; and
 - iii. Keeping a written record of dates and times (a “call log”) when the MPD is called for assistance.
- j. Upon request of the Board, Applicant’s call log and incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant’s license.
- k. Applicant shall not support the installation of pay phones outside of the establishment on its property.
- l. Applicant will utilize and maintain existing floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- m. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. Music / Dancing / Entertainment.

- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
- b. Applicant shall not produce any sound, noise, or music of such intensity that it may be heard in any premises other than the licensed establishment in accordance with DC Code § 25-725.
- c. In order to mitigate noise on an outdoor patio, summer garden, and/or rooftop deck the following steps will be taken:
 - i. A fence or other barrier will enclose the entire perimeter where possible;
 - ii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
 - iii. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
 - iv. Potted plants, trees, fountains, or other types of noise mitigation techniques will be

Settlement Agreement between Ben’s Chili Bowl/Ben’s Upstairs and ANC6A

Page 2 of 4



Commission Letters of January 12, 2017 Meeting



- incorporated into the decor.
- v. Applicant may offer only the following types of entertainment on its roof deck and/or sidewalk café: unamplified music (e.g., acoustic guitar, wind ensemble, a capella singing, muted trumpet, saxophone, string (harp), electric piano, flute, upright bass, and drum instruments with brushes (no sticks)) and spoken word performances utilizing a small PA system (e.g., comedy show, poetry reading). Other types of entertainment, including but not limited to amplified music and disc jockeys, shall not be permitted on Applicant's roof deck and sidewalk café.
 - d. If the licensed establishment incurs two valid noise complaints during any six-month period, the ANC may, upon a vote at a regular and properly-noticed monthly meeting, elect to restrict the hours that the establishment may offer entertainment on the rooftop summer garden and/or the public space patio to an end point as early as 8:00pm. Such restriction shall remain in place for six months and will automatically expire after those six months have elapsed, provided there have been no further valid noise complaints during that six-month period. Applicant agrees that it shall not challenge such restriction provided that the ANC has identified a sufficient number of valid noise complaints during the six-month period in question.
 - e. For purposes of Section 3(d), "valid noise complaint" means (1) A complaint made to ABRA where an ABRA inspector or investigator has investigated the complaint and confirmed that the establishment is in violation of any DC noise ordinance and/or Section 3(b) of this Settlement Agreement; or (2) A written citation issued by the DC Metropolitan Police Department for a violation of any DC noise ordinance. In the event that both ABRA and the DC Metropolitan Police Department issue a written violation for an instance that occurs on the same day, such event shall only represent one "valid noise complaint" for purposes of this Settlement Agreement.
 - f. The hours of operation for the rooftop deck and public space patio are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the deck and patio must be cleared of all patrons within ten (10) minutes.
 - g. The ANC agrees to reasonably consider all requests by Applicant for extended rooftop and/or public space patio hours on evenings before federal holidays and other special events, provided that Applicant requests such an extension with sufficient notice for the ANC to properly consider the request (e.g., at least a month in advance).
 - h. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement, which the ANC agrees to support, and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
 - i. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.
4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair or Co-Chairs of the ABL Committee, the Chair of the ANC, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Review/Modification of Settlement Agreement**
- a. The ANC agrees that its Alcoholic Beverage Licensing ("ABL") Committee will, upon request by Applicant, review and discuss this Settlement Agreement at a regularly-scheduled meeting no less than every six (6) months and no more than every twelve (12) months from the date this Agreement is approved by the Board. At such meetings, the ABL Committee shall consider whether any terms

Settlement Agreement between Ben's Chili Bowl/Ben's Upstairs and ANC6A

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Commission Letters of January 12, 2017 Meeting



of the Agreement should be modified and make such recommendation(s) to the ANC for consideration and a vote.

- b. The parties agree that, if changes to this Agreement are not mutually agreed upon, the initial time under which the Applicant may submit a request to ABRA for termination or amendment of this Settlement Agreement pursuant to D.C. Code § 25-446 shall be Applicant's next license renewal period, not at least four years after the entry of this Agreement, and that the ANC will not challenge any request to terminate or amend based on the four-year requirement contained in D.C. Code § 25-446(d)(2)(B).

