



## District of Columbia Government Advisory Neighborhood Commission 6A Agenda for July 13, 2017



Second (2<sup>nd</sup>) Thursdays at 7:00 pm  
Capitol Hill Towers, 900 G St. NE (Photo ID required)  
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**  
Commander Morgan Kane, MPD First District  
Doug Klein, Community Prosecutor, U.S. Attorney's Office  
Brandon Johnson, Recreation Manager, Sherwood & Rosedale Recreation Centers  
HIPS Center for Health and Achievement
- 7:40 pm     **Officer Reports pg. 20**  
1. Approve Treasurer's Report  
2. Approve FY17 Third (3rd) Quarter Financial Report
- 7:43 pm     **Standing Committee Reports:**  
**Community Outreach pg. 22**  
1. No report. Committee did not meet in June 2017.  
2. Next meeting - 7:00 pm, July 24, 2017 (4th Monday)
- 7:44 pm     **Alcohol Beverage Licensing pg. 23**  
1. Approve June 2017 committee report.  
2. Next meeting - 7:00 pm, July 18, 2017 (3rd Tuesday)
- 7:45 pm     **Transportation and Public Space pg. 32**  
1. Approve June 2017 committee report.  
2. Next meeting - 7:00 pm, July 17, 2017 (3rd Monday)
- 7:47 pm     **Economic Development and Zoning pg. 35**  
1. Approve June 2017 committee report.
- Old Business
2. **Recommendation:** ANC6A send a letter of support to HPRB for approval of the creation of a small two (2) story addition at the rear court and the demolition of the existing garage at 210 Tenth (10th) Street NE, pending best efforts to receive letters of support from neighbors.
- New Business
3. **Recommendation:** ANC6A send a letter of support to BZA for the application by 1330 Maryland Avenue, NE (BZA #19549) for a special exception under Subtitle E § 205.5 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an



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existing one-family dwelling in the RF-1 Zone on the condition that best efforts are made to obtain letters of support from neighbors.

4. Next meeting - 7:00 pm, July 19, 2017 (3rd Wednesday)

8:10 pm     **New Business *pg. 38***

1. Letter to Councilmember Allen urging amendment to Historic Landmark and Historic District Protection Act of 1978 to add Emerald Street Historic District to Targeted Homeowner Grant Program
2. Multi-ANC Letter of Support to Reopen the Arboretum's Maryland Avenue Gate

8:25 pm     **Single Member District reports** (1 minute each)

8:35 pm     **Community Comments** (2 minutes each)

8:45 pm     **Adjourn**



## Advisory Neighborhood Commission 6A Meeting Minutes of June 8, 2017



### Advisory Neighborhood Commission (ANC) 6A Minutes Miner Elementary School June 8, 2017

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

The meeting convened at 7:00 pm.

The minutes for the ANC May 2017 meeting and the agenda for the June 2017 meeting were accepted without changes or objection.

#### Community Presentations

Jamie Henson, Manager, Systems Planning, DC Department of Transportation (DDOT)

Mr. Henson gave an update on the DC Streetcar operations. Mr. Henson indicated that ridership was approximately 5700 per mile and that an extension of the line east by 1.7 miles was pending the completion of an environmental study. Additional information on the status of DC Streetcar operations including the Union Station to Georgetown Streetcar Transportation Improvements Project and (USGT), and the Benning Road Extension Project can be found on the website at [www.dcstreetcar.com](http://www.dcstreetcar.com). Mr. Henson can be contacted at: [jamie.henson \[at\] dc.gov](mailto:jamie.henson@dc.gov).

Matthew Marcou, Associate Director of the Public Space Regulations Division (PSRD) DC Department of Transportation (DDOT)

Mr. Marcou spoke at length about DDOT's efforts to address the concerns of neighborhood residents regarding the traffic patterns around the recently opened Chick-Fil-A restaurant. Mr. Marcou indicated that DDOT was monitoring the traffic flow on a daily basis in an effort to improve the flow of traffic around the restaurant, and that DDOT was working with the Metropolitan Police Department (MPD) and the proprietor of the Chick-Fil-A restaurant in order to address traffic control problems on a real-time basis. Mr. Marcou further indicated that DDOT would keep ANC 6A current on the progress of the traffic flow monitoring operations. Mr. Marcou can be contacted at: [matthew.marcou \[at\] dc.gov](mailto:matthew.marcou@dc.gov).

#### Officer Reports

Chairman Phil Toomajian advised that the July 13, 2017 ANC 6A meeting will be held at 7:00 pm, the regularly scheduled time, at the Capitol Hill Towers, 900 G Street NE in the Community Room. Mr. Toomajian also advised that the Historic Preservation Review Board (HPRB) approved the Emerald Street application for a preservation designation, and that funding has been approved in the recent DC budget for the modernization of ANC6A DC Public Schools Maury Elementary School, Eliot-Hine Middle School, and School Within School at Goding. Mr. Toomajian relayed that the Maryland Avenue NE safety project design plans are now available at the ninety percent (90%) design level at <http://marylandavesafety.org/design-phase/>. Questions relating to the design plan can be forwarded to the DC Department of Transportation (DDOT) at [marylandave \[at\] jmt.com](mailto:marylandave@jmt.com), or to Mr. Mohamed Dahir at [Mohamed.dahir \[at\] dc.gov](mailto:Mohamed.dahir@dc.gov). Finally, Mr. Toomajian spoke of the pending departure of Commissioner Matt Levy, who will be relocating from DC to Atlanta, Georgia. Chairman Toomajian spoke of Commissioner Levy's untiring dedication to the constituents in his Single Member District (SMD), and of his exemplary service to ANC 6A.



## Advisory Neighborhood Commission 6A Meeting Minutes of June 8, 2017



### **Treasurer's Report**

Vice-Chair Mike Soderman delivered the Treasurer's Report as Commissioner Stephanie Zimny was unable to attend the June 8, 2017 meeting. The opening balance in the checking account was \$11,310.86, with a forwarding balance of \$10,179.16. There were disbursements of \$450.00 to Irene Dworakowski (Check 1791) for agenda/web master services; \$200.00 to Gail John (Check 1792) for May 2017 minutes; and \$150.00 to Stephen Kukoy (Check 1793) for web maintenance, leaving a balance of \$10,510.86 in the checking account and \$13,748.27, 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)**

No report. The COC committee did not meet in May 2017.

Next meeting - 7:00 pm, June 26, 2017 (4<sup>th</sup> Monday).

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

No report. The ABL Committee did not meet in May 2017.

**Motion:** Chairman Toomajian moved and Commissioner Soderman seconded the motion that ANC 6A authorize a protest of the substantial change request by the Elroy (1423 H Street NE; adding cover charge and dancing) if the ABL Committee votes to recommend a protest at its June 20th meeting. The motion passed (7-0).

**Motion:** Chairman Toomajian moved and Commissioner Levy seconded the motion that ANC 6A authorize a protest of the request for a new license by Dynamix Lounge (1220 H Street NE), if the ABL committee votes to recommend a protest at its June 20th meeting. The motion passed (7-0).

Next meeting - 7:00 pm, June 20, 2017 (3rd Tuesday)

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

The May 2017 TPS Committee report was accepted without objection.

**Motion:** The Committee moved and Commissioner Levy seconded the motion that ANC 6A send a letter to the office of Public Private Partnerships (OP3) supporting exploration of the feasibility of installation of 3000 Kelvin LED lights noting concern about higher intensity Kelvin lights and recommending the use of full shielding. The motion passed (7-0).

**Motion:** The Committee moved and Commissioner Patrick Malone seconded the motion that ANC 6A send a letter to the DC Department of Transportation (DDOT) requesting a traffic calming study for the 1200 through the 1500 blocks of C Street NE. The motion passed (7-0).

Next meeting - 7:00 pm, June 19, 2017 (3rd Monday)

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

The May 2017 EDZ Committee report was accepted without objection.

**Motion:** The Committee moved and Commissioner Soderman seconded the motion that ANC 6A send a letter to the DC Department of Consumer and Regulatory Affairs (DCRA) seeking guidance on marijuana



## Advisory Neighborhood Commission 6A Meeting Minutes of June 8, 2017



businesses operating in residential areas, and appealing DCRA's issuance of a business license and Home Use Permit for Puff, Pass & Paint.

ANC 6A Commissioners received comment from the proprietor of the aforementioned business and invited comment from neighborhood residents.

The motion passed (7-0).

**Motion:** The Committee moved and Commissioner Soderman seconded the motion that ANC 6A send a letter of support to the Board of Zoning Adjustment (BZA) for variances from the nonconforming structure requirements of subtitle C section 202.2 and the lot occupancy requirements of subtitle E section 204.1, to construct a rear addition on the first floor of a one-family dwelling RF-1 Zone at 520 Twelfth (12<sup>th</sup>) Street NE (BZA #19513) on the condition that the homeowners make their best efforts to obtain letters of support from the owners of 1127 Maryland Avenue NE. The motion passed (6-0).

**Motion:** The Committee moved and Commissioner Soderman seconded the motion that ANC 6A send a letter to the Historic Preservation Review Board (HPRB) for an interior renovation and two (2) story rear addition with a cellar at 1362 East Capitol Street NE (HP # 17-403) on the condition that the homeowners use best efforts to obtain a letter of support from 1360 and 1364 East Capitol Street NE. The motion passed (5-0).

Next meeting - 7:00 pm June 21, 2017 (3<sup>rd</sup> Wednesday).

