



District of Columbia Government Advisory Neighborhood Commission 6A Agenda for October 11, 2018



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

- 7:00 pm **Call to order**
- 7:01 pm **Approve Previous Meeting's Minutes, Adopt Agenda**
- 7:02 pm **Community Presentations**
Nathan Morris, Coordinator, Facility Planning and Design, DCPS
- Maury Elementary School Modernization Timeline, Contractor Parking
Chris Laskowski, Legislative Policy Advisor, Office of Ward 6 Councilmember Allen
- Daytime School Parking Zone Act
- Block Party Application and Requirements
- 7:30 pm **Officer Reports Pg. 27**
1. Approve Treasurer's Report
2. Approve FY19 Budget
- 7:40 pm **Standing Committee Reports:**
Community Outreach Pg. 31
1. Approve September 2018 committee report.
2. **Recommendation:** ANC6A approve the following changes to the ANC6A Grant Application Package: 1) both small and large grants are reviewed at any regular COC meeting; 2) Five (5) copies of the application are required for the COC meeting; and 3) all grants are limited to a maximum of 2 pages.
3. Next meeting - 7:00 pm, October 22, 2018 (4th Monday)
- 7:50 pm **Alcohol Beverage Licensing Pg. 33**
1. Approve September 2018 committee report.
2. **Recommendation:** ANC6A take no action on the request by Halftime Sports Bar for changes to its license (adding cover charge endorsement, 39-seat summer garden, and overall expansion of seating capacity).
3. Next meeting - 7:00 pm, October 16, 2018 (3rd Tuesday)
- 8:00 pm **Transportation and Public Space Pg. 36**
1. Approve September 2018 committee report.
2. **Recommendation:** ANC 6A send a letter to the DC Council in support of Councilmember Charles Allen's legislation (B22-0351), as amended, that would create a School Parking Zone Program.
3. Next meeting - 7:00 pm, October 15, 2018 (3rd Monday)
- 8:15 pm **Economic Development and Zoning Pg. 40**
1. Approve September 2018 committee report.
2. **Recommendation:** ANC6A send a letter of support to BZA for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for variances from the lot occupancy



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requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the side yard requirements of Subtitle E § 307.1 to construct a new flat in the RF-1 Zone at 824 13th Street NE (BZA Case #19854) on condition that the applicant make best efforts to get letters of support from the neighbors at 822 and 823 13th Street NE and 1253 I Street NE.

3. **Recommendation:** ANC6A send letters of support to BZA for zoning relief and to HPRB for historic district approval for the construction of a rooftop penthouse on a row house in a RF-1 zone at 16 10th Street NE (BZA Case 19885) on condition that the applicant make best efforts to get letters of support from the neighbors at 14 10th Street NE, 18 10th Street NE, 915 Massachusetts Avenue NE and 913 Massachusetts Avenue NE.
4. **Recommendation:** ANC6A send a letter of support to BZA for zoning relief to subdivide three existing lots into two lots and for relief from lot area requirements at 1661 Gales Street (BZA Case Number Pending) on condition that the applicant make best efforts to get letters of support from the neighbors at 1667 Gales Street NE, 1669 Gales Street NE, 1653 Gales Street NE and 1655 Gales Street NE.
5. Next meeting - 7:00 pm, October 17, 2018 (3rd Wednesday)

- 8:35 pm **New Business Pg. 50**
After-hours DCRA Work Permits for Maury Elementary School Construction
- 8:37 pm **Single Member District reports** (1 minute each)
- 8:45 pm **Community Comments** (2 minutes each)
- 8:55 pm **Adjourn**



Advisory Neighborhood Commission 6A Meeting Minutes of September 13, 2018



Advisory Neighborhood Commission (ANC) 6A Minutes

Miner Elementary School
September 13, 2018

Present: Commissioners Phil Toomajian (Chair), Marie Claire Brown, Mike Soderman, Amber Gove, Stephanie Zimny and Calvin Ward

The meeting convened at 7:05 pm.

Chairman Toomajian called the roll and announced the presence of a quorum. The minutes for the ANC July 2018 meeting were accepted, and the agenda for the September 2018 meeting was accepted without changes or objection.

Community Presentations

Captain John Knutsen, Metropolitan Police Department (MPD), First District, Sector 2

Captain Knutsen introduced Lieutenant Kevin Harding, who works the evening shift in the sector. He brought informational materials on the MPD listserv and how one can join it and described the listserv as one of the best methods that MPD uses to put alerts out to the community. Over 6,000 households have joined, as well as members of the media. Community safety tips and contact information for the entire management team of the First District were also distributed. He went on to give crime statistics and reported a 60% drop in robberies in comparison with the previous month; assaults with a deadly weapon are down 70%. However, Captain Knutsen reported that thefts from autos continue to be a challenge and emphasized the importance of locking car doors. Package thefts are also up and he stated that cameras are helpful in combating this issue. He reported the outcome of a recent burglary spree and announced that the suspect was arrested on August 31, 2018 and charged with 18 different crimes. The arrest was made through the assistance of camera footage in the neighborhood, underscoring the effectiveness of the camera rebate program. Captain Knutsen answered questions from Commissioners and residents, including a question about liaising with USPS regarding package theft. While MPD does not work directly with Postal Inspectors or USPS, they have put an undercover team together to catch people in the act. He also answered a question on juvenile crime around schools and alleys and that MPD have identified “hot spots” for this type of activity. He clarified that any camera that is public facing (including Ring and Nest cameras) are eligible for the camera rebate program.

Joe Weedon, Ward 6 State Board of Education Member

Mr. Weedon is running for reelection in November 2018. He described the work he has done in the past four years as a member of the State Board of Education. He spoke of his work in building relationships between schools and the community, ensuring that school leaders are held accountable; bringing the graduation crisis to light and supporting an independent investigation to uncover the cause; and addressing the problem of residency and promoting new rules that require clear residency verification. He went on to speak of his work in engaging parent leaders from across the city to look at technology in schools and an Outside of traditional board role: working with parent leaders from across the city to look at technology in schools and ensuring that lead protocols are being adhered to. He thanked Commissioner Amber Gove for her work and dedication to the DC Safe Routes to School Program and spoke of his role in the Eliot-Hine Modernization project. He thanked the community for their continued partnership in the advancement of education and schools in our community. Commissioner Gove asked



Advisory Neighborhood Commission 6A Meeting Minutes of September 13, 2018



how the State Board could assist in making the DC Safe Routes to School Program more comprehensive across all schools instead of the current piecemeal approach. Mr. Weedon expressed while the Board does not have direct oversight, he was happy to connect Commissioner Gove to parent leaders to start addressing that issue. Commissioner Gove also asked about the zoning rules in relation to parking spaces versus green/play spaces. Mr. Weedon stated he would bring it to the attention of the Board.

Naomi Klein, District Department of Transportation (DDOT) Ward 6 Community Engagement

Ms. Klein introduced herself as the new Community Engagement Specialist for Ward 6 which is a new position. Ms. Klein stated that, in such a large city department, it can be difficult to get in touch with the right person, and that her role is to ensure that all inquiries or issues from the community get to the right person within DDOT. She gave a short personal background: she has been a DC resident for five years and previously worked as an organizer for Local 25, the union that represents hotel workers in the DC metro area. She reported that the speed humps slated to go on the 400 and 600 blocks of Tenth (10th) Street NE have been marked for installation and should be installed within the next few weeks. The traffic calming petition for the 1200 to 1500 blocks of C Street NE has been received; she is in the process of organizing with the safety team to get an update. The Office of Contracting and Procurement is working on paperwork to put the Maryland Avenue NE project for bid; the project should be in the construction phase by Spring 2019 at the latest. She also provided an update on resident-only parking requests. She has received a commitment from colleagues to do a study on resident-only parking, expressing that they prefer a more comprehensive approach instead of fielding requests one block at a time, preferably five (5) or more blocks (not necessarily adjacent) at a time. Ms. Klein clarified that any block that already has resident only parking will not change and also suggested that any petition currently pending be included in a resolution with other blocks, as this is the process currently committed to.

Officer Reports

Chairman Toomajian announced that he will not be present at the October meeting, but that Commissioner Gove has agreed to chair the meeting in his absence.

Treasurer's Report

Commissioner Stephanie Zimny presented the Treasurer's Report for August 2018 and announced one amendment in the form of an additional disbursement. The Department of General Services (DGS) has amended the amount owed for security services at Miner Elementary School, and a check will be disbursed in the amount of \$316.98. Including this amendment, there were disbursements totaling \$1,393.48: \$700.00 to Irene Dworakowski (Check 1843) for agenda/web master services; \$200.00 (Check 1845) for the July 2018 minutes; \$176.50 (Check 1844) for FedEx printing; leaving a balance of \$5,978.88 in the checking account. There is a balance of \$13,477.02, including a \$.022 interest deposit, in the savings account. The August 2018 report including the amendment was approved by unanimous consent.

The FY18 Third (3rd) Quarter Financial Report consists of an opening balance of \$7,926.73, and disbursements totaling \$3,850.50. The ending balance of the checking account was \$4,076.23. The FY18 3rd Quarter Report was approved by unanimous consent.

