



ADVISORY NEIGHBORHOOD COMMISSION 6B  
JULY 2024 FULL MEETING OF ANC 6B

**Join Information:**

**Meeting link:** <https://zoom.us/j/91547527951>

Password: ANC6BJuly!

**Join by Telephone: (301) 715 8592**

Webinar ID: 915 4752 7951

Passcode (Telephone): 4630567439

**AGENDA**

**1) Introduction**

**2) Adoption of Agenda**

**3) Consent Agenda**

- a) June Minutes
- b) Alcoholic Beverage & Cannabis Consent Items
- c) Transportation Consent Items
  - i) NOI 24-146: New Jersey Ave & E Street SE Annual Safety Program ***The Committee recommended that full ANC write a letter to DDOT sharing comments on this project, to be placed on the consent agenda. The motion passed unanimously.***
  - ii) Memorial Bench for BID Ambassador India Person ***The Committee recommended that full ANC write a letter to DDOT stating support for this project, to be placed on the consent agenda. The motion passed unanimously.***
- d) Planning & Zoning Consent Items
  - i) **HPA 24-237: 229 8th Street SE** [6B02]  
**Project:** TBD  
**Owner(s):** Melissa English, [melissa.english03@gmail.com](mailto:melissa.english03@gmail.com)  
**Applicant:** Devon Brophy, [devonbrophy@gmail.com](mailto:devonbrophy@gmail.com)  
**Hearing Date:** 07/25/24 or 08/01/24 [6B02]  
**Plans:** <https://app.box.com/s/dhn9muwq7e6fqor5v5v40hn1w7yanfma/folder/265824477286> ***The Committee recommended that full ANC send a letter of support for the setback option which notes that the support is contingent upon the successful completion of a flag test by HPO and to place the item on the consent agenda. The motion passed unanimously.***
  - ii) **HPA 24-328: 629 South Carolina Ave SE** [6B03]  
**Project:** To construct a three-story with cellar, rear addition, to an existing, attached, three-story with cellar, principal dwelling unit in the RF-1 zone.  
**Owner(s):** 629 SC LLC  
**Applicant:** Martin Sullivan, [msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)  
**Hearing Date:** 07/25/24 or 08/01/24 [6B03]  
**Plans:** <https://app.box.com/s/dhn9muwq7e6fqor5v5v40hn1w7yanfma/folder/268186710777> ***The Committee recommended that full ANC send a letter of support and to place the item on the consent agenda. The motion passed unanimously.***

iii) **BZA 21158: 629 South Carolina Ave SE** [6B03]

**Project:** To construct a three-story with cellar, rear addition, to an existing, attached, three-story with cellar, principal dwelling unit in the RF-1 zone.

**Owner(s):** 629 SC LLC

**Applicant:** Martin Sullivan, [msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

**Hearing Date:** 07/25/24 or 08/01/24 [6B03]

**Plans:** [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=21158](https://app.dcoz.dc.gov/Home/ViewCase?case_id=21158) **The Committee recommended that full ANC send a letter of support and to place the item on the consent agenda. The motion passed unanimously.**

iv) **BZA 21140: 1630 G Street SE** [6B09]

**Project:** To construct a front porch addition to an existing, semi-detached, two-story with cellar, principal dwelling unit in the RF-1 zone.

**Owner(s):** Carstensz Loan Holdings, LLC, [carlos@smartsettlements.com](mailto:carlos@smartsettlements.com)

**Applicant:** Eric Teran, [eteran@eustilus.com](mailto:eteran@eustilus.com)

**Hearing Date:** 09/11/24 [6B09]

**Plans:** [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=21140](https://app.dcoz.dc.gov/Home/ViewCase?case_id=21140) **The Committee recommended that full ANC send a letter of support and to place the item on the consent agenda. The motion passed unanimously.**

e) Public Safety Consent Items

f) Public Parks and Recreation Spaces Consent Items

i) ANC 6B Letter of Support for Capitol Riverfront BID Application to PABC Grant Program - 2nd St Underpass Artmaking Project (6B01 and 8F03)

g) Financial Consent Items

i) FY24 Third Quarter Quarterly Financial Report (QFR)

**4) Community & Commission Announcements & Speak Out**

a) Reminder of Upcoming Meeting Dates

**5) Presentations**

a) Sean Moore – DC Water, Lead Free DC Presentation/Update for ANC 6B

**6) ANC 6B Input on Other Concerns**

a) ~~ANC 6B Resolution on DC Utility Shutoff Ban~~

**7) Alcoholic Beverage & Cannabis Committee**

a) Consideration of Settlement Agreement for: **ABRA-127963:** DMV Liquors Wines and Beers, LLC t/a **DMV Liquors Wines and Beers**, 643 Pennsylvania Ave SE; Renewal of a Class A Liquor License; Petition deadline 07-08-2024 [6B02] **The Committee recommended that full ANC support the renewal application, pending receipt of a signed settlement agreement. Motion passed 7-1-0.**

b) Report for the ABC Committee

**8) Transportation Committee**

a) Report for the Transportation Committee

**9) Planning and Zoning Committee**

a) [LATE BREAKING]: Presentation from DC Office of Planning (OP), on behalf of the U.S. Department of The Navy, regarding a proposed new zoning designation for a site in the eastern part of Navy Yard along the Anacostia River

b) [LATE BREAKING]: BZA #21144 - Application of Taco Bell of America

c) Report for the Planning & Zoning Committee

**10) Public Safety Committee**

a) Letter to the USAO for the District of Columbia Regarding Data Transparency (For July Full ANC Meeting)

b) Report for the Public Safety Committee

**11) Southeast Library Task Force**

a) Report for the SE Library Task Force

**12) Public Parks and Recreation Spaces Task Force**

- a) Letter to DC Council Regarding Amplified Sound Abatement Legislation
- b) Report for the Public Parks and Recreation Spaces Task Force

**13) Eastern Market Community Advisory Committee**

- a) Report for EMCAC

**14) Financial**

- a) Monthly Financials

**15) ANC 6B Administrative Matters**

- a) [LATE BREAKING] Election of Chair for Public Safety Committee

**16) Adjournment**

PLEASE NOTE: At regular Commission meetings, any item may be removed from the consent agenda and placed on the regular agenda at the request of a single Commissioner. All ABC, BZA, Zoning, and Historic Preservation cases may be added to this agenda. For additional information, email [6b@anc.dc.gov](mailto:6b@anc.dc.gov), or visit ANC 6B's website: [www.anc6b.org](http://www.anc6b.org).