### New Business

**Motion:** Chairman Toomajian moved and Commissioner Marie-Claire Brown seconded a motion that ANC 6A send a letter to the DC Council expressing support for completion of the full streetcar line. The motion passed (7-0).

**Motion:** Commissioner Sondra Phillips-Gilbert moved and Commissioner Toomajian seconded a motion that ANC 6A send a letter to DC Department of Small Local Business Development to request funding for Clean Team services along Benning Road NE. The motion passed (7-0).

### Single Member District Reports

Commissioner Malone (6A05) indicated that community residents should be urged to participate in the DC Private Security Camera Rebate Program.

Commissioner Brown (6A01) mentioned ongoing contact with the developers of the H Street Connection (Avec). Commissioner Brown also presented the Commissioner Levy with a card and parting gift on behalf of the ANC 6A Commissioners.

Commissioner Phillips Gilbert (6A07) advised of a scheduled Rosedale Community Town Hall Meeting on Public Safety on Tuesday, June 27, 2017 at 6:30 pm, at the Pilgrim AME Church, 612 17<sup>th</sup> Street NE, Washington DC 20002. Commissioner Phillips-Gilbert indicated that Metropolitan Police Department (MPD) Chief of Police Peter Newsham, Ward 6 Councilmember Charles Allen, and other law enforcement officials are scheduled to be present at the meeting. Commissioner Phillips-Gilbert also mentioned that there was an uptick in drug activity in certain areas of her district and that there was a need for funding for cleanup efforts along Benning Road NE.



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Chairman Toomajian (6A02) indicated that the resurfacing of the field at the Sherwood Recreation Center grounds is ongoing and that renovation of the Madison Building at 651 Tenth (10<sup>th</sup>) Street NE is complete.

Commissioner Soderman (6A03) suggested that neighborhood residents not currently participating in the DC Private Security Rebate Program should be urged to consider doing so; Commissioner Soderman also indicated that ANC 6A contact the DC Department of Transportation (DDOT) about the status of pending traffic calming requests. Commissioner Soderman also had words of support for the soon departing Commissioner Levy.

Commissioner Calvin Ward (6A08) advised that the last month's scheduled PSA meeting was well attended; that MPD patrols have improved; and that requested pet waste signs have been posted. Commissioner Ward relayed words of support for Commissioner Levy.

Commissioner Levy (6A04) indicated that traffic calming requests continue to be received and the need for better responsiveness from the DDOT; Commissioner Levy also mentioned that a new business, Capitol Candy Jar, is scheduled to open on Fifteenth (15<sup>th</sup>) Street and Constitution Avenue NE, at a date to be determined.

### **Community Comments**

Some community residents spoke about concerns regarding drug activity around the 700 block of Fifteenth (15) Street NE.

The meeting adjourned at 9:00 pm





## Commission Letters of June 8, 2017 Meeting



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



June 9, 2017

Mr. Seth MillerGabriel  
Director  
Office of Public-Private Partnerships  
1350 Pennsylvania Avenue, NW, Suite 533  
Washington, DC 20004

Re: Installation of LED street lights

Dear Mr. MillerGabriel:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on June 8, 2017, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to send this letter expressing our concerns over the installation of high-Kelvin Light-Emitting Diode (LED) street lights and support for your office's exploration into using lower, 3000-Kelvin lights and installing fully shielded light fixtures.

It has come to our attention that the Office of Public Private Partnerships (OP3) will manage a project to install LED street lights throughout the District of Columbia. We commend the District for taking on this extensive project that will greatly improve energy efficiency, reduce the District's carbon footprint and save taxpayer dollars. However, we are concerned about the impact that certain types of exceedingly bright LED lights may have on residents' health and well-being as well as on urban wildlife.

We understand that your office is currently evaluating the feasibility of using less harsh, 3000-Kelvin LED lights, and we would like to express our support for this change in the citywide plan. A number of organizations, including the American Medical Association and the Sierra Club, have raised concerns about the impacts of high-intensity ambient lighting on human sleep cycles, visibility and wildlife. The use of lower-Kelvin lighting would avoid an unnecessary negative impact on residents and save the district from a potential future replacement of higher-intensity light bulbs. We would also like to express support for ensuring all street light fixtures are shielded so as to keep ambient light from shining into residents' homes and disturbing airborne wildlife.

Finally, we have been informed that OP3 is considering installing high-Kelvin LED street lights along Massachusetts Avenue from Stanton Park to Lincoln Park. ANC 6A was not consulted regarding this decision, and given that lower-Kelvin lighting is not yet

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



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District of Columbia Government  
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Box 75115  
Washington, DC 20013



available, we urge your office to revisit and to consult with ANC 6A on any future installation within our boundaries.

Thank you for considering our concerns about this important matter for our community. Please do not hesitate to contact me at [philanc6a@gmail.com](mailto:philanc6a@gmail.com) to discuss this matter further.

On behalf of the Commission,

Phil Toomajian,  
Chair, Advisory Neighborhood Commission 6A





## Commission Letters of June 8, 2017 Meeting



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



June 9, 2017

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

Re: BZA Case No. 19513 (520 12<sup>th</sup> Street, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on June 8, 2017<sup>1</sup>, our Commission voted 6-0 (with 5 Commissioners required for a quorum) to support the request for the owners of 520 12<sup>th</sup> Street, NE. Specifically, the applicant seeks variances from the nonconforming structure requirements of Subtitle C § 202.2 and the lot occupancy requirements of Subtitle E § 304.1, to construct a rear addition on the first floor of a one-family dwelling in the RF-1 zone.

The nature of the property has examined different plans for renovating their home in order to accommodate their family. To renovate the property and be in conformance with exist lot occupancy regulations would pose a financial hardship on the owner, and make it impracticable for them to continue living at the property. Because of this hardship, ANC6A believes that a variance from lot occupancy and nonconforming structure requirements is warranted in this case.

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

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## Commission Letters of June 8, 2017 Meeting



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



June 9, 2017

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

Re: HPA-17-403 (1362 East Capitol Street, NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on June 8, 2017<sup>1</sup>, our Commission voted 6-0 (with 5 Commissioners required for a quorum) to support the design of the proposed two (2) story rear addition with a cellar in a historic district at 1362 East Capitol Street, NE.

The Commission supports the application because the design has taken measures to ensure that the addition is not visible from the street, and it will not disrupt the historic character of the neighborhood.

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

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## Commission Letters of June 8, 2017 Meeting



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



June 9, 2017

Ana Harvey  
Director, D.C. Department of Small Local Business Development  
441 4th Street, NW Suite 850N  
Washington, DC 20001

Dear Director Harvey:

At a regularly scheduled and properly noticed meeting on June 8, 2017<sup>1</sup>, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to request the D.C. Department of Small Local Business Development include Benning Road N.E. in Clean Team funding to allow for cleaning services in this part of our community. We understand from Anwar Saleem, Executive Director of H Street Main Street, that they responded to a FY-18 Request for Applications (RFA) to provide cleaning services from the Starburst Intersection of Benning Road, NE to Anacostia Road along Benning Road, NE and offer our support for that application.

H Street Main Street currently manages cleaning services along H Street NE, a 1.5-mile corridor, and services 50 feet of the residential streets off the corridor and along Bladensburg Road from Mt Olivet Road, NE to the Starburst Plaza. They have long provided jobs and training to those who are at-risk and have provided them with livable wages and would like to extend those same exact opportunities along the Benning Road service area where there is a great need for this service.

ANC6A strongly endorses and supports the extending of Clean Team services to the Benning Road Corridor and would appreciate its inclusion in DSLBD's plans for this year. The Benning Road Corridor has long been an underdeveloped but popular area for residents of Capitol Hill and Northeast DC. The corridor houses landmarks such as Kingsman Park, the Langston Golf Course, Hechinger Mall, and now the DC Streetcar and its facility, the DC Streetcar Car Barn Training Center. Unfortunately, it lacks adequate cleaning currently.

With the DC Streetcar now in daily operation, it has begun to attract more riders and tourists who patronize the businesses in the area, explore investment opportunities or become neighborhood residents in this area at the intersection of Wards 5, 6 and 7. With all of this in consideration, the Benning Road NE area needs consistent cleaning and landscaping services for everyone to enjoy these otherwise beautiful neighborhoods.

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H Street Main Street has been recognized across the United States and is committed to cleaning and landscaping as an essential component of this renewal and revitalization process and a symbol of an improved quality of life along Benning Road NE. Please join us in supporting the installation of Clean Team for Benning Road NE.

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Charles Allen, Ward 6  
Councilmember Vincent C. Gray, Ward 7  
Councilmember Kenyon McDuffie, Ward 5  
H Street Main Street



## Commission Letters of June 8, 2017 Meeting



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



June 9, 2017

The Hon. Phil Mendelson  
Chairman, Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W., Suite 504  
Washington, DC 20004

Re: Request to restore funding to ensure the success of the streetcar line

Dear Chairman Mendelson:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on June 8, 2017, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to send this letter asking you and your colleagues to restore the funding that the Mayor provided and that the Council's Transportation Committee unanimously recommended be included in the Budget to allow for the planning and completion of the eastern end of the H Street/Benning Road streetcar line east to the Minnesota Avenue metro station, and western end through downtown, as communicated in past unanimous votes of our Commission to the Council and the Mayor on a number of occasions. We ask that you replace the funding in the Budget that the Council is scheduled to review on Tuesday, so that you do not further disrupt the ongoing planning being done by DDOT and do not unnecessarily undermine the success of the streetcar and communities like ours that are counting on it.