The adjusted FY17 Third (3rd) Quarter Financial Report consists of an opening balance of \$10,415.57 and an adjusted \$150.00 disbursement (Check #1793 to Stephon Kukoy) bringing the total disbursements to \$3,908.74 and an ending balance of \$6,506.83. The adjusted FY17 3rd Quarter Report was approved by unanimous consent.



Advisory Neighborhood Commission 6A Meeting Minutes of September 13, 2018



Committee Reports

Community Outreach Committee (COC)

The Committee did not meet in August 2018.

Next meeting - 7:00 pm, September 24, 2018

Alcohol Beverage Licensing (ABL)

The August 2018 report was accepted by unanimous consent.

1. The Committee moved and Commissioner Mike Soderman seconded the motion to accept a new Settlement Agreement for Duffy's Irish Pub and agree to a stipulated endorsement allowing Duffy's to operate under its new agreed-upon hours during the placard period. The motion passed 6-0.
2. The Committee moved and Commissioner Soderman seconded the motion to write a letter to ABRA to protest the request for a new CT license by Kitsuen, LLC t/a Kitsuen at 1362 H Street NE (License No. ABRA-110893) unless a signed settlement agreement is submitted before the protest petition date. There is a settlement in place that removes only minor language. The motion passed 6-0.
3. The Committee moved and Commissioner Zimny seconded the motion to write a letter to ABRA to protest the request for a new CT license by DC Culinary Academy, LLC t/a The Outsider at 1357-1359 H Street NE (License No. ABRA-110889) unless a signed settlement agreement is submitted before the protest petition date. DC Culinary Academy, LLC has agreed to a settlement agreement with no changes. The motion passed 6-0.

Next meeting - 7:00 pm, September 18, 2018

Transportation and Public Space (TPS)

The August 2018 report was accepted by unanimous consent.

1. The Committee moved and Commissioner Amber Gove seconded the motion to send a letter to DDOT's Public Space Committee asserting that ANCs should have sixty (60) days from the date of notice to provide comment on the small cell guidelines proposal. Commissioner Soderman spoke about the small cell initiative and voiced concerns about the plan to install over 2,700 small cells throughout the city over the next five years without outstanding questions and impact being thoughtfully considered. He voiced a concern over the city not pursuing recurring lease revenue for the use of public space by cell carriers; and aesthetics, considering small cells require direct line-of-sight and small cells are positioned lower to the ground and potentially near homes. There is a public hearing scheduled for October 15, 2018. After more discussion, the motion passed 6-0.
2. The Committee moved and Commissioner Soderman seconded the motion to send a letter of support to DDOT endorsing safety improvements at Eighth (8th) Street NE and D Street NE and reiterate the need to convert the intersection to an all-way stop. The motion passed 6-0.
3. Chairman Toomajian moved and Commissioner Soderman seconded the motion to nominate Elizabeth Nelson as the acting chair of the Committee. The motion passed 6-0.

Next meeting - 7:00 pm, September 17, 2018

Economic Development and Zoning (EDZ)

The August 2018 report was accepted by unanimous consent.



Advisory Neighborhood Commission 6A Meeting Minutes of September 13, 2018



Old Business:

1. Chairman Phil Toomajian moved and Commissioner Soderman seconded the motion to send a revised letter of support to BZA for a special exception under Subtitle E §§ 205.5 and 5201 from the rear addition requirements of Subtitle E § 205.4 which adds special exception relief on Subtitle Section 1502.1(b) and (c) to the ANC approval letter, to construct a rear roof deck and access stairwell at 1318 Constitution Avenue NE (BZA Case #19802) in the RF-1 Zone. The motion passed 6-0.

Next meeting - 7:00 pm, September 19, 2018.

Single Member District Reports

Commissioner Stephanie Zimny (6A06) announced that Chick-Fil-A will participate in the monthly community clean-ups. She is also working on some lighting and traffic signage issues at Linden Court. She is working with Naomi Klein on an issue on Wiley Court where DDOT is not ticketing cars properly.

Commissioner Amber Gove (6A04) announced the installation of four raised crosswalks and a speed table in the 1800, 1300, and 1200 blocks of Constitution Ave NE. She reported a crash that occurred involving an 11-year-old child in the double crosswalk at Lincoln Park; the child was injured but the injuries were not life threatening. Commissioner Gove reminded residents to report near-misses to DDOT. She is also working on an issue involving the intersection at Constitution Avenue NE, 13th Street NE and Tennessee Avenue NE and a proposal for a “no right on red” sign for 24 hours.

Commissioner Marie-Claire Brown (6A01) reported that she has been asked to work with Commissioner Zimny and Chairman Toomajian to talk about the possibility of designating G Street NE as local traffic only. The senior citizens of Capitol Hill Towers has requested that she begin a petition for a speed hump due to the traffic.

Chairman Phil Toomajian (6A02) announced that there is a school crossing guard at Tenth (10th) and F Streets NE and expressed appreciation for the new speed humps on Tenth (10th) Street NE. He spoke of vacant properties on the 1100 block of H Street NE, with issues of furniture left outside these properties; he is working with the owner and MPD on this issue.

Commissioner Mike Soderman (6A03) reported successful repairs of sidewalks on Tenth (10th). Ninth (9th) and Eleventh (11th) Streets NE. He is also working to install security cameras and working with neighboring families in the area to achieve this.

Community Comments

Shannon Hodge, Executive Director of Kingsman Academy Public Charter School, offered her contact information for any concerns about student behavior before or after school and wants to be responsive to community concerns. She offered the possibility of extending the hours that staff members patrol the area and have a team in place to address concerns.

The meeting adjourned at 8:40 pm.



Advisory Neighborhood Commission 6A Community Presentations





Commission Letters of September 13, 2018 Meeting



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



September 14, 2018

Jeff Marootian
Director, District Department of Transportation
55 M Street SE, Suite 400
Washington, DC 20003

Re: Proposed improvements to intersection of 8th Street NE and D Street NE

Dear Director Marootian:

At a regularly scheduled and properly noticed meeting¹ on September 13, 2018, our Commission voted 6-0 (with 5 Commissioners required for a quorum) to share our views with you regarding the District Department of Transportation's (DDOT) planned changes at the intersection of 8th and D Streets NE. ANC 6A appreciates your attention to this troubling location and supports to the proposed changes, but continues to believe the best solution for improvements to driver and pedestrian safety at this intersection is a conversion of the current two-way stop to an all-way stop.

As we described in previous communications, this intersection is located just a few hundred feet south of a traffic signal at Maryland Avenue NE and 8th Street NE. A similar intersection on the north side of Maryland, at 8th Street NE and E Street NE, is regulated by an all-way stop. However, the intersection at 8th Street NE and D Street NE is only a two-way stop; traffic on 8th Street does not stop. Many of the intersections in the vicinity are regulated by all-way stop signs. The exception at this location creates confusion for motorists and pedestrians alike. Drivers and pedestrians approaching the intersection on D Street NE at times expect drivers on 8th Street NE to stop, assuming it to be an all-way stop. At times, motorists on 8th Street stop even though they are not supposed to, adding further to confusion. More often than not, drivers rush through the intersection to make the changing traffic light at Maryland Avenue, disregarding pedestrians in the crosswalk.

Secondly, given that DDOT is also seeking to remove Residential Protected Parking (RPP) in order to create a short-term parking area, we request that DDOT evaluate the immediate vicinity for creating additional RPP parking spaces in order to offset the loss created by this change.

We appreciate DDOT's attention to improving safety at this intersection and support curb extensions and flex-posts at this location. However, we are concerned that this partial solution will not fully resolve the problems experienced at this intersection. Members of our community have witnessed many near-misses, and we believe the only way to avoid a future tragedy is to implement an all-way stop. We hope you will continue to consider converting the location to an all-way stop should our fears ring true upon the installation of the proposed changes here.

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



Commission Letters of September 13, 2018 Meeting



Thank you for giving great weight to the recommendation of ANC 6A. I can be reached at PhilANC6A@gmail.com and Vice Chair Mike Soderman can be reached at MikeANC6A03@gmail.com.

On behalf of the Commission,

A handwritten signature in blue ink that reads "Phil Toomajian".

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

Cc: Councilmember Charles Allen
ANC6C Chair Karen Wirt



Commission Letters of September 13, 2018 Meeting



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



September 14, 2018

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

Re: Design Guidelines for Small Cell Infrastructure

Dear Associate Director Marcou:

At a regularly scheduled and properly noticed meeting¹ on September 13, 2018, our Commission voted 6-0 (with 5 Commissioners required for a quorum) to express our concerns regarding the draft Guidelines for Small Cell Infrastructure.