ANC 6B Recesses in August. The ANC 6B Executive Committee will meet next on August 27th at 7:00 PM to set the September 2024 agenda. This meeting will be a Zoom virtual meeting. Meeting link TBA.



**DRAFT Minutes of Advisory Neighborhood Commission 6B**

**June 11, 2024**

**Advisory Neighborhood Commission 6B**

**Regular Monthly Meeting**

**June 11, 2024**

**Held In Person at 507 8<sup>th</sup> St., SE, and Over Zoom**

**Commissioner Edward Stillwell Ryder, Chair**

**Participating: Commissioners D'Andrea, Durkit, Jayaraman, LaFortune, Mareino, Ryder, Sobelsohn, and Sroufe**

**Absent: Commissioner Avery**

**Commissioner Ryder called the meeting to order at 7:03 p.m.**

1. Meeting Agenda.

At Commissioner Ryder's suggestion, discussion of HPA 24-328, a project at 629 South Carolina Ave., SE--scheduled as part of the Planning and Zoning Committee report--was postponed to the July ANC meeting. At Commissioner Sobelsohn's suggestion, the agenda was modified to make the Planning and Zoning Committee report the first item under Reports of Committees and Task Forces. Commissioner Mareino moved/Commissioner Sobelsohn seconded to approve the agenda as modified. The motion passed 8-0.

2. Consent Agenda. Commissioner Sobelsohn moved/Commissioner Mareino seconded to approve the consent agenda as proposed. The motion passed 8-0. Items on the Consent Agenda included:

a. Minutes of May 14 meeting as presented. Those minutes are linked to these.

b. Administrative matters.

1) September ANC meeting. To avoid conflicting with the September 10 presidential debate, the full ANC's September meeting was rescheduled from September 10 to September 9.

2) Committee appointment. Commissioner D'Andrea has appointed Michael McMullan as the ANC 6B04 Alternate Resident Member on the ANC 6B Transportation Committee.

c. Committee recommendations.

1) Transportation Committee: the committee recommended that the ANC--

a) Reschedule committee meeting. Reschedule the July 3 committee meeting to Wednesday, June 26.

b) Send letters. Authorize sending ANC 6B letters, to be drafted by Commissioner LaFortune, to the following:

1-- District Department of Transportation (DDOT).

a-- 11<sup>th</sup> St. projects. Share community comments on DDOT's two 11<sup>th</sup> Street projects.

b-- 8<sup>th</sup> St. Bus Priority Project. Urge DDOT to post, on its website, its latest 8<sup>th</sup> St. Bus Priority Project plan; conduct more project outreach to Barracks Row businesses; erect more signs promoting parking in the area under the highway; and provide more research data substantiating the project.

2-- Washington Metropolitan Area Transit Authority (WMATA), sharing community comments on WMATA's Better Bus Network, and including urging continuing the 96 bus's current route and increasing frequency of the planned D14 route.

Each of these letters is linked to these minutes.

2) Public Safety Committee. The committee recommended an ANC 6B letter to Lindsay Appiah, DC's Deputy Mayor for Public Safety and Justice, requesting an update on implementing the 2022 Gun Violence Reduction Strategic Plan, and inviting Deputy Mayor Appiah to make a presentation to the committee in 2024. That letter is linked to these minutes.

3. Presentation. Kilil Roussaw, founder and executive director of the KRoussaw Foundation, made a presentation about his foundation. The foundation runs a summer camp and after-school "Flagship Programs," including programs on math and English literacy and one called "Beyond the Arts." The foundation also runs a Career Readiness and Entrepreneurship program. The schools hosting free foundation programs fund them. Other foundation programs require that participants pay a fee.

4. Announcements.

a. Upcoming ANC meetings. Commissioner Ryder announced the following upcoming ANC 6B meetings.

1) June 24 at 6:30 p.m.: Public Safety Committee, at 700 Pennsylvania Ave., SE, and over Zoom.

2) June 25 meetings of the Executive Committee, both over Zoom.

a) Special Call meeting at 6:30 p.m., to address matters postponed from this June 11 meeting

b) Regular June meeting at 7 p.m., to plan July meeting agendas.

3) June 26 at 7 p.m.: Transportation Committee, over Zoom.

4) July 1 at 7 p.m.: Planning and Zoning Committee, over Zoom.

5) July 2 at 7 p.m.: Alcohol and Cannabis Committee, over Zoom.

6) July 8 at 6:30 p.m.: Southeast Library Task Force, at 700 Pennsylvania Ave., SE, and over Zoom.