6. Miscellaneous.

- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
- b. Applicant will operate in compliance with all applicable DC laws and regulations.

7. Enforcement.

- a. If either party hereto believes in good faith that Applicant is in violation of this Agreement, written notice specifying the alleged violation shall be delivered to Applicant and Applicant shall have ten (10) days after receipt of such written notice to come into compliance with this Agreement or respond to said alleged notice of default. "Written notice" under this paragraph shall include e-mail.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: KAMAL B. ALI Date: 1-5-17

Signature: Kamal B. Ali

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 01/12/17

Signature: Jay Williams

Settlement Agreement between Ben's Chili Bowl/Ben's Upstairs and ANC6A

Page 4 of 4



Commission Letters of January 12, 2017 Meeting



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



January 12, 2017

Mr. Donovan Anderson, Chairperson
Alcoholic Beverage Control Board
2000 14th Street, NW, Suite 400S
Washington, DC 20009

Re: ABRA-104866 (Naomi's Ladder II, LLC), 1123 H Street NE

Dear Mr. Anderson,

Please be advised that at the January 12, 2017 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (8-0) to approve the enclosed Settlement Agreement with Naomi's Ladder II, LLC, ABRA # 104866, in lieu of a protest of the establishment's license application. This vote took place at the ANC's regular and publicly announced meeting.¹

If you have any questions, please do not hesitate to contact me. I can be reached at 202-906-0657 or WilliamsANC6A05@gmail.com.

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

¹ ANC 6A meetings are advertised electronically on anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of January 12, 2017 Meeting



Made this 12th day of January, 2017

by and between

Naomi's Ladder II, LLC
1123 H Street, NE
Washington DC 20002

and

Advisory Neighborhood Commission 6A

Preamble

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

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

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

Witnesseth

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

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

The Parties Agree As Follows:

1. **Public Space Cleanliness and Maintenance.** Applicant will maintain the public space (minimally the front sidewalk up to and including the gutter in front of the subject premises, and the alleyway behind the subject premises) adjacent to the establishment in a clean and litter-free condition by:
 - a. Picking up trash, including beverage bottles and cans, and all other trash a minimum of twice daily (once immediately before business hours and again between 5:00 p.m. and 8:00 p.m.).
 - b. Maintaining regular trash and garbage removal service, regularly removing trash from the trash and dumpster area, and seeing that the trash and dumpster area remain clean.
 - c. Depositing trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit

Settlement Agreement between Naomi's Ladder II, LLC and ANC6A

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

2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage.
- d. Applicant will not provide or sell alcoholic beverages "to go."
- e. Applicant agrees not to promote or participate in bar or pub "crawls" or any other event of this nature unless the event has been reviewed and approved by the ABC Board.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager. Applicant shall not ever turn over operations and/or management of the licensed establishment to third party promoters.
- g. Applicant, and all employees that are designated to serve alcoholic beverages, shall attend and complete an alcoholic beverage server training course/seminar.
- h. Applicant shall post a notice kept in good repair and visible from point of entry a sign that states:
 - i. Proper ID is required to be served and that the establishment will check IDs at all times prior to serving alcoholic beverages to patrons;
 - ii. It is illegal to sell alcohol to anyone under age 21;
 - iii. Patrons are requested not to litter, loiter, or make excessive noise in the neighborhood as they arrive or depart;
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects; and
 - v. The establishment requests that customers do not contribute to panhandlers.
- i. Applicant shall make every effort to prohibit and prevent loitering and criminal activity on or in front of the establishment premises, to include:
 - i. Asking loiterers to move on whenever they are observed outside the establishment;
 - ii. Calling the Metropolitan Police Department if illegal activity is observed;
 - iii. Keeping a written record of dates and times (a "call log") when the MPD is called for assistance; and
 - iv. Applicant will maintain a detailed incident log. An incident is defined as any activity by patrons of the establishment inside or immediately outside the establishment that could lead to an ABRA investigation. Each incident will contain the date, time, and location of each incident with a concise summary. Guests and staff involved or witnesses of the incident will be identified and listed. If there is a medical or police response, that information will also be noted.
- j. Upon request of the Board, Applicant's call log and incident log shall be provided to the Board

Settlement Agreement between Naomi's Ladder II, LLC and ANC6A

Page 2 of 5



Commission Letters of January 12, 2017 Meeting



during meetings or hearings involving future renewals or contested proceedings involving Applicant's license.