We have two procedural concerns:

1. Although the guidelines have been in development since November 2017, our ANC did not receive the draft guidelines until August 27, 2018 and DDOT declined requests to meet and answer questions until the public meeting on September 6, 2018. Given the monthly meeting schedule of the ANCs, a deadline of October 5 for submission of written comments (October 15 for in-person testimony) is unreasonable. The hearing should be rescheduled for sometime in November and the deadline for written comments be extended by at least thirty (30) days.
2. When a revised draft of the Design Guidelines has been prepared, incorporating both public comment and that of the installation companies, there must be another round of review, open meetings, and comment so that the public, including the ANCs can respond to changes. In the document. It will not be acceptable to deny the public an opportunity to comment on accommodations made to the installation companies.

A request (prior to end of comment period) for the following information:

- Why are the “Carriers and third (3rd) party service providers “who are not actual utilities and are not overseen by any local government agency or commission getting use of our right of way?
- Are they going to be afforded eminent domain in locations where residents are against the deployment of these systems but the Carriers say they must have them?
- What is the fee structure for the lease of each of these small cell locations? On what basis was that negotiated?

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And the following *initial* comments on the draft guidelines document:

Section 8.4: Spacing Among Streetscape Elements should be modified to include the following: "When requesting a permit, Installation companies forego any expectation that the tree canopy will be reduced or modified at that location, either on private or public property. They must factor into their selection process, the existence, and likely future growth, of all trees in public space or on private property and not subsequently request modification of the tree canopy. DDOT reserves the right to plant trees in all tree box location, whether or not a tree is present at the time of the small cell installation. Further, DDOT reserves the right to maintain said trees in whatever way necessary to ensure tree health and will not prune them, or allow them to be pruned, to accommodate small cell infrastructure.

A new Section on monitoring and accountability should be added, perhaps as Section 5.6 under General Guidelines, to include the following:

- Validation of the electro-magnetic fields (EMF) levels of each location, as well as the "heat maps" for all frequencies must be provided by a qualified independent third-party testing company, at the expense of the carriers.
- These reports would be made public (at a minimum) when a new installation is completed and subsequently on an annual basis.
- DDOT should be held responsible to inspect each installation prior to, during and upon completion to make sure the physical guidelines/ requirements are adhered to.

Finally, ANC6A requests a representative attend an upcoming ANC6A Transportation and Public Space Committee meeting to help answer questions regarding this matter.

Thank you for giving consideration to our ANC's feedback on this important issue. Should you wish to discuss this letter with the Commission, please feel free to reach out to me, to our Vice Chair Mike Soderman or to our Transportation and Public Space Committee Chair Elizabeth Nelson each of whom are authorized to represent the Commission in this matter. We look forward to continued participation in this process.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A



Commission Letters of September 13, 2018 Meeting



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



September 14, 2018

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

Re: BZA Case No. 19802 (1318 Constitution Avenue, NE)

Dear Mr. Moy,

At a regularly scheduled and properly noticed meeting¹ on September 13, 2018, our Commission voted 6-0 (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle E §§ 205.5 and 5201 and Subtitle Section 1502.1(b) and (c) from the rear addition requirements of Subtitle E § 205.4, to construct a rear roof deck and access stairwell at in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood and it will not disrupt the privacy, air and light of neighbors. The owner has proven that the special exception criteria have been met through submission of architectural elevations and a shade study. The ANC believes that this development will not substantially visually intrude upon the character, scale, and pattern of houses in 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 and Mr. Greenfield can be contacted at brad.greenfield@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Commission Letters of September 13, 2018 Meeting



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



September 13, 2018

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

Re: ABRA-110889 (DC Culinary Academy, LLC t/a The Outsider), 1357-1359 H Street NE

Dear Mr. Anderson,

Please be advised that at the September 13, 2018 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (6-0) to approve the enclosed Settlement Agreement with DC Culinary Academy, LLC t/a The Outsider, ABRA # 110889, in lieu of a protest of the establishment's request for a CT license, and to support a stipulated license for the establishment during the placard/protest period. This vote took place at the ANC's regular and publicly announced meeting.¹

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

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

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Commission Letters of September 13, 2018 Meeting



Made this 13 day of September, 2018

by and between

DC Culinary Academy, LLC t/a The Outsider (ABRA # 110889)
1357-1359 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 The Outsider ANC6A

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

2. Business Operations and Practices.

- a. Applicant will not, directly or indirectly, sell or deliver alcohol to any intoxicated person or to any person who appears to be intoxicated.
- b. Applicant agrees to take all necessary steps to prevent patron rowdiness, including refusing admission/service to rowdy and/or unruly persons.
- c. Applicant agrees to ensure that no patron brings an open container of an alcoholic beverage into the establishment from outside sources, and at no time exits the establishment with an open container of an alcoholic beverage.
- d. Applicant will not provide or sell alcoholic beverages “to go.”
- e. Applicant agrees not to promote or participate in bar or pub “crawls” or any other event of this nature unless the event has been reviewed and approved by the ABC Board.
- f. The licensed establishment will be managed in person by Applicant or a board-licensed manager.
- 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 The Outsider ANC6A

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- 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 The Outsider ANC6A

Page 3 of 4



Commission Letters of September 13, 2018 Meeting



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.

In Witness Whereof

The parties have affixed hereto their hands and seals.


Applicant:

By: Aaron C McGovern Date: 9/13/2018

Signature: 

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 9/13/2018

Signature: 



Commission Letters of September 13, 2018 Meeting



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



September 13, 2018

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

Re: ABRA-111076 (CTE, LLC t/a Duffy's Irish Pub), 1016 H Street NE

Dear Mr. Anderson,

Please be advised that at the September 13, 2018 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (6-0) to approve the enclosed Settlement Agreement with Duffy's Irish Pub, ABRA # 111076. Although there was not a substantial change when Duffy's took over this location (and a prior Settlement Agreement remained in place), both parties agreed it was in their best interest to reach an updated Settlement Agreement. Please note that the parties intend for this Agreement to completely replace and supersede the prior Settlement Agreement between ANC 6A and this location (at the time, Liberty Tree). This vote took place at the ANC's regular and publicly announced meeting.¹

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

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

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



Commission Letters of September 13, 2018 Meeting



Made this 13th day of September, 2018

by and between

Duffy's Irish Pub
1016 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.

Witneseth

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 Duffy's Irish Pub and ANC6A

Page 1 of 4



Commission Letters of September 13, 2018 Meeting



- 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 Duffy’s Irish Pub and ANC6A

Page 2 of 4



Commission Letters of September 13, 2018 Meeting



- 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 provide summer garden seating for no more than 36 patrons;
 - ii. Applicant shall not offer any type of entertainment on the summer garden and/or sidewalk café;
 - iii. Applicant shall not offer any type of pre-recorded music or other amplified sounds on the summer garden and/or sidewalk café after 9:00 pm. Prior to 9:00 pm, Applicant may produce sound from television sets or background music from speakers.
 - iv. A fence or other barrier will enclose the entire perimeter;
 - v. No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume;
 - vi. Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; and
 - vii. Potted plants, trees, fountains, or other types of noise mitigation techniques will be incorporated into the decor.
 - d. The hours of operation for a summer garden are limited until 11:30 pm Sunday through Thursday evenings and 12:30 am on Friday and Saturday evenings and the evenings before federal or District of Columbia holidays. The sale and consumption of alcoholic beverages must end a half hour prior to the summer garden closing time and the patio must be cleared of all patrons and staff by the times listed herein.
 - 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(s) 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.

Settlement Agreement between Duffy's Irish Pub and ANC6A

Page 3 of 4



Commission Letters of September 13, 2018 Meeting



6. Miscellaneous.

- a. Applicant shall post a copy of this Settlement Agreement in the establishment in conjunction with the posting of its alcoholic beverage license.
- b. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.

7. Enforcement.

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

By: _____ Date: 9/13/2018

Signature:  _____

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams, Co-Chair, ANC 6A ABL Committee Date: 9/13/2018

Signature:  _____



Commission Letters of September 13, 2018 Meeting



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



October 2, 2018

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

Re: ABRA-110893 (Kitsuen, LLC t/a Kitsuen), 1362 H Street NE

Dear Mr. Anderson,

Please be advised that at the September 13, 2018 meeting of Advisory Neighborhood Commission 6A, with a quorum present, the Commission voted (6-0) to approve the enclosed Settlement Agreement with Kitsuen LLC t/a Kitsuen, ABRA # 110893, in lieu of a protest of the establishment's request for a CT license.¹ This vote took place at the ANC's regular and publicly announced meeting.²

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

On behalf of the Commission,

Jay Williams
Co-Chair, ANC 6A ABL Committee

¹ The delay in submitting this agreement is due to a delay in the parties being able to sign it; the agreement was reached as of September 13, 2018.

² ANC 6A meetings are advertised electronically on anc6a-announce@yahoogroups.com, anc-6a@yahoogroups.com, and newhilleast@yahoogroups.com, at www.anc6a.org, and through print advertisements in the Hill Rag.



Commission Letters of September 13, 2018 Meeting



Made this 13th day of September, 2018

by and between

Kitsuen, LLC t/a Kitsuen
1362 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.