7) July 9 at 7 p.m.: full ANC 6B, at 700 Pennsylvania Ave., SE, and over Zoom.

b. Anacostia Watershed Society. Commissioner Sobelsohn announced that the Anacostia Watershed Society (AWS) will provide ANC 6B with a boat ride on the Anacostia River on Saturday, September 14, starting at 2 p.m.; and that AWS's president and chief executive officer will both pilot the boat and make a presentation at the ANC's September 9 meeting. Anyone interested in joining the ANC on the AWS boat ride should email Commissioner Sobelsohn at [anc6b03@gmail.com](mailto:anc6b03@gmail.com).

c. Reelection plans. Commissioners D'Andrea and Durkit announced their plans not to run for reelection in 2024.

d. MOCRS. Marcus Manning, from the Ward Six Mayor's Office of Community Relations and Services, announced:

1) Summer activities. The DC website, [summer.dc.gov](http://summer.dc.gov), lists summer 2024 services and activities in DC. They include 100 sites with free meals from June 26 through August 25.

2) Outdoor pools. DC's public outdoor pools will open June 24 10 a.m.-6 p.m. Mondays-Saturdays.

3) Late-night hikes. Late-night hikes sponsored by the Metropolitan Police Department and the Department of Parks and Recreation will start June 24, with a different location each Friday. Details at [latenighthike.spash.com](http://latenighthike.spash.com).

4) Summer jobs. The 2024 summer jobs program will run from June 24 to August 2.

e. Eastern Market anniversary. Commissioner Jayaraman announced that, with multiple public events, Eastern Market will celebrate its 150<sup>th</sup> anniversary the weekend of June 21-23.

f. Barracks Row Main Street and July 4<sup>th</sup> events. Commissioner Jayaraman also announced that Barracks Row Main Street (BRMS) will sponsor free jazz performances Fridays this summer on the Eastern Market Metro Plaza; that the community's July 4<sup>th</sup> parade on Barracks Row will go from 10-11 a.m.; and that, shortly after the parade, on D Street, SE, near the Eastern Market Metro Plaza, BRMS will attempt to break the world record for the number of people gathering together clad in different colors meant (from above) to resemble an ice-cream cone.

g. DC Council. Kimberly Kennedy, staff for Ward Six Councilmember Charles Allen, reported that the Council has restored funds for childcare workers, funds cut by the mayor's proposed budget, and that the Council's revised budget will avoid public-school layoffs.

h. Rumsey Aquatic Center Flag. Commissioner Sroufe announced that, thanks to Kimberly Kennedy and Councilmember Allen, the Rumsey Aquatic Center once again has a DC flag.

## 5. Reports of Committees and Task Forces.

### a. Planning and Zoning Committee.

1) Taco Bell, Barracks Row (BZA 21144). Commissioner D’Andrea, committee chair, reported the application of Taco Bell of America/Zusin Development for special exceptions from zoning regulations covering an MU-4/CHC zone. Taco Bell plans to open at 411 8<sup>th</sup> St., SE. To open at that location Taco Bell needs special exceptions because zoning regulations require that any new “fast food” outlet in an MU-4 zone get an exception to open and because, at nearby neighbors’ request, Taco Bell has agreed to install two roof HVAC units, which also will require an exception. The Board of Zoning Adjustment will hear the application on July 3. The Committee forwarded the application to the full ANC but made no recommendation, pending finalization of an agreement between Taco Bell and nearby neighbors. Commissioner Jayaraman moved/Commissioner Durkit seconded to table the matter until a “special call” meeting of the executive committee June 25. The motion passed 8-0.

2) 718 7<sup>th</sup> St., SE (HPA 24-331). Applicant Will Teass, on the owner’s behalf, reported that his plans have satisfied an Historic Preservation “flag test”; that on June 10 he sent notices by Federal Express to owners of the neighboring residences but has not yet received a response; and that he expects rat-abatement treatment to start Friday, June 14, but that finishing the treatment will take weeks. The Historic Preservation Review Board hearing is scheduled for June 27, but may be delayed to July 11. The Committee forwarded the application to the full ANC without recommendation. Committee chair Commissioner D’Andrea moved/Commissioner Sobelsohn seconded to table the matter until a “special call” meeting of the executive committee June 25. The motion passed 8-0.

The committee’s written report is linked to these minutes.

b. Alcoholic Beverage & Cannabis Committee: Renewal of a Class A Liquor License for DMV Liquors Wines and Beers, 643 Pennsylvania Ave., SE (ABRA-127963). The current protest deadline is July 8. Committee chair Commissioner Jayaraman is negotiating a settlement agreement. He further reports that the applicant has agreed to a protest-deadline extension and that the committee has recommended the ANC request that extension. Commissioner Jayaraman moved/Commissioner D’Andrea seconded to ask the Alcoholic Beverage and Cannabis Administration for a protest-deadline extension to July 15. The motion passed 8-0.

The committee’s written report is linked to these minutes.

c. Transportation Committee: Letter Supporting Multimodal Street Design on Major Arterials. Committee chair Commissioner LaFortune reported his committee’s recommendation that the ANC send a letter to DDOT and to Councilmember Allen urging support for multimodal projects, noting the success of the Pennsylvania Avenue, SE, redesign, and reminding DDOT of its obligation, under DC law, to give “great weight” to the views of Advisory Neighborhood Commissions regarding matters within their jurisdiction, with specific reference to redesign of Connecticut Ave., NW. On behalf of ANC

3C, Commissioner Sauleh Siddiqui (ANC 3C05) reported that all four ANCs that include or border Connecticut Avenue, NW, voted 24-2-2 to support a proposed bus and bicycle-lane redesign of Connecticut Avenue, NW. Commissioner LaFortune moved/Commissioner Sobelsohn seconded to send the letter recommended by the committee. The motion passed 7-1. Commissioner Jayaraman voted “no.” The letter is linked to these minutes, as is a written Transportation Committee report.

d. Public Safety Committee. A written Public Safety Committee report is linked to these minutes.

e. Southeast Library Task Force. Taskforce chair Commissioner Sobelsohn reported on the sudden extended closure of the Arthur Capper Recreation Center interim library facility, which the DC Public Library calls the “TechExpress.” The HVAC system has failed and is in the process of a lengthy repair. Minutes of the June 3 taskforce meeting are linked to these minutes.

f. Public Parks and Recreation Spaces Task Force. Taskforce chair Commissioner Sroufe reported that Councilmember Allen has secured funds for a “throne” public toilet that DDOT will place on the Eastern Market Metrorail Plaza. Commissioner Sroufe also reported that DC Council Chair Phil Mendelson and Ward One councilmember Brianne Nadeau have introduced bills regarding amplified sound in public places.

g. Eastern Market Community Advisory Committee (EMCAC). ANC delegate Commissioner Sroufe reported that Eastern Market has raised its rates for using the north hall, and added new vendors to the outdoor market.