- k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
- l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
- m. To the extent windows and/or doors are used for ventilation purposes, applicant shall close such windows and doors by 10:00pm to prevent disturbances to the surrounding neighborhood.
- n. Applicant shall not use laser light shows, strobe lights, and/or A-frame signs as methods to attract customers.
- o. To the extent smoking is permitted on the roof deck, Applicant shall not permit smoking on the southern half of the roof deck, to prevent smoking odors from affecting nearby residents.

3. Music / Dancing / Entertainment.

- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
- b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any non-residential premises, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
- c. In order to mitigate noise on a sidewalk café or summer garden the following steps will be taken:
 - i. Applicant shall not offer any type of entertainment or pre-recorded music on the summer garden and/or sidewalk café;
 - ii. A fence or other barrier will enclose the entire perimeter;
 - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
 - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones;
 - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the décor;
 - vi. Total capacity for the roof deck shall not exceed 50 patrons; and
 - vii. The roof deck shall be utilized only for dining, and therefore shall not be utilized beyond the hours of food service, and will not be used for events in which patrons are standing.
- d. The hours of operation for the summer garden rooftop deck (and any sidewalk café or other summer garden) are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.
 - i. If the licensed establishment incurs three valid noise complaints during any calendar year, the ANC may, upon a vote at a regular and properly-noticed meeting, elect to restrict the hours of the rooftop summer garden (or any other outdoor space) to a closing time as early as 8:00 pm. Such restriction shall remain in place for six months and will automatically revert to the hours listed in Section 3(d) above after those six months have elapsed, provided there have been no further valid noise complaints during that six month period. Applicant agrees that it shall not challenge such restriction provided that the ANC has identified a sufficient number of valid noise complaints during the calendar year.
 - ii. For purposes of this Section, "valid noise complaint" means (1) A complaint made to ABRA where an ABRA inspector has investigated the complaint and confirmed that the applicant is in violation of any DC noise ordinance and/or Section 3(b) of this Settlement Agreement; or

Settlement Agreement between Naomi's Ladder II, LLC and ANC6A

Page 3 of 5



Commission Letters of January 12, 2017 Meeting



- (2) A written citation issued by the DC Metropolitan Police Department for a violation of any DC noise ordinance.
- e. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. However, per Section 3(c)(i) above, such entertainment shall not be offered in any outdoor space, including the rooftop deck. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys.
 - f. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
 - g. The kitchens for all CR license holders shall remain open and operational up until at least one hour prior to closing.
4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Review/Modification of Settlement Agreement.**
- a. This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446.
 - b. The ANC agrees that its Alcoholic Beverage Licensing ("ABL") Committee will, upon request by Applicant, review and discuss this Settlement Agreement at a regularly-scheduled meeting after at least twelve (12) months have elapsed from the date this Agreement is approved by the Board, and at least every twelve (12) months thereafter. At such meetings, the ABL Committee shall consider whether any terms of the Agreement should be modified and make such recommendation(s) to the ANC for consideration and a vote.
6. **Miscellaneous.**
- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
 - b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.
7. **Enforcement.**
- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees may immediately notify the Applicant and/or file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
 - b. This Settlement Agreement is binding on Applicant and its assigns and will continue in force for any and all subsequent license holders at this location.