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 take reasonable steps to 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 taking reasonable measures to:
 - a. Pick up trash, including beverage bottles and cans, and all other trash.
 - b. Maintain 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. Deposit trash and garbage only in rodent-proof dumpsters, and seeing that dumpster covers fit properly and remain fully closed except when trash or garbage is being added or removed.
 - d. Exercise 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. Assist 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.

Settlement Agreement between Kitsuen and ANC6A

Page 1 of 3



2. **Business Operations and Practices.**

- a. Applicant will not provide or sell alcoholic beverages “to go,” except for corked wine bottles or as otherwise permitted by DC law.
- b. 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.
- c. Applicant, and all members of management hired to assist in managing the establishment, shall attend and complete an alcoholic beverage server training course/seminar within 30 days of employment by Applicant.
- d. 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; and
 - iv. Warning: Drinking alcoholic beverages during pregnancy can cause birth defects.
- e. Upon request of the Board, Applicant’s incident log shall be provided to the Board during meetings or hearings involving future renewals or contested proceedings involving Applicant’s license.
- f. 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.
- g. If Applicant offers valet services, Applicant shall provide valet parking services only with valet parking companies as defined, licensed, and in compliance with D.C. Municipal Regulations Title 24 Chapter 16. Applicant will not engage in valet parking that results in vehicles parked in residential parking spaces.

3. **Music / Dancing / Entertainment.**

- a. Applicant agrees to take reasonable steps 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, unless approved by the Board and the ANC in advance (e.g., for special events);
 - ii. A fence or other barrier will enclose the entire perimeter;
 - iii. One sign 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, shrubbery, or other types of noise mitigation techniques will be incorporated into the decor.
- d. 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” shall have the same definition as that found in DC law and DC’s alcoholic beverage regulations.



Commission Letters of September 13, 2018 Meeting



4. **Cooperation with ANC 6A.** Applicant agrees to take reasonable steps to work on resolving issues preventing Applicant from fulfilling its obligations under this Agreement with all of the following: the Single Member District (SMD) ANC Commissioner within whose boundaries the establishment is located, the Chair (or Co-Chairs) of the ABL Committee, 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 § 25-446.
6. **Miscellaneous.**
 - a. Applicant will operate in compliance with all applicable DC laws and regulations. Any reference to specific laws and regulations in this Settlement Agreement is meant for informational purposes only. ANC 6A does not intend for a violation of any DC law or regulation to also be considered a violation of this Settlement Agreement.
7. **Enforcement.**
 - a. Applicant and ANC 6A agree to enter into this Agreement. If Applicant should breach the conditions of this Agreement, it is understood by all parties that ANC 6A and/or its committees may immediately notify the Applicant and/or file a complaint with the ABC Board, which will be investigated by ABRA's Enforcement Division, and may subject Applicant to a Show Cause proceeding or any other penalty available to the Board under the law.

In Witness Whereof

The parties have affixed hereto their hands and seals.

Applicant:

By: Wayne Johnson Date: October 1, 2018

Signature: Wayne Johnson

Advisory Neighborhood Commission 6A Representative:

By: Jay Williams Date: October 2, 2018

Signature: Jay Williams, Co-Chair, ANC 6A ABL Committee



Officer Reports - Treasurer



ANC 6A Treasurer's Report September 2018

Period Covered 9/1/2018-9/30/2018

Checking Account:

7,055.38

Total Funds Available

5,978.88

Disbursements:

Irene Dworakowski (Agenda/Web Master 2018)	CK#1847	\$	450.00
FedEx	CK#1848	\$	183.50
Note Taking	CK#1849	\$	200.00

Total Disbursements \$ 833.50

Ending Balance \$ 5,145.38

Savings Account:

Balance Forwarded \$ 13,815.78

Receipt Interest 09/13/18 \$ 0.22
Deposit -

Total Receipts \$ 0.22

Total Funds Available \$ 13,816.00

Disbursements \$ -

Ending Balance \$ 13,816.00

PETTY CASH SUMMARY

Balance Forwarded \$ 25.00

Deposit to Petty Cash \$ -

Total Funds Available \$ 25.00

Disburs Total Disbursements \$ -

Ending Balance \$ 25.00



Officer Reports - Treasurer



ANC 6A Budget Worksheet					
		Approved FY18	Actual FY18	Proposed FY19	Actual v. Proposed
Balance Forward		\$0	\$6,507	\$7,777	\$1,270
Receipts					
	District Allotment	\$18,431	\$18,431	\$18,431	\$0
	Interest	\$20	\$20	\$20	\$0
	Other	\$0	\$0	\$0	\$0
	Transfer From Savings	\$0	\$0	\$0	\$0
Total Receipts		\$18,451	\$18,451	\$18,451	\$0
Total Funds Available (Balance Forward + Total Receipts)		\$24,958	\$24,958	\$26,228	\$1,270
Disbursements					
	1. Personnel			\$0	\$0
	2. Direct Office Cost	\$350		\$0	\$0
	3. Communication		\$4,014	\$4,014	\$0
	4. Office Supplies, Equipment, Printing	\$6,500	\$1,917	\$1,917	\$0
	5. Grants	\$6,000	\$2,866	\$4,000	\$1,134
	6. Local Transportation				\$0
	7. Purchase of Service	\$8,000	\$6,950	\$6,950	\$0
	8. Bank Charges			\$0	\$0
	9. Other	\$1,175	\$1,519	\$1,519	\$0
*supplies, security fund, anc meeting support , petty cash					
Total Disbursements (Sum of categories 1-9)		\$22,025	\$17,266	\$18,400	\$1,134
Ending Balance (Total Funds Available - Total Disbursements)					
		\$2,933	\$7,692	\$7,828	\$136



Officer Reports - Treasurer



1798	9/14/2017 VOID	9	\$0.00	\$0.00
1799	9/14/2017 FedEx	4	\$0.00	\$418.09
1800	9/14/2017 VOID		\$0.00	\$0.00
1801	9/14/2017 Gail John	7	\$0.00	\$200.00
1802	Renee Dworakowski	7	\$0.00	\$450.00
0	10/10/2017 DC Treasurer (Allotment)	D-A	\$9,215.64	\$0.00
1803	10/12/2017 FedEx	4	\$0.00	\$169.00
1804	10/12/2017 Gail John	7	\$0.00	\$200.00
1805	10/12/2017 void	0	\$0.00	\$0.00
1806	Renee Dworakowski	7	\$0.00	\$450.00
1807	11/9/2017 FedEx	4	\$0.00	\$143.50
1808	11/9/2017 Gail John	7	\$0.00	\$200.00
1809	11/9/2017 7 Miner PTO	5	\$0.00	\$899.47
1810	11/9/2017 Hill Rag	3	\$0.00	\$3,864.00
1811	Renee Dworakowski	7	\$0.00	\$450.00
1812	12/14/2017 FedEx	4	\$0.00	\$111.50
1813	12/14/2017 Gail John	7	\$0.00	\$200.00
1814	12/14/2017 Eastern High PTO	5	\$0.00	\$1,000.00
1815	12/14/2017 void	0	\$0.00	\$0.00
1816	Renee Dworakowski	7	\$0.00	\$450.00
1817	1/11/2018 FedEx	4	\$0.00	\$81.00
1818	1/11/2018 Gail John	7	\$0.00	\$200.00
1819	1/11/2018 ANC	9	\$0.00	\$25.00
0	1/21/2018 DC Treasurer (Allotment)	D-A	\$4,607.82	\$0.00
1820	Renee Dworakowski	7	\$0.00	\$450.00
1821	2/8/2018 FedEx	4	\$0.00	\$111.50



Officer Reports - Treasurer



1822	2/8/2018	Meghan Markey	7	\$0.00	
1823	3/8/2018	Renee Dworakowski	7	\$0.00	\$450.00
1824	3/8/2018	FedEx	4	\$0.00	\$199.50
1825	3/8/2018	Meghan Markey	7	\$0.00	\$200.00
1826	3/8/2018	VOID	9	\$0.00	\$0.00
1827	4/12/2018	Renee Dworakowski	7	\$450.00	
1828		fedex		\$193.00	
1829		Meghan Markey		\$200.00	
1830		uspo		\$356.00	
1831		Renee Dworakowski		\$450.00	
		FedEx		\$97.00	
		Meghan Markey		\$200.00	
		webmaster		\$150.00	
		calvin ward		\$22.00	
		ludlow taylor pti		\$966.50	
		FedEx		\$113.00	
		Meghan Markey		\$200.00	
		Renee Dworakowski		\$450.00	
		fedex		\$103.50	
		Meghan Markey		\$200.00	
		Renee Dworakowski		\$700.00	
		FedEx		\$176.50	
		Meghan Markey		\$200.00	
		dgs		\$316.00	\$10,922.56
				\$5,543.50	
					\$16,466.06
					(\$800.00)

4607.8 18431.28



Committee Reports

Community Outreach Committee (COC)



Minutes

ANC 6A Community Outreach Committee (COC) of
Advisory Neighborhood Commission (ANC) 6A
Regular Meeting - September 24, 2018
Eastern Senior High School
1700 East Capitol Street NE, Washington DC

Meeting called to order at 7:05 pm.