Our Commission is extremely concerned about reports that you stripped funding from the budget at the last moment with no public notice, undermining the Administration's and the Council's longstanding commitment to ensuring the viability of this streetcar line via the extension through downtown. Given the investment the District has already made in establishing the H Street/Benning Road line, the demonstrated use of the service that far exceeds projected ridership estimates, and the tremendous growth that our neighborhood is experiencing, we ask that the Council restore its commitment to the completion of this important transportation project.<sup>2</sup> Simply put, our community and those to our east require improved public transportation and the streetcar is the best way to meet the needs of our growing neighborhoods.

The streetcar project has spurred a tremendous amount of investment along the H Street and Benning Road corridors and has given our community hope that the city is committed to initiatives that promote economic development and enhanced public transit options for our long-neglected and underserved part of the District.<sup>3</sup> In addition, our ANC and others nearby have welcomed much new residential

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<sup>2</sup> Incomplete reviews of pending development along the H Street and Benning Road corridors demonstrate that the need for additional public transportation here will grow dramatically over coming years, with already 1500 residential units scheduled to deliver soon.

[http://dc.urbanturf.com/articles/blog/1458\\_new\\_units\\_are\\_on\\_tap\\_for\\_the\\_h\\_street\\_corridor/10720](http://dc.urbanturf.com/articles/blog/1458_new_units_are_on_tap_for_the_h_street_corridor/10720)

<sup>3</sup> Recent estimates note over \$750 million in real estate investments made along the eastern portions of the H Street corridor due to the anticipated delivery of the streetcar in this otherwise transit challenged area.

<http://urbanplacesandspaces.blogspot.com/2015/12/dc-and-streetcars-4-from-standpoint-of.html>





## Commission Letters of June 8, 2017 Meeting



development, which brings with it a tremendous amount of population density and demands for residential parking and transportation, along the H Street corridor and surrounding areas with the understanding that the city's long-term vision is to provide a viable streetcar line for area residents. A reversal of the streetcar expansion plan undercuts many assumptions built into development plans for our community, would pose significant transportation issues for an already poorly served area for decades to come, and send a very poor message to our community.

Funding to complete the long planned eastern and western ends of the H Street/Benning Road streetcar line were included in the Mayor's draft budget and in the budget that unanimously was passed out of the Council's Transportation Committee. There is no evidence in the Council record that there was any dissent regarding the proposed funding that the Mayor and the Transportation Committee recommended for this project. Nonetheless, and with no notice to the public or the affected communities who rely on the streetcar to serve the ever growing demand for public transportation, it was unceremoniously stripped from the budget that the Council was presented to enact the night before the Council vote. Such lack of process and transparency undermines confidence in the Council's budget process and the well-reasoned committee-led consideration that the Council provides to matters of public importance and unnecessarily omits any opportunity for District residents and their locally elected representatives to be heard. Our Commission has previously voted unanimously to request that the Mayor and the Council complete the eastern and western ends of streetcar line and reiterates that request with our latest vote herein. We appreciate the leadership of the Council's representatives from Ward 6 and Ward 7 as well as the Transportation Committee Chair in working to ensure the success of the streetcar and we hope that we can count on your support as well.

We therefore urge you to keep the Council's commitment to the completion of this streetcar line and restore funding for it so it can serve as a viable form of transit for residents in our neighborhood and others throughout the District. Thank you for considering our concerns about this critical matter for our community and for your leadership. Please do not hesitate to contact me at [philanc6a@gmail.com](mailto:philanc6a@gmail.com) to discuss this matter further. We look forward to hearing from you and to working together to ensure the successful use of the streetcars in the District.

On behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

cc: Mayor Muriel Bowser  
Members of the D.C. Council  
ANC7C, ANC7D, ANC6C, ANC6E, AND5D, ANC2A, ANC2B, and ANC2F  
Director Leif Dormsjo, D.C. Department of Transportation



## Commission Letters of June 8, 2017 Meeting



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Advisory Neighborhood Commission 6A  
Box 75115  
Washington, DC 20013



June 9, 2017

Mr. Leif A. Dornsjo  
Director, District Department of Transportation  
55 M Street SE, Suite 400  
Washington, DC 20003

Re: Traffic calming petition for the 1200 to 1500 blocks of C Street NE

Dear Director Dornsjo:

At a regularly scheduled and properly noticed meeting<sup>1</sup> on June 8, 2017, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to support the above-referenced traffic calming petition (attached).

Our request is that the District Department of Transportation (DDOT) evaluate the excessive speed of traffic and dangerous driving coming off I-295 onto C Street, NE and continuing from the 1500 block through 1200 blocks. We believe that this stretch of road is dangerous for all residents who cross C Street. While we know that the C Street corridor project is focused on traffic from Twenty- First (21<sup>st</sup>) to Sixteenth (16<sup>th</sup>) Streets, NE, traffic continues in a dangerous fashion past that point, putting all pedestrians, cyclists, and especially children going to Maury Elementary, Eliot-Hines Middle School, Eastern Senior High School and other neighborhood schools, at extreme risk. ANC6A requests DDOT consider whether there are additional measures that can be taken to address issues on these block of C Street, NE as well.

Thank you for giving great weight to the recommendation of ANC 6A. Should you wish to discuss this letter with the Commission, please feel free to reach out to me or ANC 6A Transportation Committee Chair Todd Sloves.

On behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## Commission Letters of June 8, 2017 Meeting



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



June 29, 2017

Mr. Tarek Bolden, Program Analyst  
Department of Consumer and Regulatory Affairs, Zoning Enforcement  
1100 4th Street, SW,  
Washington DC 20024

Re: 453 Tennessee Avenue NE

Dear Mr. Bolden,

At a regularly scheduled and properly noticed meeting<sup>1</sup> on June 8, 2017, our Commission voted 7-0 (with 5 Commissioners required for a quorum) to request that DCRA revoke the license for and/or take enforcement action for violating its terms of use at the “Puff, Pass and Paint” (PP&P) business located at 453 Tennessee Avenue, NE.

As Mr. Brad Greenfield, the chairman of our Economic Development & Zoning Committee, mentioned to you on the phone, advertising material and observation reveals that this business appears to be violating several aspects of its Home Use Permit. Specifically, PP&P:

- Involves more than five participants in a “class”
- Sells tickets to as many as ten people at a time for the classes advertised on its website
- Advertises the use of marijuana
- Is a public nuisance to neighbors
- Causes noxious odors for neighbors
- Appears to be allowing patrons to bring and consumer alcohol without obtaining the necessary liquor license to do so

PP&P at 453 Tennessee Avenue is holding regular, advertised classes. This includes a class held every Saturday evening at 7:00 PM. We request that DCRA investigate the business and classes and take enforcement action if you find that they are in violation of DCRA regulations for a home use permit and activities allowable under the issued permit as reported here.

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

<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc6a@yahoogroups.com](mailto:anc6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



## Commission Letters of June 8, 2017 Meeting



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



On Behalf of the Commission,

A handwritten signature in blue ink, appearing to read "Phil Toomajian".

Phil Toomajian,  
Chair, Advisory Neighborhood Commission 6A

cc: Director Melinda Bolling  
Zoning Administrator Matt LeGrant  
Deputy Zoning Administrator Kathleen Beeton



## Commission Letters of June 8, 2017 Meeting



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



June 22, 2017

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

Re: ABRA-106194 (Dynamix Lounge, LLC), 1220 H Street NE

Dear Mr. Anderson,

Please be advised that at the June 8, 2017 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (7-0) to protest the license application of Dynamix Lounge, LLC, ABRA # 106194, unless Dynamix reached a settlement agreement with the ANC. This vote took place at the ANC's regular and publicly announced meeting.<sup>1</sup> The parties have subsequently reached the enclosed Settlement Agreement, and thus the ANC is submitting the Agreement in lieu of a protest.

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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<sup>1</sup> ANC 6A meetings are advertised electronically on [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



## Officer Reports - Treasurer



### ANC 6A Treasurer's Report June 2017

Period Covered 6/1/2017-6/30/2017

#### Checking Account:

Total Receipts			\$	10,179.16
Total Funds Available			\$	12,045.28
Disbursements:				
Irene Dworakowski (Agenda/Web Master June 2016)	CK#1794	\$	450.00	
Gail John (Note Taking June)	CK#1795	\$	200.00	
FedEx	CK#1796	\$	81.00	
Total Disbursements			\$	731.00
Ending Balance			\$	11,314.28

#### Savings Account:

Balance Forwarded			\$	13,748.24
Receipt Interest	06/16/17		\$	0.24
Deposit -				
Total Receipts			\$	0.24
Total Funds Available			\$	13,748.48
Disbursements			\$	-
Ending Balance			\$	13,748.48

#### PETTY CASH SUMMARY

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



## Officer Reports - Treasurer



### Quarterly Report - ANC 6A, 2017 Q3

Balance Forward \$13,967.28

#### Receipts

District Allotment \$3,413.67

Interest \$0.00

Other \$0.00

Transfer From Savings \$0.00

1. Personnel \$0.00

2. Direct Office Cost \$0.00

3. Communication \$0.00

4. Office Supplies, Equipment, Printing \$288.50

5. Grants \$1,520.24

6. Local Transportation \$0.00

7. Purchase of Service \$1,950.00

8. Bank Charges, Transfers and Petty Cash \$0.00

9. Other \$0.00

Total Disbursements \$3,758.74

**Ending Balance \$10,208.54**

Approval Date By Commission:

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

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

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

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

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



## **Committee Reports**

### Community Outreach Committee (COC)



No report. Committee did not meet in June 2017.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### Minutes

#### Alcoholic Beverage Licensing (ABL) Committee Advisory Neighborhood Commission (ANC) 6A June 20, 2017

Pursuant to notice duly given, a meeting of the Alcoholic Beverage Licensing Committee (“Committee”) of ANC 6A was held commencing at 7:00 pm on June 20, 2017 at Sherwood Recreation Center, 640 Tenth (10<sup>th</sup>) Street NE, Washington, DC 20002.