Commission Letters of January 12, 2017 Meeting



In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Jayne LaMondue Price Date: 01/06/17

Signature: *Jayne LaMondue Price*

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 01/12/17

Signature: *J Williams*



Officer Reports - Treasurer



ANC 6A Treasurer's Report January 2017

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

Checking Account:

Balance Forwarded	\$ 4,621.20
Total Receipts	\$ 8,147.26
Total Funds Available	\$ 11,981.46

Disbursements:

Irene Dworakowski (Agenda/Web Master Jan 2016)	CK#1775	\$ 450.00
Ludlow-Taylor Elementary School PTA Grant	CK#1776	\$ 587.77
Gail John (Note Taking)	CK#1777	\$ 200.00
Travel to reimburse Jay Williams for ABL	CK#1778	\$ 24.50
Fed Ex	CK#1779	\$ 119.50
Total Disbursements		\$ 1,381.77
Ending Balance		\$ 10,599.69

Savings Account:

Balance Forwarded	\$ 13,747.13
Receipt Interest 01/21/17	\$ 0.24
Deposit -	
Total Receipts	\$ 0.24
Total Funds Available	\$ 13,747.37
Disbursements	\$ -
Ending Balance	\$ 13,747.37

PETTY CASH SUMMARY

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



Committee Reports

Community Outreach Committee (COC)



No report. Committee did not meet in January 2017.



Committee Reports

Alcohol Beverage and Licensing (ABL)



No report. Committee did not meet in January 2017.



Committee Reports

Transportation and Public Space (T&PS)



No report. Committee did not meet in January 2017.



Committee Reports Economic Development and Zoning Committee



Report of the Economic Development and Zoning Committee of ANC 6A Sherwood Recreation Center, 640 10th Street NE January 18, 2017

Present:

Members: Brad Greenfield, Missy Boyette, Stephanie Zimny, Jake Joyce

Commissioners: Mike Soderman, Stephanie Zimny

Brad Greenfield chaired the meeting.

Community Comment

None.

Status Reports

None.

Old Business

600 Ninth (9th) Street, NE (BZA #19355): Application pursuant to 11 DCMR Subtitle X, Chapter 10, for variances from the non-conforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to permit the location of multiple decks over an existing rear-attached garage in the RF-1 Zone

Chairman Brad Greenfield reminded attendees that at the December 2016 ED&Z meeting, the Committee had asked the owners to explore the idea of seeking historic designation for the property. The owner stated that they reached out to the Capitol Hill Restoration Society (CHRS) and to someone at the DC Historic Preservation Office, but that pursuing historic designation does not look like a viable path forward, as there would need to be a notable person/event associated with the property and/or the designation would likely have to include the entire side of the street.

Mr. Greenfield explained that the letter from the Office of Planning stated that variances cannot be used to create an enclosed addition, but rather would be granted in perpetuity for the decks only. The Bureau of Zoning Adjustment (BZA) scheduled hearing date is March 15, 2017. The fear of future development was one of the main reasons that the idea of seeking historic designation was being pursued.

A community member/neighbor read comments that were provided via email by Joe Fengler. Mr. Fengler suggested deferring the case for a month, since there is time before the BZA hearing date. He also stated that, if a variance is granted, it should be clear that the variance applies to decks only. He mentioned that the Department of Consumer and Regulatory Affairs (DCRA) should not have held up the permit for interior work due to a zoning issue for an area not in the project scope. He asked that the ANC not support the variance before the issue is resolved with DCRA, and stated that he has calls in to DCRA regarding an application delay to resolve the issue.

The owner responded that, while he appreciates this position, he has been trying to resolve this issue with DCRA for over two years.

Mr. Greenfield agreed that he does not see that DCRA will resolve the issue, and he reminded attendees that the owner has come before the ED&Z committee for several months now. He feels that the ANC has an obligation to vote one way or another.



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Ms. Jamie Lynch, a neighbor to the 600 Ninth (9th) Street property, stated that she has not seen anything in writing from CHRS or historic preservation office regarding their interpretation of historic designation potential for the property, and she has not seen anything in writing acknowledging that DCRA is holding up the interior renovation permit.

Ms. Lynch reiterated that, if a variance is granted, it would apply in a situation in which the decks collapse and the owner must rebuild them, so the issue is community support for the decks.