Quorum achieved at 7:15 pm.

COC members present: Roni Hollmon (Chair), Gladys Mack

COC members absent: Joyce West

ANC Commissioners present: Sondra Phillips-Gilbert

Community members present: none

The Committee reviewed the ANC 6A Grant Application Package. The following changes to the instructions, located on page two (2) of the package, were identified:

- **Current Text**

Requests for “small” grants are reviewed at the regular COC meeting, held on the 4th Monday of each month at Eastern High School (1700 East Capitol Street, NE). “Large” grants are reviewed at the January and August COC meetings. Applications approved by the COC are forwarded for a vote at the next ANC meeting (2nd Thursday of each month) at Miner E.S. (601 15th Street NE).

Recommended Change

Requests for grants are reviewed at the regular COC meeting, held on the 4th Monday of each month on an ongoing basis. Grants are forwarded for a vote at the next ANC meeting (2nd Thursday of each month) at Miner E.S. (601 15th Street NE).

- **Current Text**

An organization representative must attend both the COC meeting at which the grant application is evaluated, and the ANC meeting when it is reviewed and voted upon. Twelve (12) copies of the application are required for the COC meeting, and ten (10) copies of the final grant proposal for the ANC meeting. If the applicant twice fails to appear at the ANC meeting, they will be required to reapply.

Recommended Change

An organization representative must attend both the COC meeting at which the grant application is evaluated, and the ANC meeting when it is reviewed and voted upon. Five (5) copies of the application are required for the COC meeting. If the applicant twice fails to appear at the ANC meeting, they will be required to reapply.

- **Current Text**



Committee Reports

Community Outreach Committee (COC)



Proposal (Word Document) Minimum 1 page for “small grants” - 2 pages for “large grants” to include:

Recommended Change

Proposal (Word Document) *Maximum of 2 pages for grants to include:*

Committee Member Gladys Mack moved that the changes be approved and presented to ANC6A for a vote. Commissioner Sondra Phillips Gilbert seconded the motion. The motion passed unanimously.

Meeting adjourned at 7:52 pm.

The next regular meeting of the ANC 6A COC
Monday, October 22, 2018 at 7:00 pm
Eastern Senior High School Parent Center, 1700 East Capitol Street NE
(enter from East Capitol Street)



Committee Reports

Alcohol Beverage and Licensing (ABL)



Minutes

Alcoholic Beverage Licensing (ABL) Committee

Advisory Neighborhood Commission (ANC) 6A

September 18, 2018

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 September 18, 2018 at Sherwood Recreation Center, 640 Tenth (10th) Street NE, Washington, DC 20002.

Committee Members Present: Jay Williams (Co-Chair), Christopher Seagle (Co-Chair), Mark Samburg, and Roger Caruth.

Committee Members Absent: Michael Herman Justin Rzepka.

Commissioners Present: Mike Soderman.

Community Members Present: Ramsey Taylor, Rati Teilore, Andre Barlow (Halftime), Kimberly Rose (Halftime), Dwayne Falwell (Halftime), Paige Forte, Pleurat Hundozi.

I. Call to Order

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

II. Community Comment

Mr. Taylor spoke to the Committee to respond to comments made at the prior meeting regarding conflicts between neighbors and certain establishments. Mr. Taylor noted that there were two incidents that took place. In the first, he approached a manager at Rock and Roll Hotel regarding noise. At that time, there were numerous other staff members, including two bouncers, present, and the only complaint the manager had was to later say she did not like being spoken to “like a child.” Later, representatives of the establishment raised complaints that they felt threatened. The second instance related to Dangerously Delicious Pies, when he went out to speak to them about noise, and again spoke to a manager in public with numerous people around. Mr. Taylor stated that he was trying to work with the businesses without resorting to contacting the Alcoholic Beverage Regulation Administration (ABRA).

Further, Mr. Taylor noted that he was not asking for anything unreasonable, just that establishments abide by their agreements. He stated that he believes this is not an issue of neighbors becoming more aggressive, but more people moving near these establishments and being affected by the noise. He also noted that ABRA has verified that noise is at an unacceptable level in his house on two separate occasions.

Ms. Teilore stated that she was surprised by the response from Dangerously Delicious Pies because, at the time the complaint was made, they were apologetic and seemed willing to work with them to make sure noise issues did not come up. She also observed that the Linden Court alley is structured in a way that seems to amplify the noise. She further stated that all they were asking for was settlement agreement (SA) compliance for all establishments in the neighborhood.

Mr. Williams stated that it appears that communication directly between neighbors and the establishments has broken down and has gotten too acrimonious. He suggested that neighbors



Committee Reports

Alcohol Beverage and Licensing (ABL)



avoid engaging directly, and instead contact him, their ANC Commissioner, and Mr. Seagle on the ANC side, and ABRA for enforcement issues. Commissioner Soderman also suggested that they ensure multiple neighbors are contacting ABRA and others about these issues, because multiple complaints carry greater weight.

Mr. Hundozi stated that he cannot imagine that Mr. Taylor was acting the way he was described in the last meeting, and that he also has had issues with nearby businesses regarding noise, garbage management, disruptive workers, etc. He said that he has attempted to engage with the businesses directly and has not had any issues with that approach until now.

Commissioner Soderman noted that any complaints regarding rats and garbage should be directed to 311, who can engage the appropriate agencies.

III. Old Business

None.

IV. New Business

A. Discussion of request by Halftime Sports Bar for changes to its license (adding cover charge endorsement, a thirty-nine (39)-seat summer garden, and overall expansion of seating capacity).

- Mr. Barlow, Ms. Rose, and Mr. Falwell presented on behalf of Halftime.
- Mr. Barlow stated that they are in the process of obtaining a certificate of occupancy for the summer garden and upstairs of the establishment. Part of this involves an offer in compromise with ABRA from a prior issue where they were found in violation for not having proper endorsements.
- Mr. Barlow stated that the establishment is adding a cover charge for business reasons. For example, if they want to host a pay-per-view boxing match, they want to be able to help defray the costs of purchasing the match by charging a cover charge.
- Mr. Falwell stated that the establishment has been in place for about five (5) years and ,at first, they believed their license covered both floors. They later found out that was not the case. They now have a certificate of occupancy, but then discovered they needed to add the second floor to their license. The summer garden issue is similar; they are just trying to get into compliance.
- Mr. Barlow noted that Halftime has been paying a sidewalk café fee to the District Department of Transportation (DDOT) for the back patio space when it appears they should not have been, which led to part of their misunderstanding about the endorsement.
- Mr. Falwell stated that the plan is to have ten (10) high-top tables outside, with two (2) chairs per table. They intend to abide by their current settlement agreement, which requires closing time of 1:00 1pm on weekdays and 12:00 am on weekends. He estimated they would have no more than twenty-six (26) people on the patio at any time, and certainly would not exceed the occupancy load of thirty-eight (38) persons. They also have no intention to have any music on the patio.
- Mr. Seagle noted that there was an incident a while ago at Halftime and it closed down. He requested more information about the reopening and the ownership structure. Mr. Falwell stated that they purchased the business from Mr. Graham and he no longer has any interest in the business. It is an entirely new ownership team. Ms. Rose noted that they



Committee Reports

Alcohol Beverage and Licensing (ABL)



are trying to distance themselves from the past owners and management due to the bad blood. She also said some of the bad information they had was from the prior owner.

- Commissioner Soderman asked if they planned to have people seated at the high-top tables. Mr. Falwell said they would. Commissioner Soderman noted that it is possible to fit a lot of standing people around a high-top table. Mr. Williams noted that the occupancy load for the rear patio would help keep those numbers down.
- Mr. Seagle stated that the current SA for Halftime has restrictions on hours of operation and also prevents the use of music or entertainment outside.
- Mr. Williams stated that typical sticking points with neighbors are noise mitigation, but that the current agreement appears to have all necessary language in place. He said he saw no need to protest or request an update to the agreement.
- Mr. Caruth stated that he agreed with Mr. Williams and noted some additional noise mitigation techniques that the owners may wish to consider, such as additional doors, curtains, etc. Mr. Falwell stated that they have looked into soundproof curtains for the upstairs area.

Mr. Williams moved/seconded by Mr. Seagle, to recommend that ANC 6A take no action regarding the request by Halftime Sports Bar for changes to its license (adding cover charge endorsement, a thirty-nine (39)-seat summer garden, and overall expansion of seating capacity). The motion passed 5-0 (with Commissioner Soderman voting).

V. Adjourn

The Committee adjourned at 7:35 pm.