6. Monthly Financial Reports. A monthly treasurer’s report is linked to these minutes.

7. Personnel. Commissioner Ryder moved/Commissioner Mareino seconded to go into executive session to discuss personnel. The motion passed 8-0. At 9:55 p.m. the ANC went into executive session to discuss personnel. Commissioner Ryder reported that he will shortly send out a Request for Proposals. No motion emerged from the executive session.

8. Adjournment. Commissioner Sobelsohn moved/Commissioner D’Andrea seconded to adjourn. The motion passed 8-0. The meeting adjourned at 10:02 p.m.

Respectfully submitted,

David Sobelsohn  
Secretary, ANC 6B



**ADVISORY NEIGHBORHOOD COMMISSION 6B  
ALCOHOLIC BEVERAGE & CANNABIS COMMITTEE MEETING**

**Tuesday, July 2, 2024, 7:00 p.m.**

**REPORT**

**I. Introduction of Commissioners and Resident Members**

Commissioners: Chander Jayaraman; Gerald Sroufe; David Sobelsohn; Edward Ryder;

Resident Members: George Dee; Katherine Szafran; Ellen Opper-Weiner; Kristen Hutchens; Jonathan Levy;

**II. New Business**

1. ABCA-127963—DMV Liquors Wines and Beers, LLC t/a **DMV Liquors Wines and Beers**; 643 Pennsylvania Ave SE; New Class A Retail Liquor License; Petition deadline: July 15, 2024 [6B02];

- **Hours of Operation & Sales/ Service: Sun.--Sat. 10 AM – 9:30 PM;**

Victoria Wheatly appeared before the Committee to introduce herself to the committee and requested our support. She stated that she wants to work with the community. The Committee discussed a variety of topics including trash management, sales of singles, contents of the Settlement Agreement (SA) and their application in practice.

Ms. Wheatly asked a clarifying question about provision in Sec. 2d. regarding discouraging consumption of alcohol in front of the premises. The Chair explained that it referred to the public space immediately outside of the Premises and involved posting signage, and gently asking people about the prohibition.

Upon questioning from the Chair regarding the applications, it was discovered that the licensee had purchased the license from the previous owner and that this was not a new license. It is the renewal of an existing license that was transferred to a new owner. The owner stated that their current license had a tasting endorsement but it was not reflected on the placard. The Chair checked the previous SA and no reference to a Tasting endorsement was listed. The Chair will edit the draft SA to reflect that the licensee has a tasting endorsement.

**MOTION:** The ABC Committee recommends that the Commission support the renewal application of the current license which was transferred to new ownership, pending receipt of a signed Settlement Agreement. [Jayaraman; Sroufe 2<sup>nd</sup>] Motion--7-1-0



**Report of the ANC6B Transportation Committee Meeting  
June 26, 2024**

**Commissioners Present: Matt LaFortune (chairing), Jerry Sroufe (6B02), David Sobelsohn (6B03), Chander Jayaraman (6B06)**

**Resident Members Present: Jakob Youngblood (6B01), Janice Kruger (6B03), Kirsten Oldenburg (6B04), Michael McMullan (6B04-Alt), Brian Poochigian (6B06), Richard Cunningham (6B07), Joshua Peacock (6B09-Alt)**

**DDOT Presentation on 8th St. Bus Priority Project**

Andrew Grinberg, a Transportation Planner with DDOT, provided an update on the 8<sup>th</sup> St. SE Bus Priority Project. He noted that this is the fifth ANC meeting that he has presented to so far in addition to direct community engagement with local business owners. DDOT has recently completed a traffic analysis of its concept plan and is now ready to finalize the concept. A concept selection letter will come out later this summer as well as the start of a curbside regulation process with stakeholder engagement.

Mr. Grinberg noted that the 8<sup>th</sup> St. corridor will still have 15 buses per hour during peak times following WMATA's Better Bus plan and the expected end of Circulator service. 8,000 total riders currently use buses along the corridor per day, with 1,200 boarding on the stretch of Barracks Row.

There is an expected net change of 46 fewer offpeak parking spots (34 during peak hours). 25 of those are required to bring the corridor into compliance with the latest regulations. 21 stops would be removed for bus lanes and zones. Barracks Row is expected to lose 21 offpeak spots (9 during peak hours). This is an 18.4% reduction.

Mr. Grinberg will meet with Yes Organic Market about the loss of loading zones in front of their store. FEMS is supportive of bus lanes in front of the fire station to reduce double-parking.

Commissioner Sobelsohn asked whether concept selection will include the alternatives not selected. Mr. Grinberg responded that sub-concepts have been considered and DDOT will note the discussion of other concepts and reasoning for the final selection.

Commissioner Sobelsohn asked about how the ANC can request continued Circulator route coverage. Mr. Grinberg suggested continuing to reach out to WMATA for these routes to be added to the Better Bus plan.

Commissioner Sobelsohn asked about scooter parking zones that were referenced in the DDOT materials. Mr. Grinberg confirmed that he is researching how to incorporate safe parking for scooters so that they are not left on the sidewalk.