Commissioner Mike Soderman reminded attendees that according to his notes from the October 2016 ED&Z meeting, DCRA had placed an administrative hold on the property. The owner stated that he would have had to have done an administrative search on the property prior to purchasing, but he was unaware that this was an issue.

A community member suggested that the real dispute is between the owner and the bank, and that DCRA knew that the decks were illegal when the bank was doing work on the property.

Mr. Greenfield explained that the decks are likely there to stay, and that granting a variance does not give the owner the ability to build an addition; the owner will have an inspection done on the decks, and they appear to be safe, so owner will address the public good. Mr. Greenfield added that he would have liked to see some compromise between the owner and neighbors on some of the issues that have been brought up such as the location of the condensers on the decks. Regarding the BZA hearing, Mr. Greenfield stated that the BZA will want the ANC to weigh in.

Committee Member Jake Joyce reminded the attendees that the issue of the interior renovation permit hold will still be there regardless of the outcome of the variance.

A community member emphasized that the point of this meeting is to allow neighbors to weigh in on their viewpoints. Mr. Greenfield responded that, while the ANC gives great weight to opinions and voice of the community, if the applicant has made a reasonable effort toward the public good, the Committee will consider this in the vote. The owner of 600 Ninth (9th) Street NE added that there is neighbor support for the project, not just opposition. Mr. Greenfield reminded attendees that the existing garage, even without the decks, still takes the site to 100% lot occupancy.

Committee Member Missy Boyette inquired as to whether the owner should be obligated to let a future owner know about the lot occupancy and decks, should the owner decide to sell the property. The owner explained that, if the future owner wanted to add on to the existing house, the issue would be flagged when the owner submitted for a building permit.

Commissioner Soderman explained that he has a hard time seeing where a pre-existing situation that does not impact the interior renovation project is holding up receiving a building permit for the interior work. He stated that he believes the owner is trying to go about this process in good faith, the right way, and that the owner did not create this issue.

Ms. Lynch stated that Mr. Fengler's message pointed out that parts of the zoning issue relate to non-conforming situations and others to conforming conditions.



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Mr. Greenfield made a motion to recommend that ANC6A write a letter to the BZA in support of the requested variance. As a side note, Mr. Greenfield will add language regarding the DCRA process forced on the owner and language stating that the neighbors are not all supportive of the variance. Committee member asked that language be added to state that no written record of DCRA's opinions on the issue have been circulated. Motion was seconded. Motion was approved 4:0, with one abstention.

Mr. Greenfield asked the owner to address noise/privacy issues related to the deck prior to the full ANC 6A meeting in February 2017.

Committee member stated that they first heard of this issue via BZA process. Mr. Greenfield added that this item has been on the ED&Z agenda for 4 months now.

The meeting was adjourned at 8:00 PM.

New Business

None.

**Next Scheduled ED&Z Committee Meeting:
Wednesday, February 15, 2017
7:00-9:00 pm
640 10th Street NE
Sherwood Recreation Center, Second (2nd) Floor**



Committee Reports Economic Development and Zoning Committee



February XX, 2017

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. 19355 (600 Ninth (9th) Street, NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on February 9, 2017,¹ our Commission voted X-X (with 5 Commissioners required for a quorum) to support the request for the owners of 600 Ninth (9th) Street NE. Specifically, the applicant seeks variances from the non-conforming structure requirements of Subtitle C § 202.2, the lot occupancy requirements of Subtitle E § 304.1, and the rear yard requirements of Subtitle E § 306.1, to permit the location of multiple decks over an existing rear-attached garage in the RF-1 Zone.

The situation requiring the relief being sought is unusual. The relief is for existing decks that were built by a previous owner of the residence, approximately a decade ago. This illegal work resulted in stop-work orders being recorded at the DC Department of Consumer and Regulatory Affairs (DCRA). These stop-work orders were never lifted, and the current owners became aware of them when only after obtaining possession of the property when they attempted to get permits for unrelated interior work on the residence.

By enforcing a stop-work order on completely unrelated work being undertaken by someone who did not have the stop-work order issued against them in the first place, DCRA has placed a high burden on the home owners who inherited this challenging situation through no fault of their own.