**Committee Members Present:** Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Mark Samburg, and Michael Herman.

**Committee Members Absent:** Roger Caruth, Justin Rzepka, and David Oberting.

**Commissioners Present:** None

**Community Members Present:** Malcolm Biles (Elroy); John Brown (Dynamix Lounge).

#### I. Call to Order

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

#### II. Community Comment

None.

#### III. Old Business

None.

#### IV. New Business

##### A. Discussion of request for change to entertainment endorsement filed by The Elroy Bar, LLC t/a The Elroy (1423 H Street NE) (ABRA License No. 096771).

- Mr. Malcolm Biles presented on behalf of The Elroy.
- Mr. Biles explained that The Elroy already had an entertainment endorsement, but at the time they forgot to add a specific endorsement for a cover charge. The establishment rarely charges a cover, but they wanted to have the option. The Alcoholic Beverage Regulation Administration (ABRA) had previously observed them charging a cover and gave a warning, explaining that they needed to update their endorsement.
- Mr. Biles also explained that they selected “dancing” on their application because ABRA suggested they do so just in case.
- Mr. Christopher Seagle explained that the ANC had already voted to authorize a protest, but that was more of a technicality due to the timing of the protest deadlines and when the ANC and ABL meetings took place. He explained that the Committee could determine that no action was necessary.
- Mr. Williams noted that there had been no complaints about The Elroy, and that typically the ANC has no objections to cover charges and/or dancing.

Mr. Mark Samburg moved/seconded by Mr. Williams, to recommend that the ANC take no action regarding the request by The Elroy to add a cover charge and dancing to its entertainment endorsement. The motion passed 4-0.





## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### B. Discussion of request for new CT license filed by Dynamix Lounge, LLC t/a Dynamix Lounge (1220 H Street NE) (ABRA License No. 106194).

- Mr. John Brown presented on behalf of Dynamix Lounge.
- Mr. Brown explained that he appreciates poetry, and is hoping that the establishment can have poetry and spoken word performers. There is not much room for dancing in the space, but ABRA suggested they select the “dancing” entertainment option just in case.
- Mr. Seagle asked if there was any outdoor space, or if any was planned. Mr. Brown said there is not, and none was planned - the property does not have any outdoor space.
- Mr. Brown explained that he is using one (1) floor of the building, and that the owner is hoping for some sort of restaurant in the upstairs floors.
- Mr. Williams asked if there were plans for a kitchen and dining. Mr. Brown responded that there is not much space for food, but they were looking into a greaseless fryer.
- Mr. Seagle asked what the total space was, and Mr. Brown explained it is 944 square feet.
- Mr. Williams asked if the establishment planned to have a cover charge for performances. Mr. Brown said that that could happen on occasion, depending on the performer’s requirements.
- Mr. Brown described the menu as focusing on cocktails, specialty drinks, wine, and bottled beer.
- Mr. Williams asked when the establishment planned to open. Mr. Brown stated that they are hoping to be open by H Street Festival in the Fall, but the opening may push to November depending on permit issues. Mr. Williams suggested that even if not open by H Street Festival, they plan to have a presence there, and Mr. Brown agreed that was a good idea.
- Mr. Samburg asked for details on the sound system to be used. Mr. Brown said he did not plan for much, mostly along the lines of what a home surround sound system would have.
- Mr. Seagle asked if there were plans for entertainment other than poetry and spoken word. Mr. Brown stated there is not room for much, but he may have smaller, two (2) person musical acts on occasion.
- Mr. Williams asked Mr. Brown if he had reviewed the standard 6A settlement agreement. Mr. Brown said he had, and he had no objections to signing one.

Mr. Williams moved/seconded by Mr. Seagle, that the ANC protest the license application by Dynamix Lounge unless a signed settlement agreement was submitted prior to the protest date. The motion passed 4-0.

#### V. Adjourn

The Committee adjourned at 7:40 pm.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



#### THE DISTRICT OF COLUMBIA ALCOHOLIC BEVERAGE CONTROL BOARD

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**In the Matter of:**

Dynamix Lounge, LLC  
t/a Dynamix Lounge

Applicant for a New  
Retailer's Class CT License

at premises  
1220 H Street, N.E.  
Washington, D.C. 20002

---

License No.: ABRA-106194  
Order No.: 2017-376

Dynamix Lounge, LLC, t/a Dynamix Lounge (Applicant)

Jay Williams, Co-Chair, Advisory Neighborhood Commission (ANC) 6A

**BEFORE:** Donovan Anderson, Chairperson  
Nick Alberti, Member  
Mike Silverstein, Member  
James Short, Member  
Jake Perry, Member  
Donald Isaac, Sr., Member

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#### ORDER ON SETTLEMENT AGREEMENT

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The official records of the Alcoholic Beverage Control Board (Board) reflect that Dynamix Lounge, LLC, t/a Dynamix Lounge, Applicant for a new Retailer's Class CT License, located at 1220 H Street, N.E., Washington, D.C., and ANC 6A have entered into a Settlement Agreement (Agreement), dated June 20, 2017, that governs the operation of the Applicant's establishment.

The Agreement has been reduced to writing and has been properly executed and filed with the Board. The Applicant and Co-Chair Jay Williams, on behalf of ANC 6A, are signatories to the Agreement.



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Accordingly, it is this 28th day of June, 2017, **ORDERED** that:

1. The above-referenced Settlement Agreement submitted by the parties to govern the operations of the Applicant's establishment is **APPROVED** and **INCORPORATED** as part of this Order; and
2. Copies of this Order shall be sent to the Applicant and ANC 6A.

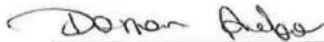


## Committee Reports


### Alcohol Beverage and Licensing (ABL)

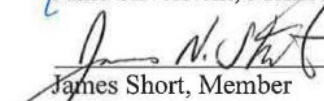


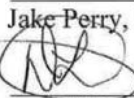
District of Columbia  
Alcoholic Beverage Control Board

  
Donovan Anderson, Chairperson

  
Nick Alberti, Member

  
Mike Silverstein, Member

  
James Short, Member

Jake Perry, Member  
  
Donald Isaac, Sr., Member

Pursuant to D.C. Official Code § 25-433(d)(1), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, 2000 14<sup>th</sup> Street, N.W., Suite 400S, Washington, DC 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code §2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 430 E Street, N.W., Washington, D.C. 20001; (202/879-1010). However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR §1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



Made this 20<sup>th</sup> day of June, 2017

by and between

**Dynamix Lounge**  
1220 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 Dynamix Lounge and ANC6A

Page 1 of 4





## Committee Reports

### Alcohol Beverage and Licensing (ABL)



properly and remain fully closed except when trash or garbage is being added or removed.

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

#### 2. Business Operations and Practices.

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

Settlement Agreement between Dynamix Lounge and ANC6A

Page 2 of 4



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



- k. Applicant will utilize and maintain high-intensity floodlights on the exterior of its premises so as to fully light any abutting alleyway from dusk until dawn.
  - l. Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.
3. **Music / Dancing / Entertainment.**
- a. Applicant agrees to ensure that sounds originating from within the establishment are mitigated by installing adequate soundproofing.
  - b. No sound, noise, music, or voices emanating from the licensed establishment shall be of such intensity that it may be heard in any premises other than the licensed establishment. This restriction does not apply to: (1) sound, noise, music, or voices heard in any premises which are located within a C-1, C-2, C-3, C-4, C-M, or M zone, as defined in the zoning regulations for the District, and (2) sound, noise, music, or voices occasioned by the normal opening of entrance and exit doors for the purpose of ingress and egress.
  - c. In order to mitigate noise on a sidewalk café or summer garden the following steps will be taken:
    - i. Applicant shall not offer any type of entertainment or pre-recorded music on the summer garden and/or sidewalk café;
    - ii. A fence or other barrier will enclose the entire perimeter;
    - iii. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
    - iv. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
    - v. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
  - d. The hours of operation for a sidewalk café and/or summer garden are limited until 11:00 pm Sunday through Thursday evenings and 12:00 am on Friday and Saturday evenings. The sale and consumption of alcoholic beverages must end at that time and the patio must be cleared of all patrons and staff.
  - e. Applicant may offer facilities for dancing for patrons only with an entertainment endorsement and may have recorded and background music without an entertainment endorsement. "Entertainment" means live music or any other live performance by an actual person, including live bands, karaoke, comedy shows, poetry readings, and disc jockeys. The term "entertainment" shall not include the operation of a jukebox, a television, a radio, or other prerecorded music.
  - f. All CT license holders with an entertainment endorsement must have an ABRA-accepted security plan in place.
4. **Cooperation with ANC 6A.** Applicant agrees to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair of the ABL Committee, and other Commissioners whose SMDs are adjacent to the location of the establishment.
5. **Modifications.** This Agreement may be modified and such modification implemented by Applicant only by mutual agreement of the parties and the subsequent approval of the modification by the ABC Board pursuant to DC Official Code Code § 25-446 or as required by District law.
6. **Miscellaneous.**
- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
  - b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only.