Committee Reports

Transportation and Public Space (T&PS)



AGENDA

ANC 6A Transportation & Public Space Committee Meeting
Capitol Hill Towers, 900 G Street NE
August 27, 2018 at 7:00 pm

- 1) Called meeting to order at 7:07 pm.
- 2) Introductions
 - A. Committee members in attendance: Chair Elizabeth Nelson, Marc Brumer, Jeff Fletcher, Andrea Adleman and Caitlin Rogger.
 - B. Commissioners in attendance: Mike Soderman (6A03), Amber Gove (6A04)
- 3) Announcements - none.
- 4) Community Comment - none.
- 5) New Business
 - A. Discussion with Rock and Roll Marathon representatives and MPD Special Operations Unit regarding the racecourse within ANC 6A for the 2019 event.
 - a) Diane Thomas represented Events DC (Rock & Roll Marathon); Lieutenant. Jason Bagshaw and Officer James Jaffe represented MPD.
 - b) Chair Elizabeth Nelson reminded event organizers that the ANC's approval for the 2018 event was contingent upon a commitment from the organizers to return to the TPS committee with a revised route for the 2019 event, in advance of their request for the support of said event.
 - c) The event organizers did not bring any proposed route changes with them, saying they did not recall that presenting a revision was the reason for the requirement that they come before the TPS committee. When Commissioners Gove and Soderman reinforced Ms. Nelson's statement, Ms. Thomas did acknowledge that requirement but Officer Jaffe said that there were no other possible routes - although he presented no evidence that any other possibilities were even considered. Jaffe further stated that the current map was "grandfathered in" (despite having been modified several times over the years) and that he did not anticipate that changes would be made, in particular, the start and end points.
 - d) Former ANC 6A Commissioner Nick Alberti, who had worked on racecourse modifications in the past, pointed out that there are large portions of the city that have never been traversed by the marathon and that it would be fair to residents, and more interesting for runners, to vary the route. He also noted, as did several others, that Ward 6 suffers more impact than any other, especially ANC 6A.
 - e) Officer Jaffe said that Ward 6 residents are not particularly inconvenienced as they have been accommodated by "bumps" at several intersections to allow drivers to cross the race route. He also suggested that residents could find some other way to get around during race hours and that other parts of the city are more seriously impacted. Ms. Nelson countered that these bumps are largely ineffective as the police will not close them to runners if any are present, forcing drivers to wait for a half hour or more before they can cross. Mr. Brumer pointed out that 6A residents have fewer alternate transportation options and that access to bikeshare, bus and metro rail are all severely limited by the street closures.



Committee Reports

Transportation and Public Space (T&PS)



- f) There will be a far greater impact this year than in years past because all cars must be removed from the entirety of the racecourse not only during the race itself, but also several hours in advance. In highly residential areas, such as ANC 6A, it will be extraordinarily difficult to find spaces to park all those cars within reasonable walking distance of the residences. Several attendees suggested using streets that are not heavily used for residential parking.
 - g) Commissioner Soderman suggested use of Rock Creek Park, East Potomac Park or the National Mall. Officer Jaffe reiterated that changes are unlikely as the current route “is best for the District as a whole”.
 - h) Commissioner Gove noted that using the Anacostia River Walk (north from RFK Stadium to the Aquatic Gardens) for a portion of the course would allow shortening of the course as it passes through the residential areas in Ward 6. Initially, Officer Jaffe expressed skepticism, saying that it was incomplete, unsuitable for runners, and could not connect to the course at RFK Stadium. However, Commissioners Gove and Soderman and several other attendees pointed out that his information is out-of-date; the trail is indeed finished, twelve (12) feet wide and paved. At this point Officer Jaffe agreed to work with Events DC to consider alternate routes.
 - i) Ms. Nelson reinforced that the obligation to develop an acceptable route lies with the event planners and, as they did not bring a revision with them as required, they must still do so prior to requesting a letter of support. She suggested that they come to the TPS meeting two (2) months in advance -in November, if they will be asking for support in January.
- B. Request for renewed support of Legislation (B22-0351) introduced by Councilmember Charles Allen that would create a School Parking Zone Program, allowing the District Department of Transportation (DDOT) to issue permits for school staff to park in particular zones during school hours.
- a. Mr. Will Handsfield and Commissioner Gove made the presentation. Both Ms. Gove and Mr. Handsfield have children who attend Maury Elementary School, where increased student population is increasing the need for adequate play space. Mr. Handsfield worked with Councilmember Allen’s office in developing the legislation.
 - b. Renewed support is needed because there have been changes of substance to the legislation since ANC 6A’s initial letter of support.
 - c. The two main changes are:
 - 1. Elimination of a provision to charge for on-site parking and use the fees to fund additional transportation subsidies for faculty/staff who do not park on site (deemed too cumbersome to administer) and an increased role for ANCs (the original legislation called for zone requests to be initiated by the Mayor’s office).
 - 2. Mr. Handsfield reminded the Committee that the legislation is necessary because it will allow communities the option of offering school staff the option of street parking during school hours in lieu of parking in a lot (currently the teachers’ union contract includes parking). This would potentially enable school to reduce the space reserved for parking in favor of increased play space. A census of the blocks surrounding Maury (for example) reveal an ample number of available spaces during the day while most residents are away. Parking is really only a struggle during evening hours. Further, alternatives such as parking garages are exorbitantly expensive and not the best use of resources.
 - d. Commissioner Gove emphasized that additional play space is needed at many schools, especially Maury. Children at this and other schools are at risk of having inadequate exercise, not meeting FDA guidelines, due to space constraints. This is unacceptable, especially given the availability of street parking during the school day.



Committee Reports

Transportation and Public Space (T&PS)



Recommendation: Mr. Fletcher moved that the Committee urge ANC 6A to send a letter to in support of CM Allen's legislation (B22-0351), as amended, that would create a School Parking Zone Program. The motion was seconded by Ms. Rogers and passed unanimously, 5-0.

- 6) Additional Community Comments - none
- 7) Meeting adjourned at 8:10 pm.



Committee Reports

Transportation and Public Space (T&PS)



October xx, 2018

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

Re ANC6A Supports Daytime School Parking Zone Amendment Act of 2017 (B22-0351), as amended

Dear Chairman Mendelson and Members of the Council:

At a regularly scheduled and properly noticed meeting¹ on October 11, 2018, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to express our support for the Daytime School Parking Zone Amendment Act of 2017(B22-0351), as recently amended. Please note that we sent a letter of support for an earlier version of this legislation in February of this year.

As noted in this earlier letter, the bill proposed by Councilmember Allen puts forward a creative approach to balancing the needs of school staff, students, and the broader community, while disincentivizing single-occupancy auto commuting. It would allow school staff to avail themselves of on-street parking reserved for area residents at a time of day when many of those residents are at work and not using it. We believe that this concept strikes the right balance between meeting the commuting needs of DCPS staff, while not sacrificing precious recreational space available to students and the public. As amended, it also provides greater opportunity for residents to voice their concerns prior to establishment of the school parking zone as the primary avenue for requesting such zones will be through the ANCs.

We encourage the Council to move this bill to passage and implementation.

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 contact me at philanc6a@gmail.com.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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



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
September 19, 2018**

Present: Brad Greenfield (Chair), Tim Drake, Ruth Ann Hudson, Jake Joyce, Nick Alberti and Commissioner Mike Soderman

Community Comment

None

Previously Heard Cases

None

New Business

- 1) **824 Thirteenth (13th) Street NE (BZA Case #19854):** Request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for variances from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the side yard requirements of Subtitle E § 307.1 to construct a new flat in the RF-1 Zone

The applicant and building architect presented plans for construction of a three story plus basement two-unit condominium. The area of the lot on which the applicant proposes to build is 693 square feet. The zoning relief needed for the proposed construction is due to the unusually small lot size and the proposal for the building to occupy 100% of the lot. It was noted that the lot was an existing lot prior to 2016 and is thus exempt from the minimum lot area and lot dimension requirements in a RF-1.

The Committee discussed the fact that no parking spaces are being proposed. Commissioner Mike Soderman proposed conditioning support on a requirement to prohibit future residents from receiving Residential Parking Permits. The Committee did not adopt the proposed requirement. The applicant was asked if the project could be scaled back from two (2) units to a one (1) unit residence. The applicant said that a one (1) unit structure would not be economically feasible. The applicant stated that he has a letter of support from the neighbor at 1255 I Street NE and is attempting to get letters of support from other neighbors.

Mr. Greenfield made a motion to recommend ANC 6A send a letter of support to the Bureau of Zoning Authority (BZA) for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for variances from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the side yard requirements of Subtitle E § 307.1 to construct a new flat in the RF-1 Zone on the condition that the applicant makes his best effort to get letters of support from the neighbors the applicant make best efforts to get letters of support from the neighbors at 822 and 824 Thirteenth (13th) Street NE and 1253 I Street NE. Mr. Joyce seconded the motion. The motion passed 4-1-1 with Mr. Alberti dissenting and Ms. Hudson abstaining because she is an adjacent neighbor.

- 2) **16 Tenth (10th) Street NE (BZA Case Number 19885):** Request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 1500.4 penthouse general regulations.



Committee Reports

Economic Development and Zoning Committee



The applicant requests special exemption from Penthouse provisions in RF-1 zone. There is an existing penthouse that was constructed by a prior owner as a non-file project, does not meet code criteria and is leaking. The owner wishes to rebuild the stair in accordance with applicable codes to provide safe roof access and repair the leak. The stair enclosure falls under the criteria of Penthouse per Subtitle 15, 1500.3 and is provided solely for roof access, not habitable space. Refer to attachments for more information.