Commissioner Sobelsohn asked for clarification on “restricting left turns” in the plan. Mr. Grinberg clarified that left turns would be banned from both blocks of D St. SE onto 8<sup>th</sup> St., with the potential exception of freight trucks.

Commissioner Sobelsohn asked whether DDOT has considered closing 7<sup>th</sup> St. SE in front of the library. Mr. Grinberg said that they looked at making it one-way when considering reversal of traffic flow on D St. SE but ultimately decided against it.

Commissioner Sobelsohn confirmed with Mr. Grinberg that final completion of this project will be in 2025 or 2026.

Gary Cha, the owner of Yes Organic Market, stated his opposition to the project as this already has the least loading access of any Yes store and he worries about losing customers. Mr. Grinberg responded that the current loading zones are already not accessible and he has observed that four parking spots do not serve the direct survival of any store but confirmed he would look to meet directly with Mr. Cha and see the current parking situation in person.

John Boyle, the owner of Barracks Row Joey’s, said that full service restaurants need parking and suggested that the lot currently used by the Marines under the freeway be opened up for public parking. Mr. Grinberg stated that Marines get an annual permit to use that lot and that the ANC could request DDOT to reject the permit if it wants to. He also noted that the Capitol Riverfront BID is conducting visioning exercises for more welcoming underpasses.

Brian Ready, from Barracks Row Main Street, noted that the parking lots and spaces are related to a combination of patterns and perceptions. For example, the paid 700 Penn lot is full every weekend with shoppers going to Eastern Market.

Commissioner Jayaraman noted that people park on side streets rather than walking further. He asked about data on riders boarding/offloading from buses at specific stops along 8<sup>th</sup> St. Mr. Grinberg shared specific data points and committed to sending the full dataset after the meeting.

RM Youngblood noted his appreciation for the safety measures in the project.

**DDOT Presentation on NOI 24-146: New Jersey Ave & E Street SE Annual Safety Program**

Noah Bell, from DDOT, presented on an NOI issued May 24<sup>th</sup> with comments due July 10<sup>th</sup>. In February 2024, a pedestrian was struck in a crosswalk at this intersection. DDOT is proposing a quick build curb extension as well as the painting of bike lanes through the intersection.

Commissioner LaFortune noted that Commissioner Avery was not able to attend the meeting but has received several emails from neighbors on this project. He asked RM Youngblood to share a perspective from the SMD.

RM Youngblood requested that the projected be expanded with a pedestrian refuge. Neighbors want more hardening other than paint or flexiposts. He asked why the bike lane is not parking protected and also suggested elevated crosswalks. Mr. Bell responded that more design and analysis is required but that this is now listed as an area of interest for more long-term safety improvements. He noted that additional curb extensions would require the removal of parking.

James Smailes, a neighbor and traffic engineer, asked why so much of the left-turn lane is being removed. Mr. Bell noted that the drawing is not final and that DDOT will consider queuing issues for how much to shorten the lane. Signal timing will also be considered as part of the project.

Commissioner Jayaraman asked whether delivery trucks from the power plant will be able to make a right turn onto E St. Mr. Bell stated that DDOT has been in contact with the neighboring landowners to coordinate and collect feedback. He also stated that there will not be any parking changes as a result of this project.

*Commissioner LaFortune moved to recommend that the ANC write a letter to DDOT sharing comments on this project, to be placed on the consent agenda. RM Youngblood seconded. The motion passed unanimously.*

#### **Capitol Hill BID Presentation on Memorial Bench for BID Ambassador India Person**

McKenna Boyland and Patty Brosmer, from the Capitoll Hill BID, presented their proposal for a memorial bench in Parcel 4 of the Eastern Market Metro Park following the passing of 20-year BID Ambassador India Person.

Commissioner LaFortune noted that public space permits fall under the jurisdiction of the Transportation Committee since they are approved by DDOT and asked Ms. Boyland and Ms. Brosmer how the ANC can be supportive of this project. Ms. Boyland and Ms. Brosmer requested a letter of support from the ANC as they are going through the approval process currently and are shooting for a dedication on September 19<sup>th</sup>. Capitol Hill BID has already received letters of support from Councilmember Allen's office, Barracks Row Main Street, and Eastern Market Main Street.

*Commissioner Sobelsohn moved to recommend that the ANC write a letter to DDOT stating support for this project, to be placed on the consent agenda. Commissioner LaFortune seconded. The motion passed unanimously.*

#### **Committee Discussion on Parking Enforcement on 400 Block of 1st St. SE**

Commissioner LaFortune noted that Commissioner Avery requested this topic be removed from the agenda as he is working with neighbors in his role as SMD Commissioner.

#### **Committee Discussion on EV Charging Locations**

As a follow-up to the June committee meeting, Commissioner LaFortune shared that DOEE is collecting suggestions for charging locations indefinitely. Committee members raised the gas stations in the ANC, the RFK soccer fields, the parking lot under the freeway on 8<sup>th</sup> St., and the Sport and Health parking lot as potential locations.

Commissioner Sobelsohn suggested that the committee be given until the September meeting to think of additional locations. Commissioner LaFortune agreed to that plan, noting that he would check with DOEE in case there was a specific need for submissions before then.