Settlement Agreement between Dynamix Lounge and ANC6A

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## Committee Reports

### Alcohol Beverage and Licensing (ABL)



ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.

#### 7. Enforcement.

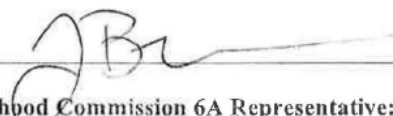
- a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees may immediately notify the Applicant and/or file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.
- b. This Settlement Agreement is binding on Applicant and will continue in force for any and all subsequent license holders at this location.

#### In Witness Whereof

The parties have affixed hereto their hands and seals.

#### Applicant:

By: John Brown Date: 6-20-17

Signature: 

#### Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 6/20/17

Signature: 



## Committee Reports

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



#### MINUTES

ANC 6A Transportation & Public Space (T&PS) Committee Meeting  
Capitol Hill Towers, 900 G Street NE  
June 19, 2017 at 7:00 pm

- I. Meeting called to order at 7:06 pm.
- II. Introductions
  - A. Committee members in attendance: Co-chair Todd Sloves, Jeff Fletcher, Elizabeth Nelson and Lara Levison.
  - B. District Department of Transportation (DDOT) representatives: Mohammad Dahir; contractor, JMT representatives: Nick, James Schafer and Jay Smith.
- III. Announcements
  - A. There will be a meeting on June 28, 2017 for the C Street NE rehabilitation project presenting the thirty percent (30%) designs for the project at the Rosedale Community Center at 1701 Gales Street NE from 6:00 to 8:00 pm.
- IV. Community Comment - none
- V. New Business
  - A. Presentation by DDOT officials of the ninety percent (90%) designs for Maryland Avenue NE redesign project.
    - i. Nick: The website for the project is [www.marylandavesafety.org](http://www.marylandavesafety.org). The ninety percent (90%) plans were submitted in April 2017 and are posted on the website. They are working to revise the plans based on comments and get to 100% in July 2017. They addressed a lot of the community comments back when the thirty percent (30%) design was presented.
    - ii. DDOT projected the plans on a screen for the committee and attendees to review, starting at Maryland Avenue and Third (3<sup>rd</sup>) Streets NE. ANC6A starts at Eighth (8<sup>th</sup>) Street NE. We went through the project section by section.
    - iii. The plan shows lane markings, landscaping, bulb-outs, bus stops, bike lanes, etc. This is a “complete streets” project; it is designed to accommodate all users, as well as automobiles.
    - iv. Some neighbors expressed concern about maintaining the new grass strips to be added on some blocks in between the curb and the sidewalk. Residents are responsible for maintaining these. DDOT argued the green space will better support trees. At a minimum, the brick sidewalk must be six (6) feet wide, but will generally be eight (8) feet wide. Members of the committee noted that DDOT should consider lower-maintenance groundcover, like liriopse or monkey grass, rather than grass. Committee members also suggested that adjacent homeowners should be notified that they are responsible for maintenance. Others said added green space would be better for the environment.
    - v. Co-chair Todd Sloves stressed the need to adjust signaling at the corner of Maryland Avenue, Fourth (4<sup>th</sup>), and C Streets (southwest corner of Stanton Park). Traffic has the green approaching the park from Maryland Avenue, as well as turning around the park



## Committee Reports

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



from Fourth (4<sup>th</sup>) Street onto C Street. Drivers are generally trying to get onto the opposite sides of the four (4) lane road, causing them to cross each other's paths. It is dangerous.

- vi. Seventh (7<sup>th</sup>) Street and Maryland Avenue will have a bio retention facility for storm water retention. Plantings help metabolize the nutrients. The curb line is bumped out in front of the library for this.
- vii. Bus stops will remain on the near side of the intersection at Eighth (8<sup>th</sup>) Street, Eleventh (11<sup>th</sup>) Street and Thirteenth (13<sup>th</sup>) Street, as the community requested. There will be concrete pads for the buses at the bus stops.
- viii. Under the new plan, there are dedicated left turn lanes throughout the corridor, which will eliminate a lot of backup of traffic. Some locations may have turn signals. Co-chair Sloves recommended a turn signal at Eighth (8<sup>th</sup>) Street. The queuing space for turn lane is based on traffic studies from a few years ago; the Committee recommended some adjustments based on knowledge of the area.
- ix. One resident raised a concern that cars and bikes will be pulling around stopped buses. Buses pull in at an angle so that their ends stick out in traffic. DDOT said the parking lane plus the bike lane should be wide enough to accommodate this, and that in most areas buses will have enough space to pull into the stop. They said the total of thirteen (13) feet width is wider than buses currently have. The standard bus pad width is eleven to twelve (11-12) feet, but DDOT widened it so there would not be a joint in the bike path. They also noted that the no parking zone for the bus stop is longer than the pad. The pad (indicated on the map) is just for where the bus sits once it is stopped.
- x. Ninth (9<sup>th</sup>) Street: The plaza areas on the ends of E Street will be created with impervious pavers, raised up to sidewalk level, retain the view shed per the State Historic Preservation Office request. There will be plantings on the side but not in the areas that are currently asphalt.
- xi. Mr. Sloves raised a concern regarding confusing signals since the intersection was redesigned. The green lights are off-timed. People do not know when the other side is going to approach them if they are making a left turn. It is almost as if the green lights were designed for there to be left turn signals before and after the green, but there is not one. One green light starts 10 seconds before the other side gets a green light. DDOT responded that there will be totally new signals throughout the corridor, but Mr. Sloves stressed that the issue needs to be fixed now.
- xii. Tenth (10<sup>th</sup>) Street: E Street will be closed off next to Maryland Avenue as currently done with plastic ballasts. The bikeshare will be relocated. Neighbors and committee members stressed that they want it to be kept nearby if not at the same intersection. There are no other bike share stations close by. It is at this location at the community's and ANC's request. Comment: They could reduce the turn lane from Maryland Avenue onto Tenth (10<sup>th</sup>) Street.
- xiii. Eleventh (11<sup>th</sup>) Street: A resident requested laying sidewalk brick to replace the concrete area around the junction boxes.
- xiv. Eliot Street: Residents requested a crosswalk at Eliot Street and Maryland Avenue. DDOT responded that they do not want to encourage people to cross where there is no crosswalk since it is a busy street, but residents replied that the distance between the nearest crosswalks is too far; people will cross at Eliot Street anyway. DDOT said there needs to be more than a crosswalk to make it safe, so residents suggested putting signs like those currently at Seventh (7<sup>th</sup>) Street.



## Committee Reports

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



- xv. G & Fourteenth (14<sup>th</sup>) Streets (Chick-Fil-A location): No good solution here. G Street is not part of the study area. Fourteenth (14<sup>th</sup>) Street is the end of the project. Mr. Sloves asked that they coordinate with the planners for the area around G Street. One resident noted that DDOT needs to put parking signage back on Fourteenth (14<sup>th</sup>) Street, between Maryland Avenue and H Street. Parking signs were removed when the corner was developed and now it is a free-for-all. Others stressed that DDOT should put a left turn pocket on Maryland Avenue for those turning south onto Fourteenth (14<sup>th</sup>) Street, otherwise it will cause issues as cars merge into one (1) lane. DDOT said they will check to see if there is enough transition room.
- xvi. The process going forward is to finish the 100% design in about a month: then the project goes out for bid. Construction will start in early 2018, probably in March. Construction will be done block by block, one side of the block at a time, for an estimated two (2) years of construction. DDOT's Urban Forestry Division will determine what plantings to put in.

#### VI. Additional Community Comment

- A. Regarding plans to redesign Florida Avenue NE (Florida Avenue project): One resident expressed concerns that there have not been any ANC meetings on the final design. It did not incorporate the community's requests for a specific section. Seventy percent (70%) of the community wanted a road diet between West Virginia Avenue and the Starburst intersection, but the city did not make any changes. DDOT said the project is at thirty percent (30%) design and that there will be opportunity for comment on that. Mr. Sloves complained that he has not been able to get anyone from DDOT to the T&PS meetings to talk about the Florida Avenue plan despite multiple requests for months. The Committee needs someone from DDOT to come and give an update on the Florida Avenue project with a block-by-block opportunity for input, similar to how Maryland Avenue has been addressed. Mr. Sloves said he will again request someone attend the July 2017 Committee meeting for this purpose.

#### VII. Meeting adjourned at 8:35 pm.



## Committee Reports Economic Development and Zoning Committee



### Report of the Economic Development and Zoning (ED&Z) Committee of the Advisory Neighborhood Commission (ANC) 6A Sherwood Recreation Center, 640 Tenth (10th) Street NE June 21, 2017

The meeting convened at 7:00 pm.

Members: Michael Hoenig, Jake Joyce  
Commissioners: Mike Soderman; Stephanie Zimny  
Commissioner Stephanie Zimny chaired the meeting.

**Community Comment:** There were no community comments at the beginning of the meeting.

#### **New Business**

1330 Maryland Avenue, NE (BZA #19549): Request for special exception under Subtitle E § 205.5 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone.