The architect and applicant presented plans for a project that will include a new roof, roof deck and penthouse for stairway access. The new roof deck and penthouse will replace an existing roof deck and penthouse. A portion of the new roof will be a green roof. The subject property is within the Capitol Hill Historic District. The architect informed the Committee that project had received approval from the DC Historic Preservation Review Board.

Mr. Greenfield made a motion to recommend ANC 6A send a letter of support to the BZA for a special exception from Subtitle C § 1500.4 to construct penthouse on the condition that the applicant makes their best effort to get letters of support from the neighbors at 14 Tenth (10th) Street NE, 18 Tenth (10th) Street NE, 915 Massachusetts Avenue NE and 913 Massachusetts Avenue NE... Ms. Hudson seconded the motion. The motion was approved 6-0.

- 3) **1661 Gales Street (BZA Case Number Pending).** The developer is requesting zoning relief to subdivide three (3) existing lots into two (2) lots and for relief from lot area requirements. It appears that the application for zoning relief has not yet been submitted to the BZA. As of October 1, 2018, the BZA database does not include information on this application.

As part of the Mayor's Vacant-to-Vibrant initiative to bring housing to vacant DC owned land, the developer was awarded a site on the 1600 block of Gales Street NE to build four (4) units of for-sale workforce housing. The developer presented plans to build a two (2) unit flat on each of the two (2) new lots for a total of four (4) units. Each of four (4) units will be a three (3) bedroom flat.

Mr. Greenfield made a motion to recommend that ANC 6A send a letter of support to the BZA for zoning relief on the condition the applicant makes their best effort to get letters of support from the neighbors at 1667 Gales Street NE, 1669 Gales Street NE, 1653 Gales Street NE and 1655 Gales Street NE. Mr. Drake seconded the motion. The motion was approved 6-0.

The meeting adjourned at 9:00 pm.



Committee Reports Economic Development and Zoning Committee



October XX, 2018

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

Re: BZA Case No. 19854 (824 13th Street, NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on October 11, 2018¹, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception under Subtitle C § 703.2 from the minimum parking requirements of Subtitle C § 701.5, and pursuant to Subtitle X, Chapter 10, for variances from the lot occupancy requirements of Subtitle E § 304.1, the rear yard requirements of Subtitle E § 306.1, and from the side yard requirements of Subtitle E § 307.1 to construct a new flat in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood and it will not disrupt the privacy, air and light of neighbors. The owner has proven that the special exception criteria have been met through submission of architectural elevations and a shade study. The ANC believes that this development will not substantially visually intrude upon the character, scale, and pattern of houses in 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 and Mr. Greenfield can be contacted at brad.greenfield@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Committee Reports Economic Development and Zoning Committee



October XX, 2018

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

Re: BZA Case No. 19885 (16 10th Street, NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on October 10, 2018¹, our Commission voted X-X-X (with 5 Commissioners required for a quorum) to support the Applicant's request pursuant to 11 DCMR Subtitle X, Chapter 9, for a special exception from the penthouse requirements for an existing building in the RF-1 Zone.

The design has taken measures to ensure that the addition is in the character of the neighborhood and it will not disrupt the privacy, air and light of neighbors. The owner has proven that the special exception criteria have been met through submission of architectural elevations and a shade study. The ANC believes that this development will not substantially visually intrude upon the character, scale, and pattern of houses in 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 and Mr. Greenfield can be contacted at brad.greenfield@gmail.com.

On Behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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Committee Reports Economic Development and Zoning Committee



16 10th St NE Roof Replacement Project

Owner: Lorena Helmschen
Architect: Clairmarie Whelan AIA LEED AP BD+C

ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

1

Existing Condition



- Stair Bulkhead is a Rooftop Structure (Penthouse)
- Stair & Deck not filed with DCRA nor approved by BZA
- Slope of stair is unsafe – not compliant with IBC
- Roof is leaking around stair despite 2 attempts to repair
- Deck and guardrail are in poor condition
- Owner simply wants to maintain the property in good repair

ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

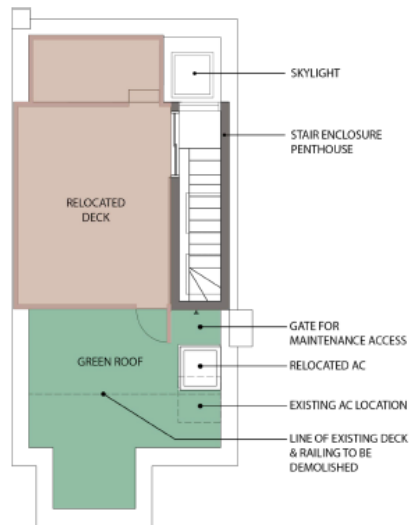
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Committee Reports Economic Development and Zoning Committee



Roof Plan



ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

3

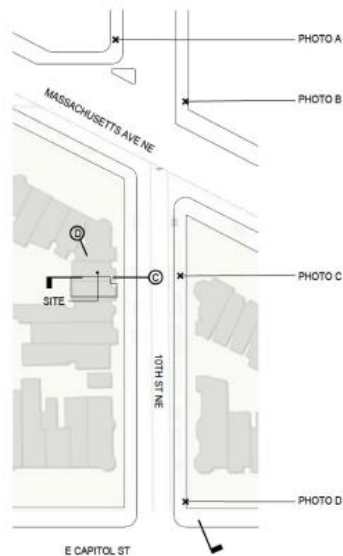
Historic View Compliance



PHOTO A NO ROOFTOP ELEMENTS ARE VISIBLE.



PHOTO B 1. SATELLITE IS VISIBLE AND WILL BE PERMANENTLY REMOVED AS PART OF THIS PROJECT.



ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

4



Committee Reports Economic Development and Zoning Committee



Historic View Compliance



PHOTO C

1. SATELLITE IS VISIBLE AND WILL BE PERMANENTLY REMOVED AS PART OF THIS PROJECT.
2. AIR CONDITIONER IS VISIBLE AND WILL BE RELOCATED 2'-10" TO THE REAR.
2. EXISTING GUARDRAIL IS VISIBLE. THE LINE OF THE NEW GUARDRAIL IS 9'-7" FT BEHIND THE EXISTING GUARDRAIL. SEE PLAN ON A002.



PHOTO D

1. EXISTING STAIR BULKHEAD IS VISIBLE. THE NEW STAIR BULKHEAD WILL HAVE A SLOPING TOP REMOVING IT FROM THE VIEWSHED.
2. EXISTING GUARDRAIL IS VISIBLE. THE LINE OF THE NEW GUARDRAIL IS 9'-7" FT BEHIND THE EXISTING GUARDRAIL. SEE PLAN ON A002.
3. EXISTING SATELLITE IS ALSO VISIBLE AND WILL BE PERMANENTLY REMOVED.

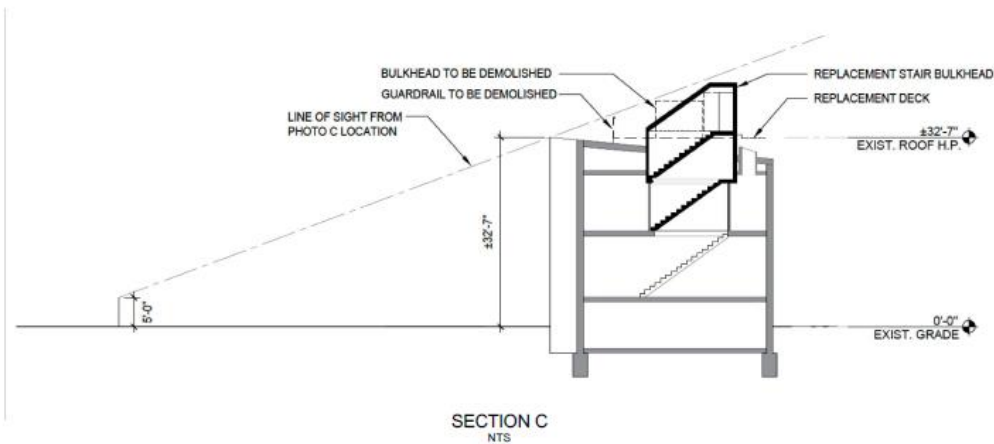
ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