July 9, 2024

700 Pennsylvania Avenue SE  
Ste. #2032  
Washington, DC 20003  
6B@anc.dc.gov

Ms. Sharon Kershbaum  
Director  
Department of Transportation  
250 M Street, SE  
Washington, DC 20003

**OFFICERS**

Chairperson  
*Edward Ryder*

Vice-Chair  
*Vince Mareino*

Secretary  
*David Sobelsohn*

Treasurer  
*Frank Avery*

Parliamentarian  
*Kasie Durkit*

**COMMISSIONERS**

- SMD 01 Frank Avery
- SMD 02 Jerry Sroufe
- SMD 03 David Sobelsohn
- SMD 04 Frank D'Andrea
- SMD 05 Kasie Durkit
- SMD 06 Chander Jayaraman
- SMD 07 Vince Mareino
- SMD 08 Edward Ryder
- SMD 09 Matt LaFortune

VIA EMAIL: [sharon.kershbaum@dc.gov](mailto:sharon.kershbaum@dc.gov)

Re: ANC 6B Feedback on NOI 24-146-TESD (New Jersey Ave & E Street SE)

Dear Director Kershbaum:

*At a properly noticed general meeting on July 9, 2024, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted X-X-X, based on the unanimous recommendation of its Transportation Committee, to submit the following request to the Department of Transportation (DDOT).*

We write about an Annual Safety Improvement project within ANC 6B: New Jersey Ave & E Street SE (NOI-24-146-TESD).

First, ANC 6B would like to thank Director Sharon Kershbaum and Ward 6 Councilmember Charles Allen for prioritizing this intersection following recent neighbor testimony where a mother was struck by a vehicle at this intersection. Her daughter witnessed the incident, and her daughter has personally advocated for improvements to this intersection, following a long history of advocacy by neighbors for much needed improvements to a complex, multimodal, and highly-utilized residential intersection. This incident follows at least 3 other incidents reported to the SMD 6B01 Commissioner and Councilmember since 2023, including a winter 2023 incident where a Metropolitan Police Department officer struck a child with their vehicle. We appreciate the new Director's decisive prioritization and the initial response from DDOT by issuing NOI 24-146-TESD.

During the June 26, 2024 meeting of our Transportation Committee meeting, DDOT presented updated plans for this intersections, following initial feedback from neighbors and the SMD 6B01 Commissioner, and DDOT responded to questions from neighbors. ANC 6B urges DDOT to incorporate the suggestions into its project plans as discussed, **in addition to** the enhanced improvements presented at the June 26, 2024, ANC 6B Transportation Committee meeting.

**Hardening at All Corners:** The current NOI is limited to only the "left turn pocket at 1<sup>st</sup> and E St SE" and the "southeast corner of New Jersey and E Street SE." As neighbors noted, this is insufficient. ANC 6B urges DDOT to expand its initial Annual Safety Improvement interventions to cover all corners of the intersection.

**Use of Flexposts, Curb Extensions, and Bulbouts:** The initial NOI solely included restriping. As part of the updated plans, DDOT confirmed limited use of flexposts to assist with additional safety improvements. However, this is insufficient as they still appear solely focused on the initial turn pocket noted in the NOI. ANC 6B urges DDOT to utilize flexposts, curb extensions, and bulbouts **for all corners** of the intersection to assist with slowing the turning speed of drivers and increasing safe harbors for pedestrians, cyclists, and scooter commuters who regularly commute through the intersection. There is extensive precedent for this in ANC 6B at similar complicated intersections such as the intersection of Independence Avenue, North Carolina Avenue, 7<sup>th</sup> St, and 8<sup>th</sup> Street SE (north end of Eastern Market).

**Enhance Protections for Pedestrians, Cyclists, and Scooter Riders:** The intersection covered by the NOI is a highly trafficked commuter corridor for Capitol Hill employees who live locally, employees who commute in, tourists, Capitol Hill residents, and parents dropping off children at one of the three schools in the area (Brent Elementary, St. Peter School, and Capitol Hill Day School). The neighborhood also has a number of blind or visually-impaired residents making safety for those traveling by foot, wheelchair, cycle, or scooter in equal need of protections, clear road markings, and safe harbors that dissuade and prevent collisions with vehicles. ANC 6B strongly urges enhancements go beyond striping and marking and include flexposts to both extend the curbs **and** continue extending the flexpost structure on NJ Avenue SE for protected bike lanes. There is precedent for this on the New Jersey Ave SE corridor, such as the intersection of New Jersey Ave and I (Eye) Street SE.

Thank you in advance for considering and granting great weight to our recommendations. We look forward to your response.

Sincerely,

Edward Ryder, Chair of ANC 6B

CC:

Abraham Diallo, Ward 6 Liaison, DDOT

Noah Bell, Transportation Engineer, DDOT

Charles Allen, Ward 6 Councilmember

Frank Avery, Commissioner, ANC 6B01



July 9, 2024

700 Pennsylvania Avenue SE  
Ste. #2032  
Washington, DC 20003  
6B@anc.dc.gov

Ms. Sharon Kershbaum  
Interim Director  
Department of Transportation  
250 M Street, SE  
Washington, DC 20003

**OFFICERS**

Chairperson  
*Edward Ryder*

Vice-Chair  
*Vince Mareino*

Secretary  
*David Sobelsohn*

Treasurer  
*Frank Avery*

Parliamentarian  
*Kasie Durkit*

VIA EMAIL: [sharon.kershbaum@dc.gov](mailto:sharon.kershbaum@dc.gov):

Re: Support of Memorial Bench for Capitol Hill BID Ambassador India Person

Dear Director Kershbaum:

*At a properly noticed general meeting on July 9, 2024, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted X-X-X, based on the recommendation of its Transportation Committee, to submit the following request to the Department of Transportation (DDOT).*

During the June 26, 2024 meeting of our Transportation Committee, ANC 6B received a presentation from the Capitol Hill BID regarding the proposed installation of a memorial bench on Parcel 4 of the Eastern Market Metro Park.