Applicant is pushing back house sixteen feet (16'), adding a basement for rental property, and adding two (2) bedrooms and a family room.

- Will use metal siding
- Current occupancy is 72% and is decreasing to 69.5%
- Applicant is removing the roof deck and shed and replacing the deck.
- No light or air impact on neighbors.
- Applicant will open up the interior courtyard, but not cover the courtyard.
- No letters of support from neighbors yet but applicant does not see an issue with getting support.
- A neighbor at 1328 Maryland Avenue NE extends further back than this proposed addition.

Ms. Zimny made a motion that ANC6A send a letter of support to BZA for the application by 1330 Maryland Avenue, NE (BZA #19549) for a special exception under Subtitle E § 205.5 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone on the condition that best efforts are made to obtain letters of support from neighbors.

Mike Hoenig seconded the motion and the vote was 4-0 in favor.

Meeting was adjourned at 7:30 pm.

**Next Scheduled ED&Z Committee Meeting:**  
**Wednesday, July 19, 2017**  
**7:00 -9:00 pm**  
**640 Tenth (10th) Street NE**  
**Sherwood Recreation Center, Second (2<sup>nd</sup>) Floor**



## Committee Reports Economic Development and Zoning Committee



July XX, 2017

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

Re: HPA-296 (210 10<sup>th</sup> Street, NE)

Dear Ms. Heath,

At a regularly scheduled and properly noticed meeting on July 13, 2017<sup>1</sup>, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the design of the proposed rear addition and demolition of an existing garage at 210 10<sup>th</sup> Street, NE. The design has taken measures to ensure that the addition is not visible from the street, and it will not disrupt the historic character of the neighborhood.

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

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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<sup>1</sup> ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



## Committee Reports Economic Development and Zoning Committee



July XX, 2017

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

Re: BZA Case No. 19549 (1330 Maryland Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting on July 13, 2017<sup>1</sup>, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the request by the owners of 1330 Maryland Avenue, NE. Specifically, the applicant seeks a special exception under Subtitle E § 205.5 from the rear yard requirements of Subtitle E § 205.4, and under Subtitle E § 5201 from the lot occupancy requirements of Subtitle E § 304.1 and the nonconforming structure requirements of Subtitle C § 202, to construct a two-story rear addition to an existing one-family dwelling in the RF-1 Zone. The ANC supports the plans on condition that best efforts are made to obtain letters of support from neighbors.

Please be advised that Stephanie Zimny and I are authorized to act on behalf of ANC 6A for the purposes of this case. I can be contacted at [philanc6a@gmail.com](mailto:philanc6a@gmail.com) and Ms. Zimny can be contacted at [stephaniezimnyANC6A@gmail.com](mailto:stephaniezimnyANC6A@gmail.com).

On Behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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## New Business



July XX, 2017

Councilmember Charles Allen  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW  
Washington, D.C. 20004

Re: Request to Add Emerald Street Historic District to D.C. Law 2-144, Historic Landmark and Historic District Protection Act of 1978, Section 11b. Targeted Homeowner Grant Program

Dear Councilmember Allen:

At a regularly scheduled and properly noticed meeting on July 13, 2017<sup>1</sup>, our Commission voted **X-X** (with 5 Commissioners required for a quorum) to request the Emerald Street Historic District be added to D.C. Law 2-144, Historic Landmark and Historic District Protection Act of 1978, § 6-1110.02. Targeted Homeowner Grant Program (effective March 2, 2007). This grant program assists qualifying homeowners with rehabilitating their historic property.

On May 25, 2017, the Historic Preservation Review Board approved the application (which ANC 6A supported) for the Emerald Street Historic District. Unfortunately, because of the way the old legislation is written, Emerald Street homeowners are not automatically eligible for the Historic Preservation Targeted Homeowner Grant Program.

A preliminary review of economic data from the census bureau by staff in the Historic Preservation Office indicates that about 1 out of 3 households in the Emerald Street Historic District could qualify for grants based on income and ownership status (renters or high-income households not eligible for these grants). As you know, Emerald Street Historic District sits in close proximity to the Capitol Hill Historic District, which is included in the act along with a number of other Historic Districts in the District of Columbia.

Thank you for giving great weight to the request of ANC 6A in this matter. If you have any questions, please do not hesitate to contact me at [philanc6a@gmail.com](mailto:philanc6a@gmail.com) or Commissioner Stephanie Zimny at [stephaniezimnyANC6A@gmail.com](mailto:stephaniezimnyANC6A@gmail.com).

On behalf of the Commission,

Phil Toomajian  
Chair, Advisory Neighborhood Commission 6A

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<sup>1</sup>. ANC 6A meetings are advertised electronically on the [anc6a-announce@yahoogroups.com](mailto:anc6a-announce@yahoogroups.com), [anc-6a@yahoogroups.com](mailto:anc-6a@yahoogroups.com), and [newhilleast@yahoogroups.com](mailto:newhilleast@yahoogroups.com), at [www.anc6a.org](http://www.anc6a.org), and through print advertisements in the Hill Rag.



District of Columbia Office of Planning



Updated: 4/13/17

### THE HISTORIC HOMEOWNER GRANT PROGRAM

A District of Columbia government program to financially assist homeowners with the preservation of their historic residence

#### FREQUENTLY ASKED QUESTIONS (FAQs)

What is the Historic Homeowners Grant Program?...The program is a financial aid to help qualified homeowners pay for repairs that restore or rehabilitate their historic house.

Who is eligible for the grant?...Owners of owner-occupied residential properties in one of the twelve targeted historic districts (Anacostia, Blagden Alley, Capitol Hill, Fourteenth Street, U Street, LeDroit Park, Mount Pleasant, Mount Vernon Square, Mount Vernon Triangle, Shaw, Strivers' Section, and Takoma Park). The house must contribute to the historic character of a district by virtue of its age and characteristics. For example, a house built in 1980 would not qualify because it is not old enough to contribute to the character of a historic district. If you are unsure if your property contributes to a historic district, please contact HPO. Condominiums and co-operatives are not eligible.

What can the grant be used for?...The grant may be used for repair, restoration or replacement of exterior features, such as walls and siding, windows, doors, roofs, cornices, porches, and front steps. While any exterior work may be proposed, preference will be given for work that is visible from public streets, makes a significant difference in the appearance of the house, and which retains original historic features and materials. Work can include the restoration of missing historic building elements, such as a porch that was once on a house but is now no longer there, restoration or replacement of windows and doors, removal of non-original siding, painting, etc. The grant can also be used to make significant structural repairs, such as rebuilding a collapsed floor or repairing a failed foundation.

What can't the grant be used for?...Heating, air conditioning, plumbing, insulation, solar panels, new additions, and stable cracks due to normal settling, etc. are not eligible under this program. If you are unsure whether work would be eligible, you may discuss it with the HPO staff or submit a Part I application for a determination.

How much are the grants?...The maximum grant allowable is \$25,000 per household, except in Anacostia where the maximum grant is \$35,000. A household may have only one application under consideration at any one time.

What is the Homestead Deduction requirement?...A grantee must be receiving a Homestead Deduction for property taxes in the District of Columbia at the time the grant is issued. Homestead Deductions are only available to people who own and occupy a primary residence in the District. This means that if you rent your residence, or live outside the District, you are not eligible for this grant. Please note the following example is allowable: You receive the Homestead Deduction on your current residence, you use the grant on a second house you own or just purchased, within 60 days of completion of the restoration, you move in and transfer the Homestead Deduction to your new home.

Is there an income limit for grant recipients?...Yes. Grants may only be awarded to low- and moderate-income households, as defined by the U.S. Department of Housing and Urban Development. The number of people in the household and the total Gross Income earned in the most recently completed tax year from all sources (salary,

1100 4th Street SW, Suite E650, Washington, DC 20024 voice 202.442.7600 fax 202.442.7638





## New Business



rental income, business income, alimony, Social Security, pensions, etc.) are taken into account. For example, a household of four that earned \$125,000 last year would be eligible, but ineligible if annual income was \$135,000. By comparison, a household of one who earned \$85,000 would be eligible, but ineligible if \$125,000 was earned. A table of current eligible incomes can be accessed at the [Historic Homeowners Grant Webpage](#). Ownership and income verification will be conducted by the DC Office of Tax and Revenue.

Are homeowners required to contribute some of their own money to a preservation project?... Only some homeowners will need to contribute a portion of their own money. This contribution is called a *match*. Based on household size and income, applicants will fall into one of three categories. Homeowners in the first category will not need to provide a match. Owners in the middle category must pay 25% (15% in Anacostia) of project costs. Owners in the third category must pay 50% (40% in Anacostia) of project costs.

Is the grant taxable as income?...No. The Internal Revenue Service has officially notified the Office of Planning that the grants--under the General Welfare Exclusion doctrine--are not taxable as income. Locally, the enabling law for the grant has been amended to make the grants not taxable for the purposes of DC income.

Can the grant go towards projects already started or finished?...No. The grant is not retroactive. Work that has already started or completed is not eligible.

What is the application process?...There are two parts to the application. Part I is very short and will help homeowners determine quickly if they are eligible for the grant. Applicants should provide a few photographs of the property and describe what they would like to use the grant for. HPO staff will provide written comments to the homeowner about the strengths and weaknesses of their application, along with specific requirements necessary to make the project compatible with the historic district. The homeowner will use these comments to prepare the Part II application.