ANC6A strongly opposes illegal construction and supports DCRA's efforts to stop or prevent construction that is not in compliance with existing code and zoning regulations. However, in this instance, whether or not the zoning relief being sought is granted or rejected, the decks will remain at 600 Ninth (9th) Street NE. Because of this, despite the strong and warranted opposition of neighbors due to the poor aesthetics of the decks, and noise and privacy issues that they cause to the immediate neighbor, the only public good that ANC6A sees resulting from this is if the decks are inspected to ensure their safety. That inspection will only occur if the decks are officially permitted, which is why ANC6A supports the request for zoning relief. If the variances are denied, the Commission fears that the decks will remain and eventually could become a safety concern for the owners and neighbors.

¹ ANC 6A meetings are advertised electronically on the anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Committee Reports Economic Development and Zoning Committee



Please be advised that Brad Greenfield and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at philanc6a@gmail.com and Mr. Greenfield can be contacted at brad.greenfield@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



New Business



February XX, 2017

Mayor Muriel Bowser, Members of the Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Support for immigrants and refugees in our community

At a regularly scheduled and properly noticed meeting on February 9, 2017,¹ our Commission voted X-X (with 5 Commissioners required for a quorum), to express our support for the diversity that is the strength of our community and the District of Columbia as a whole.

Our neighborhood, encompassing the areas north of Lincoln Park, the H Street Corridor, and the Rosedale Community is a diverse and growing area that benefits from neighbors who have moved to D.C. from around the country and around the globe as well as those whose families have lived here for many years. The infusion of different cultures and ideas enriches our daily lives and leads to a more vibrant community. Creating a welcoming and safe environment for our neighbors has always been, and will always remain, a top priority of our Commission.

In recent months, however, there has been a rise in inflammatory rhetoric, sometimes targeted at racial, ethnic, and religious minorities in our country as well as women, the LGBTQ community, and other groups of vulnerable populations. Even though the District has been largely spared from the broader effects of these trends, members of our community feel unease and trepidation with this troubling trend. It is our responsibility to let our neighbors know that their local government stands with them and will oppose hate- and fear-based discrimination and behavior in any way we can.

We as a Commission are welcoming of immigrants into our community, especially those who are fleeing their homelands to escape terror or oppression. We support people of all religious beliefs and non-believers alike. We feel that the racial diversity of the District is an emblem of pride. We are strengthened by the LGBTQ community and stand with them in their struggle for equality, just as we benefit immensely from the contributions of women as they fight to protect their rights. We want to serve people of all means to ensure that government works for everyone.

Our commitment to these bedrock principles is unshakable and guides us in the decisions we make as we serve our community. As we move forward over the coming weeks, months, and years, we urge you and the Council to demonstrate your similar commitment to standing for these values. It is our obligation to let our constituents and all residents of the District know that they have not been abandoned and that we are their constant allies.

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New Business



Thank you for your serious consideration to the concerns raised by our Commission.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



New Business



February XX, 2017

Ms. Hanseul Kang
District of Columbia Office of the State Superintendent of Education
810 First (1st) Street NE, Ninth Floor
Washington, DC 20002

Re: Request for Teacher Attrition Data

Dear Ms. Kang:

At a regularly scheduled and properly noticed meeting on February 9, 2017,¹ our Commission voted X-X-X (with 5 Commissioners required for a quorum), to request teacher attrition data for four Elementary Schools in our community.

The time period for which data is requested is School Year 2012/2013 through the present. Ideally, data will be provided through February 2017.

The following are the schools for which ANC 6A is requesting teacher attrition data:

Miner Elementary School

601 15th St NE,
Washington, DC 20002

Maury Elementary School

1250 Constitution Ave NE
Washington, DC 20002

Ludlow-Taylor Elementary School

659 G St NE,
Washington, DC 20002

Payne Elementary School

1445 C St SE, Washington,
Washington, DC 20003

The data provided will assist with budget preparation and other school issues. The Commission would greatly appreciate your prompt attention to this matter.

Thank you for your assistance in this matter.
On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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