5

Historic View Compliance



SECTION C
NTS

ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

6

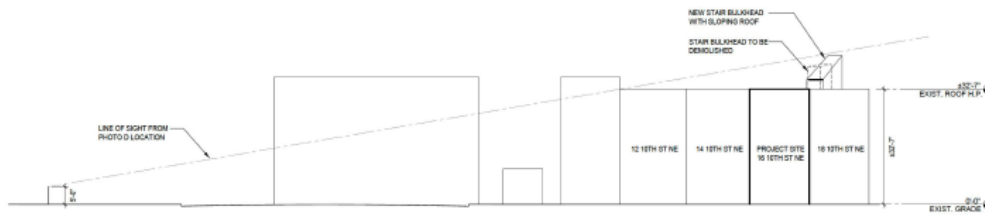


Committee Reports

Economic Development and Zoning Committee



Historic View Compliance



SECTION D
NTS

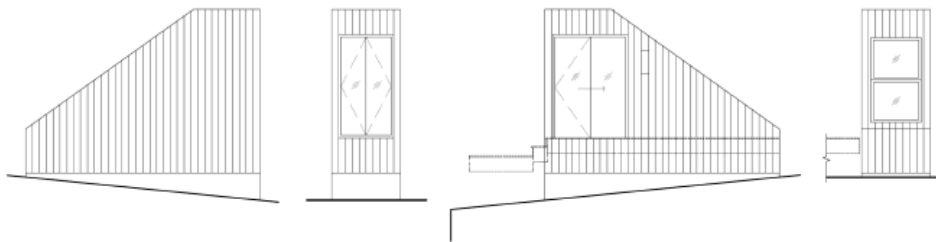
ANC 6A Economic Development & Zoning Committee

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Sept 19, 2018

7

Elevations



ANC 6A Economic Development & Zoning Committee

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Sept 19, 2018

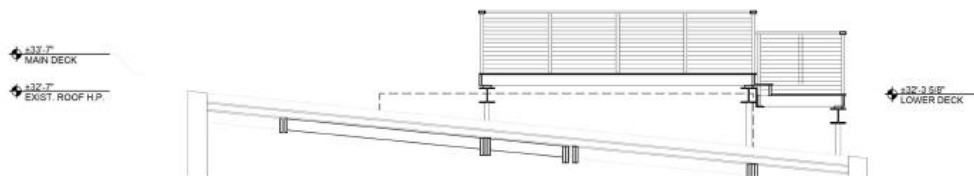
8



Committee Reports Economic Development and Zoning Committee



Section



ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

9

Zoning Special Exception

ZONE

PROJECT IS IN ZONE RF-1.

BUILDING HEIGHT

THE EXISTING BUILDING IS 32'-7" ABOVE GRADE MEASURED FROM THE MIDPOINT OF THE FRONT FACADE, IN COMPLIANCE WITH 303.1.

YARDS

FRONT AND REAR YARDS ARE NOT MODIFIED BY THIS PROJECT. THERE ARE NO SIDE YARDS APPLICABLE TO ROW HOUSES ON AN INTERIOR LOT.

ORIGINAL ROOFTOP ELEMENTS

THE ONLY ORIGINAL ROOFTOP ELEMENT IS AN EXISTING CHIMNEY AND IT IS NOT ALTERED BY THIS PROJECT. THIS PROJECT IS IN COMPLIANCE WITH 206.1.

PENTHOUSE

THIS PROJECT INCLUDES STAIR ACCESS TO THE ROOF. THE STAIR ENCLOSURE FALLS UNDER THE CRITERIA OF PENTHOUSE PER CHAPTER 15, 1500.3 AND IS PROVIDED SOLELY FOR ROOF ACCESS, NOT HABITABLE SPACE.

PENTHOUSE APPLICABILITY

ON ROWHOUSES, A PENTHOUSE IS ALLOWABLE AS A SPECIAL EXCEPTION PER 1500.4 THAT CONTAINS ONLY STAIR ACCESS TO THE ROOF AND IS NO MORE THAN 10'-0" HIGH. THIS PENTHOUSE CONSISTS ONLY OF A STAIR AND HAS NO STORAGE AND NO OCCUPIED SPACE.

PENTHOUSE HEIGHT

THE STAIR ENCLOSURE IS IN COMPLIANCE WITH 1500.4 IN THAT IT RISES 9' 10 1/2" ABOVE THE EXISTING ROOF HIGH POINT (10'-0" ALLOWED) AND IS ONE STORY.

THE STAIR ENCLOSURE IS IN COMPLIANCE WITH SPECIAL EXCEPTION UNDER SUBTITLE X, CHAPTER 9 AND PENTHOUSE MAXIMUM HEIGHT OF 12'-0" PER 303.7.

PENTHOUSE WALLS

UNIFORM HEIGHT WALLS ARE REQUIRED PER 1500.9. THIS IS NOT FEASIBLE DUE TO HISTORIC VIEW REGULATIONS. THE STAIR ENCLOSURE HAS BEEN DESIGNED WITH A SLOPING ROOF TO BE OUT OF THE HISTORIC VIEW SHED.

ANC 6A Economic Development & Zoning Committee

Archifina

Sept 19, 2018

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Committee Reports

Economic Development and Zoning Committee



Zoning Special Exception

PENTHOUSE SETBACKS

THE FRONT PENTHOUSE SETBACK IS 16'-6" FROM THE FRONT BUILDING WALL, IN COMPLIANCE WITH 1502.1a AS THIS IS GREATER THAN ITS HEIGHT OF 9'-10 1/2".

PENTHOUSE SETBACKS CONT'D

THE REAR PENTHOUSE SETBACK IS 6'-3", PER 1502.b THIS IS TO BE EQUAL TO THE PENTHOUSE HEIGHT. DUE TO THE HISTORIC VIEW REQUIREMENTS, COMPLIANCE WITH THIS SETBACK IS INFEASIBLE. THE SETBACK HAS BEEN MAXIMIZED TO THE GREATEST DEGREE POSSIBLE WHILE PROVIDING COMPLIANCE WITH HISTORIC REGULATIONS. THE SIZE OF THE PENTHOUSE HAS BEEN MADE AS SMALL AS POSSIBLE WHILE PROVIDING SAFE ROOF ACCESS.

PENTHOUSE SIDE SETBACK PER 1502.c IS NOT FEASIBLE FOR AN 18'-0" WIDE LOT. PLEASE NOTE THAT THE INTENT OF THE PENTHOUSE DESIGN IS TO PROVIDE SAFE ROOF ACCESS TO CORRECT THE NON-COMPLIANT CONSTRUCTION.

1504 RELIEF TO PENTHOUSE REQUIREMENTS

- A. STRICT APPLICATION OF PENTHOUSE SIDE SETBACK WOULD BE UNDULY RESTRICTIVE.
- B. THE RELIEF REQUESTED RESULTS IN A BETTER DESIGN OF THE ROOF STRUCTURE WITHOUT APPEARING TO BE AN EXTENSION OF THE BUILDING WALL. THE STAIR ENCLOSURE IS NOT VISIBLE FROM THE STREET, IS CONSTRUCTED OF WOOD, AND IS STRUCTURALLY SEPARATE FROM THE MASONRY BEARING WALLS, THEREFORE IT IS NOT AN EXTENSION OF THE BUILDING WALL.
- C. THE STAIR ENCLOSURE IS NOT VISUALLY INTRUSIVE AS IT IS NOT VISIBLE FROM THE STREET.
- D. CONSTRUCTION CODE REASONABLE EFFICIENCIES IN LOWER FLOORS: THE STAIR HAS BEEN DESIGNED AS A CONTINUATION OF THE EXISTING STAIR.
- E. EVERY EFFORT HAS BEEN MADE TO BE IN COMPLIANCE WITH THE REQUIRED SETBACKS.
- F. THERE IS NO EFFECT TO THE LIGHT AND AIR OF ADJACENT STRUCTURES.

PENTHOUSE AREA

PENTHOUSE IS 11% OF THE TOTAL ROOF AREA, IN COMPLIANCE WITH 1503.2.
THE STAIR ENCLOSURE IS 71 SF AND IS 16% OF THE USABLE ROOFTOP SPACE, IN COMPLIANCE WITH 1500.3b.
ROOF AREA: 668 SF
USABLE ROOF AREA 434 SF (GREEN ROOF + WOOD DECK)
PENTHOUSE AREA: 71 SF

Additional Information

Requested Action:	Approval to present to ANC & BZA
Schedule:	Construction begins immediately after DCRA & BZA Approval
Construction Methods:	Working hours, noise, truck access, etc. will be negotiated by the owner to a reasonable time frame. A crane is most likely necessary to bring beams up to the roof.
Contact:	cw@Archfina.com



New Business



October XX, 2018

Mr. Philip Agar
Permit Coordinator and Junior Project Manager
Commun-ET LLC
100 M Street SE, Suite 620
Washington, DC 20003

RE: Permit #AH1900040

Dear Mr. Agar:

At a regularly scheduled and properly noticed meeting¹ on October 11, 2018, our Commission voted XX-XX (with 5 Commissioners required for a quorum) to express our support for the above referenced after-hours permit request from MCN Build and its subcontractors to operate at the Maury Elementary School (1250 Constitution Ave NE) site on the following dates.

- Veterans Day -- Monday 11/12/18
- Martin Luther King Junior Day – Monday 1/21/19
- Presidents Day – Monday 2/18/19
- Emancipation Day – Tuesday 4/16/19
- Memorial Day – Monday 5/27/19

Please be advised that Commissioner Amber Gove and I are authorized on behalf of ANC6A for the purposes of this request. I can be contacted at PhilANC6A@gmail.com and Commissioner Gove can be contacted at AmberANC6A@gmail.com.

On behalf of the Commission,

Phil Toomajian
Chair, Advisory Neighborhood Commission 6A

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