What will be required in the Part II application?... The Part II application is more substantial and will require more work by the homeowner. The biggest task in Part II will be securing bids from contractors which will establish the price of the preservation work and value of the grant. Homeowners must provide three itemized bids from contractors.

How will grants be awarded?...A selection committee of DC officials and private historic preservation experts appointed by the Director of the Office of Planning and Chairman of the Historic Preservation Review Board will review all Part II applications. The criteria used by the committee shall include, in part, urgency of preservation needs of the property, importance of property to the historic district, consistency with preservation standards and guidelines, impact of the project on the historic district, relevance to DC planning goals and priorities, and equitable geographic distribution.

Are there any obligations for the homeowner to receive the grant?...Yes, the homeowner will enter into a covenant with the District of Columbia that requires that anything built with the grant remain in place and in good repair for at least 5 years. If an owner reverses or removes a project, the District of Columbia can take back the grant money by placing a lien on the property. This obligation and covenant moves with the property if it is sold. Any new owner would be subject to the covenant.

How long will the application process take?...The application, review, and certification process -- from the Part I deadline to start of construction -- will take approximately 6-8 months. This timeline should be kept in mind when planning your project and obtaining bids from contractors.

How do I obtain further information?...Call HPO at 202-442-8818 or email [Brendan.meyer@dc.gov](mailto:Brendan.meyer@dc.gov)



## New Business



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
HISTORIC PRESERVATION OFFICE



### Historic Homeowner Grant Program Eligibility and Match Requirements For tax year 2016 ONLY

When submitting income information on the grant application, use the most recent tax year filed.  
All amounts are Gross income amounts (non-adjusted)

Number of Persons in Household in 2016	Income Category and Match Requirements			
	<b>Category 1:</b> 0% match required	<b>Category 2:</b> 25% match required unless Anacostia, then 15% match required	<b>Category 3:</b> 50% match required unless Anacostia, then 40% match required	NOT ELIGIBLE
	Eligible	Eligible	Eligible	
1	\$45,612 or below	between \$45,613 and \$68,418	between \$68,419 and \$91,224	\$91,225 and above
2	\$52,128 or below	between \$52,129 and \$78,192	between \$78,193 and \$104,256	\$104,257 and above
3	\$58,644 or below	between \$58,645 and \$87,966	between \$87,967 and \$117,288	\$117,289 and above
4	\$65,160 or below	between \$65,161 and \$97,740	between \$97,741 and \$130,320	\$130,321 and above
5	\$71,676 or below	between \$71,677 and \$107,514	between \$107,515 and \$143,352	\$143,353 and above
6	\$78,192 or below	between \$78,193 and \$117,288	between \$117,289 and \$156,384	\$156,385 and above
7	\$84,708 or below	between \$84,709 and \$127,062	between \$127,063 and \$169,416	\$169,417 and above
8 *	\$91,224 or below	between \$91,225 and \$136,836	between \$136,837 and \$182,448	\$182,449 and above

\* For households more than 8, contact the DC Historic Preservation Office (202-741-5248) for eligibility levels

All amounts are based on the 2016 area median income for a household of 4 persons in the Washington Metropolitan Statistical Area, which is . . . . . \$108,600.00 gross

This figure is periodically calculated by the U.S. Department of Housing & Urban Development, and is subject to future recalculations.



### Historic Landmark and Historic District Protection Act of 1978

(D.C. Law 2-144, as amended through October 1, 2016)

*Note: This unofficial version is for the convenience of the user, and is not intended to substitute for the D.C. Official Code*

#### AN ACT

#### IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To provide protection for historic landmarks and historic districts in the District of Columbia

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the *Historic Landmark and Historic District Protection Act of 1978*.

#### Section 2. Purposes. (D.C. Official Code § 6-1101)

(a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural and aesthetic merit are in the interests of the health, prosperity and welfare of the people of the District of Columbia. Therefore, this act is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of improvements and landscape features of landmarks and districts which represent distinctive elements of the city's cultural, social, economic, political and architectural history;
- (2) Safeguard the city's historic, aesthetic and cultural heritage, as embodied and reflected in such landmarks and districts;
- (3) Foster civic pride in the accomplishments of the past;
- (4) Protect and enhance the city's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of landmarks and historic districts for the education, pleasure and welfare of the people of the District of Columbia.

(b) It is further declared that the purposes of this act are:

- (1) With respect to properties in historic districts:
  - (A) To retain and enhance those properties which contribute to the character of the historic district and to encourage their adaptation for current use;
  - (B) To assure that alterations of existing structures are compatible with the character of the historic district; and
  - (C) To assure that new construction and subdivision of lots in an historic district are compatible with the character of the historic district;
- (2) With respect to historic landmarks:
  - (A) To retain and enhance historic landmarks in the District of Columbia and to encourage their adaptation for current use; and
  - (B) To encourage the restoration of historic landmarks.
- (3) With respect to archaeological sites designated as historic landmarks or contributing properties within historic districts:
  - (A) To protect historic and prehistoric archaeological sites from irreparable loss or destruction; and
  - (B) To encourage the retrieval of archaeological information and artifacts when the destruction of an archaeological site is necessary in the public interest.

*(Note: Paragraph 3 was added by D.C. Law 16-185 on November 16, 2006)*

#### Section 3. Definitions. (D.C. Official Code § 6-1102)

(a) For the purposes of this act the term:

- (1) *Alter* or *alteration* means:





- (A) A change in the exterior appearance of a building or structure or its site, not covered by the definition of demolition, for which a permit is required;
- (B) A change in any interior space that has been specifically designated as an historic landmark;
- (C) The painting of unpainted masonry on a historic landmark or on a façade restored as a condition of a permit approved pursuant to this act; or
- (D) Excavation or action disturbing the ground at an archaeological site listed in the District of Columbia Inventory of Historic Sites or an archaeological site identified as a contributing feature in the designation of a historic landmark or historic district.

*(Note: Paragraphs C and D were added by D.C. Law 16-185 on November 16, 2006)*

(1A)

(A) *Area median income* means:

- (i) For a household of 4 persons, the area median income for a household of 4 persons in the Washington Metropolitan Statistical Area as set forth in the periodic calculation provided by the United States Department of Housing and Urban Development;
- (ii) For a household of 3 persons, 90% of the area median income for a household of 4 persons;
- (iii) For a household of 2 persons, 80% of the area median income for a household of 4 persons;
- (iv) For a household of one person, 70% of the area median income for a household of 4 persons; and
- (v) For a household of more than 4 persons, the area median income for a household of 4 persons, increased by 10% of the area median income for a family of 4 persons for each household member exceeding 4 persons;

(B) Any percentage referenced in paragraph (1) of this subsection shall be determined through a direct mathematical calculation not taking into account any adjustments made by the U.S. Department of Housing and Urban Development for the purposes of the programs it administers. *(Note: Section 1A was added by D.C. Law 16-189, effective March 2, 2007)*

(2) *Commission of Fine Arts* means the United States Commission of Fine Arts established pursuant to the Act of May 17, 1910 (40 U.S.C. 104).

(3) *Demolish* or *demolition* means the razing or destruction, entirely or in significant part, of a building or structure, and includes the removal or destruction of any facade of a building or structure.

(3A) *Demolition by neglect* means neglect in maintaining, repairing, or securing an historic landmark or a building or structure in an historic district that results in substantial deterioration of an exterior feature of the building or structure or the loss of the structural integrity of the building or structure. *(Note: This subparagraph was added by D.C. Law 13-281 on April 27, 2001 and amended by D.C. Law 16-185 on November 16, 2006 to add the word "substantial")*

(4) *Design* means exterior architectural features including height, appearance, texture, color and nature of materials.

(4A) *District of Columbia undertaking* means a project of the District of Columbia government, a public charter school as defined in section 2002(29) of the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C. Official Code § 38-1800.02(29)), or any other entity not part of the District of Columbia government, that involves or contemplates subdivision of or demolition, alteration, or new construction on a property owned by or under the jurisdiction of the District of Columbia government. *(Note: This subparagraph was added by D.C. Law 16-185, effective November 16, 2006; and amended by D.C. Law 20-95, effective March 14, 2014)*

(5) *Historic district* means an historic district:

- (A) listed in the National Register of Historic Places as of the effective date of this act;
- (B) nominated to the National Register by the State Historic Preservation Officer for the District of Columbia; or





### **Section 11. Penalties; remedies; enforcement** (D.C. Official Code § 6-1110)

(a) *Criminal penalty.* Any person who willfully violates any provision of this act or of any regulation issued under the authority of this act shall, upon conviction, be fined not more than \$1,000 for each day a violation occurs or continues or be imprisoned for not more than 90 days, or both. Any prosecution for violations of this act or of any regulations issued under the authority of this act shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of Attorney General for the District of Columbia. *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006)*

(b) *Civil remedy.* Any person who demolishes, alters or constructs a building or structure in violation of sections 5, 6, or 8 of this act shall be required to restore the building or structure and its site to its appearance prior to the violation. Any action to enforce this subsection shall be brought in the name of the District of Columbia in the Superior Court of the District of Columbia by the Office of Attorney General for the District of Columbia. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty. *(Note: This section is as amended by D.C. Law 16-185, effective November 16, 2006)*

(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules or regulations issued under the authority of this act, pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq.*). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act of 1985 (D.C. Official Code § 2-1801 *et seq.*).

(d) (1) The Historic Preservation Office shall be responsible for enforcement of the provisions of this act.