**COMMISSIONERS**

- SMD 01 Frank Avery
- SMD 02 Jerry Sroufe
- SMD 03 David Sobelsohn
- SMD 04 Frank D'Andrea
- SMD 05 Kasie Durkit
- SMD 06 Chander Jayaraman
- SMD 07 Vince Mareino
- SMD 08 Edward Ryder
- SMD 09 Matt LaFortune

This bench is in memory of former BID Ambassador India Person. As shared on the Capitol Hill BID website: "India Person worked as a Hospitality Ambassador at Capitol Hill BID for over 20 years. After a hard fought two year battle with cancer, she passed away on January 25, 2024. India not only patrolled and cared for our BID members, residents, and visitors, but she brought sunshine to the neighborhood even on the cloudiest days. She shined unapologetically, making every occasion feel special. India will be remembered for her unwavering love for her son, her remarkable contribution to the Capitol Hill community, her fiercely glowing spirit, and her ability to brighten the lives of those around her. She was a woman of courage, an inspiring friend, a loving mother, and will always be a cherished part of Capitol Hill BID."

ANC 6B fully supports this permit application and looks forward to the dedication and celebration in honor of India planned for September 21<sup>st</sup>.

Thank you in advance for considering and granting great weight to our recommendations. We look forward to your response.

Sincerely,

Edward Ryder, Chair of ANC 6B



## Report of the ANC 6B Planning and Zoning Committee

July 1, 2024

**Commissioners Present:** Sroufe (6B02), Sobelsohn (6B03), D’Andrea (6B04 – Charing), Mareino (6B07), Lafortune (6B09)

**Resident Members Present:** *Lea* (6B01 – Alternate Voting), Smith (6B03-Partial), Jarboe (6B05), Robertson (6B06-Partial)

### 1. Introductions/Call to Order

The meeting was called to order at 7:03 p.m.

### 2. HPA 24-237: 229 8th Street SE [6B02]

**Project:** To construct a third story addition to an existing, detached two story structure.

**Owner(s):** Melissa English, [melissa.english03@gmail.com](mailto:melissa.english03@gmail.com)

**Applicant:** Devon Brophy, [devonbrophy@gmail.com](mailto:devonbrophy@gmail.com)

**Hearing Date:** 07/25/24 or 08/01/24

**Plans:** <https://app.box.com/s/dhn9muwq7e6fqor5v5v40hn1w7yanfma/folder/265824477286>

The applicant presented a project to add a third story addition to an existing two-story structure. Two options were presented, one with the structure not set back from the existing cornice and one with the addition set back. While neighbors were in support of the non-setback option, it was noted that HPRB and HPO would probably not endorse this approach. No substantive concerns were raised regarding the proposed materials.

***Motion [Sroufe/Lafortune] to recommend that the full ANC send a letter of support for the setback option which notes that the support is contingent upon the successful completion of a flag test by HPO and to place the item on the consent agenda. The motion passed 8-0-0. Resident member Smith was not present for the vote.***

### 3. HPA 24-328: 629 South Carolina Ave SE [6B03]

**Project:** To construct a three-story with cellar, rear addition, to an existing, attached, three-story with cellar, principal dwelling unit in the RF-1 zone.

**Owner(s):** 629 SC LLC

**Applicant:** Martin Sullivan, [msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

**Hearing Date:** 07/25/24 or 08/01/24

**Plans:** <https://app.box.com/s/dhn9muwq7e6fqor5v5v40hn1w7yanfma/folder/268186710777>

The applicant presented their project to add a three-story addition to the rear of an existing structure. While the addition would be visible from certain angles from the street, the visibility was minimal and CHRS and HPO appeared to be in support. No further issues were raised with respect to historic preservation issues.



***Motion [Sobelsohn/Sroufe] to recommend that the full ANC send a letter of support and to place the item on the consent agenda. The motion passed 8-0-0. Resident member Smith was not present for the vote.***

**4. BZA 21158: 629 South Carolina Ave SE [6B03]**

**Project:** To construct a three-story with cellar, rear addition, to an existing, attached, three-story with cellar, principal dwelling unit in the RF-1 zone.

**Owner(s):** 629 SC LLC

**Applicant:** Martin Sullivan, [msullivan@sullivanbarros.com](mailto:msullivan@sullivanbarros.com)

**Hearing Date:** 07/25/24 or 08/01/24

**Plans:** [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=21158](https://app.dcoz.dc.gov/Home/ViewCase?case_id=21158)

The applicant described relief needed for the height of the structure due to the existing heights of the floors in the building and the efforts to reduce the visibility of the structure from the street. No major concerns were raised regarding the requested relief.

***Motion [Sobelsohn/Jarboe] to recommend that the full ANC send a letter of support and to place the item on the consent agenda. The motion passed 8-0-0. Resident member Smith did not participate in the vote.***

**5. BZA 21140: 1630 G Street SE [6B09]**

**Project:** To construct a front porch addition to an existing, semi-detached, two-story with cellar, principal dwelling unit in the RF-1 zone.

**Owner(s):** Carstenz Loan Holdings, LLC, [carlos@smartsettlements.com](mailto:carlos@smartsettlements.com)

**Applicant:** Eric Teran, [eteran@eustilus.com](mailto:eteran@eustilus.com)

**Hearing Date:** 09/11/24

**Plans:** [https://app.dcoz.dc.gov/Home/ViewCase?case\\_id=21140](https://app.dcoz.dc.gov/Home/ViewCase?case_id=21140)

The applicant described a project to add a roof to an existing porch and requested relief from the lot occupancy requirements. No concerns were raised, and Commissioner Lafourtune noted that neighbors were supportive.