(2) The Mayor may delegate to the Historic Preservation Office coordinated enforcement of Building Code provisions applicable to preservation of historic landmarks and historic districts pursuant to a written agreement with and under the authority of the Building Code Official.

*(Note: This paragraph was added by D.C. Law 16-185, effective November 16, 2006)*

(e) An appeal of any enforcement action brought by the Historic Preservation Office shall be heard by the Office of Administrative Hearings. *(Note: This section was added by D.C. Law 16-189, effective March 2, 2007)*

**Section 11a. Historic Landmark-District Protection Fund; establishment.** (D.C. Official Code § 6-1110.01) *(Note: This section was added as Section 5c by D.C. Law 13-281, effective April 27, 2001, and amended as Section 11a by D.C. Law 16-185, effective November 16, 2006).*

(a) There is established within the General Fund of the District of Columbia, the Historic Landmark-District Protection Fund ("HLP Fund") as a nonlapsing, revolving fund; the funds of which shall not revert to the General Fund at the end of any fiscal year but shall remain available, without regard to fiscal year limitation pursuant to an act of Congress, for the purpose of paying the costs of repair work necessary to prevent demolition by neglect as described in section 10c or for the costs of carrying out any other historic preservation program consistent with the purposes of and pursuant to this act.

(b) There shall be deposited into the HLP fund:

- (1) Such amounts as may be appropriated for the fund;
- (2) Grants or donations from any source to the fund or to the District of Columbia for the purposes of the fund;
- (3) Interest earned from the deposit or investment of monies of the fund;
- (4) Amounts assessed and collected as costs or penalties under this act, or otherwise received to recoup any amounts, incidental expenses, or costs incurred or expended for purposes of the fund, or any sums received pursuant to a resolution or settlement of disputes or enforcement actions under this act where the resolution or settlement provides in writing for such payment;
- (5) All other receipts derived from the operation of the fund;



## New Business



- (6) The proceeds from the sale of real or personal property or other items of value from any source donated to the fund or to the District of Columbia for the purposes of the fund; and
- (7) All proceeds from the payment of the filing fee and transmittal fees for applications to designate a historic landmark or historic district as set forth at 10 DCMR § C 205.

*(Note: Subparagraph (7) was added to this section by D.C. Law 19-21, effective September 14, 2011)*

- (c) The Mayor shall include in the budget estimates of the District of Columbia for each fiscal year such amount as may be necessary for capitalization of the HLP fund.

**Section 11b. Targeted Homeowner Grant Program.** (D.C. Official Code § 6-1110.02) *(Note: This section was added by D.C. Law 16-189, effective March 2, 2007)*

- (a) The Mayor may use authorized funds to establish a targeted homeowner grant program to assist homeowners with the rehabilitation of their historic property.

- (b) A grant under this program may be used to rehabilitate a structure that contributes to the character of one of the following historic districts:

- (1) Anacostia Historic District;
- (2) Blagden Alley/Naylor Court Historic District;
- (3) Capitol Hill Historic District;
- (4) Greater Fourteenth Street Historic District;
- (5) Greater U Street Historic District;
- (6) LeDroit Park Historic District;
- (7) Mount Pleasant Historic District;
- (8) Mount Vernon Square Historic District;
- (9) Mount Vernon Triangle Historic District;
- (10) Shaw Historic District;
- (11) Strivers' Section Historic District; or
- (12) Takoma Park Historic District.

- (c) A grant shall be limited to structural repairs or work on the exterior of a qualified structure.

- (d) A grant shall not exceed \$25,000; except, that a grant may be a maximum of \$35,000 if the structure is located in the Anacostia Historic District.

- (e) (1) A grant may be made to a taxpayer, as defined in D.C. Official Code section 47.1801.04(7), who has a household income of 120% or less of the area median income; provided, that:

- (A) The grant is for rehabilitation of the taxpayer's principal place of residence or a structure that will be the taxpayer's principal place of residence within 60 days after the rehabilitation is completed;
- (B) The taxpayer submits an application showing that the taxpayer meets the applicable household income criteria and is listed on the Office of Tax and Revenue's records as currently receiving the homestead deduction for property taxes, and includes written consent from each person in the applicant's household to disclosure by Office of Tax and Revenue to the Historic Preservation Office of his or her gross income; which disclosure shall be used solely for consideration of grant applications under this section.

- (2) The Office of Tax and Revenue shall report the gross income of each of the persons in the taxpayer's household at the time the grant application is made pursuant to subparagraph (B) of paragraph (1) based upon the most recent income tax return of each person to the Historic Preservation Office prior to the award of a grant.

- (f) A taxpayer who has a household income of more than 60% but no more than 90% of area median income shall be required to match the grant by contributing a minimum of 25% of the cost of the



rehabilitation; except, that the match requirement shall be a minimum of 15% for a taxpayer in the Anacostia Historic District.

(g) A taxpayer who has a household income of more than 90% of area median income shall be required to match the grant by contributing a minimum of 50% of the cost of the rehabilitation; except, that the match requirement shall be a minimum of 40% for a taxpayer in the Anacostia Historic District.

(h) The Mayor shall:

- (1) Approve the scope of rehabilitation work prior to award of a grant;
- (2) Ensure that all work is consistent with the purposes of this act and implementing regulations; and.
- (3) Award grants and disburse grant funds pursuant to rules and procedures the Mayor shall establish for this purpose.

(i) (1) The taxpayer shall enter into a preservation covenant with the State Historic Preservation Officer against the property on which the structure is located. The covenant shall run with the land and shall require that the rehabilitation improvements be maintained in good repair satisfactory to the State Historic Preservation Officer for 5 years after the date on which the grant is fully disbursed.

- (2) If the taxpayer does not maintain the certified rehabilitation improvements in good repair for any period of time covered by the covenant, the Mayor may take any enforcement action authorized under this act and may assess the amount of the grant as a tax on the property, and shall:
  - (A) Carry the tax on the regular tax rolls; and
  - (B) Collect the tax in the same manner as real property taxes are collected provided; that a lien shall not be valid as against any bona fide purchaser, or holder of a security interest, mechanic's lien, or other such creditor interested in the property, without notice, until notice by filing the lien in the Recorder of Deeds.

(j) (1) An action may be brought in the name of the District at any time within 3 years after the expiration of 60 days from the date that the tax was assessed to recover the amount of the unpaid tax.

- (2) A lien shall be satisfied by payment of the amount of the lien to the State Historic Preservation Officer.

(k) (1) The Mayor shall deposit in the HLP Fund established in section 11a any funds appropriated for the purposes of the Targeted Homeowner Grant Program.

- (2) The Mayor may expend up to \$1.25 million of appropriated funds for this purpose each fiscal year. Any appropriated funds not expended during a fiscal year shall be used only for the same purpose in subsequent fiscal years.
- (3) In each fiscal year, the Mayor may expend up to 5% of the amount of the funds authorized in that year for reasonable administrative costs.

*(Note: This paragraph was amended by the Targeted Homeowner Grant Program Funding Amendment Act of 2009 (Title II, Subtitle M, Fiscal Year 2010 Budget Support Act of 2009, D.C. Law 18-111, effective March 3, 2010))*

### **Section 12. Insanitary and Unsafe Buildings.** (D.C. Official Code § 6-1111)

(a) Nothing in this act shall interfere with the authority of the Board for the Condemnation of Insanitary Buildings to put a building or structure into sanitary condition or to demolish it pursuant to the provisions of the Act of May 1, 1906 (D.C. Official Code, §§ 5-701 through 5-719); except, that no permit for the demolition of an historic landmark or building or structure in an historic district shall be issued to the owner except in accordance with the provisions of this act.

(b) Nothing in this act shall affect the authority of the District of Columbia to secure or remove an unsafe building or structure pursuant to the Act of March 1, 1899 (D.C. Official Code, §§ 5-601 through 5-603).



## New Business



July   , 2017

Dr. Richard T. Olsen  
Director of the USDA-ARS  
United States National Arboretum  
3501 New York Avenue, NE  
Washington, D. C. 20002-1958

Dear Dr. Olsen:

This letter is to advise that Advisory Neighborhood Commission 6A at its regularly scheduled public meeting, held on July 12, 2017 at which a quorum was present voted in favor \_\_\_ to \_\_\_, and Advisory Neighborhood Commission 7D at its regularly scheduled public meeting, held on June 8, 2017 at which a quorum was present voted in favor \_\_\_ to \_\_\_, to support reopening the Maryland Avenue gate of the United States National Arboretum (“the Arboretum”).

The Advisory Neighborhood Commissions jointly support:

- 1) Reopening the Maryland Gate so that nearby residents in Carver, Langston Terrace, Trinidad, Kingman Park, and the surrounding areas, as well as students from nearby Browne Education Campus, Phelps ACE High School, and Two Rivers at Young PCS can more easily and safely access the Arboretum;
- 2) Working with the Arboretum to find continuous revenue sources to ensure that the expenses associated with reopening the Maryland Avenue gate will not adversely affect the Arboretum’s budget;
- 3) Considering whether opening the Maryland Avenue gate to only pedestrian and bicycle traffic to minimize costs, encourage pedestrian traffic, and discourage car traffic.

Thank you for affording the Commissions great weight on this issue.

Sincerely,

Phil Toomajian  
Chair, ANC 6A

Sherice Muhammed  
Chair, ANC 7D

Cc: Mayor Muriel Bowser  
Council Chair Phil Mendelson  
Councilmember Kenyon McDuffie  
Councilmember Vincent Gray