***Motion [Lafourtune/Jarboe] to recommend that the full ANC send a letter of support and to place the item on the consent agenda. The motion passed 8-0-0. Resident member Smith did not participate in the vote.***

**6. Letter to DOB Regarding 1362 E St SE**

Commissioner Mareino introduced an issue that a resident in his SMD had been having regarding adjacent construction and the status of permits and neighbor notifications. The neighbors noted that the project had applied for permits 3 years ago and then gone inactive. They had previously reviewed the plans and had technical objections that they said were not resolved. The project recently seems to have resumed the permit process and the neighbors are worried that permits will be granted without their technical objections being taken into account. The developer of the project in question was also present and noted that they were willing to resolve any and all issues brought to their attention. The



Committee agreed that more information on the status of the permit was needed, including the status of any neighbor notifications or resolution of technical objections.

***Motion [Mareino/Sobelsohn] to recommend that the full ANC send a letter to DOB requesting more information about the status of the permit and neighbor notifications and to place the item on the consent agenda. It was further moved to delegate authority to write the letter to Commissioners D'Andrea, Mareino and Sobelsohn. The motion passed 7-0-0. Resident member Smith did not participate in the vote and Resident Member Robertson was not present.***

#### **9. Adjournment**

The chair motioned, via unanimous consent, to adjourn. No objections being heard, the meeting was adjourned at 9:02 p.m.

# Holland & Knight

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Christine M. Shiker  
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Christopher S. Cohen  
202.469.5127  
christopher.cohen@hklaw.com

July 9, 2024

*Via IZIS*

Board of Zoning Adjustment  
of the District of Columbia  
441 4<sup>th</sup> Street, NW, Suite 210-S  
Washington, DC 20001

Re: **BZA Case No. 21144**  
**Applicant's Post-Hearing Submission**  
**Taco Bell of America, LLC / 411 8<sup>th</sup> Street, SE (Lot 16 in Sq. 902)**

Dear Members of the Board:

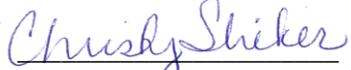
As instructed by the Board at the close of the public hearing on the above-referenced application held on July 3, 2024, and per the Board's memorandum at Exhibit [39](#) in the case record (the "Memo"), we submit this Post-Hearing submission on behalf of Taco Bell of America, LLC (the "Applicant"). Enclosed please find the **Clean List of Proposed Conditions with Exhibits A through E** (the "Proposed Conditions"). The Proposed Conditions reflect the revised conditions as requested by the Board during the public hearing, eliminating those conditions previously listed as No. 6, 16, 17, 18, and 20 in the Applicant's Revised PowerPoint Presentation, Ex. [37](#) at pp. 8-13. The Proposed Conditions will be considered by Advisory Neighborhood Commission 6B at its July 9, 2024, public meeting.

Furthermore, the Applicant, the owner of the subject property, and the neighboring residents, tenants, and/or owners in Square 902 have executed a Memorandum of Agreement ("MOA"). The MOA memorializes those conditions that fall outside the Board's jurisdiction and thus cannot be included in a final order, should the Board vote to approve the application. The MOA captures the full extent of the agreement reached by all parties, and ensures that the proposed fast food restaurant use will operate in accordance with the expectations of the community. **The Applicant will submit the fully executed MOA to the record after the ANC reconsiders the application at tomorrow's public meeting, and no later than Thursday, July 11<sup>th</sup> per the Board's Memo.**

We trust that this Post-Hearing Submission is responsive to the Board's direction. We look forward to the Board's further consideration of the application at the meeting scheduled for July 17, 2024.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By:   
Christine M. Shiker  
Christopher S. Cohen

Encl.

cc: Certificate of Service

**CERTIFICATE OF SERVICE**

I hereby certify that on July 9, 2024, a copy of the foregoing Post-Hearing Submission in support of BZA Application No. 21144 was served by electronic mail on the following at the addresses stated below.

**District of Columbia Office of Planning**

Jennifer Steingasser: [jennifer.steingasser@dc.gov](mailto:jennifer.steingasser@dc.gov)  
Joel Lawson: [joel.lawson@dc.gov](mailto:joel.lawson@dc.gov)  
Shepard Beamon: [shepard.beamon@dc.gov](mailto:shepard.beamon@dc.gov)

**District Department of Transportation**

Erkin Ozberk: [erkin.ozberk1@dc.gov](mailto:erkin.ozberk1@dc.gov)  
Noah Hagen: [noah.hagen@dc.gov](mailto:noah.hagen@dc.gov)

**Advisory Neighborhood Commission 6B**

[6B@anc.dc.gov](mailto:6B@anc.dc.gov)

**Commissioner Edward Ryder**

Chair, ANC 6B  
[6B08@anc.dc.gov](mailto:6B08@anc.dc.gov)

**Commissioner Frank D’Andrea**

Chair, ANC 6B Planning and Zoning (P&Z) Committee  
[6B04@anc.dc.gov](mailto:6B04@anc.dc.gov)

**Commissioner David Sobelsohn**

Single Member District 6B03  
[6B03@anc.dc.gov](mailto:6B03@anc.dc.gov)

**Linda Elliott and John West**

414 7<sup>th</sup> Street, SE  
Washington, Dc 200033  
[linda.a.elliott@gmail.com](mailto:linda.a.elliott@gmail.com)  
[westjim1946@gmail.com](mailto:westjim1946@gmail.com)

*Party in Support of BZA Application No. 21144*

**Max Moncaster**

The Prout Condos, 418/420 7<sup>th</sup> Street, SE  
Washington, DC 20003  
[maxmoncaster@gmail.com](mailto:maxmoncaster@gmail.com)

*Party in Support of BZA Application No. 21144*



Christopher S. Cohen  
Holland & Knight LLP

**BZA Case No. 21144**  
**Applicant's Post-Hearing Submission**

**Clean List of Proposed Conditions with Exhibits A through E**

---

1. **Exhibits Included as Part of Proposed Conditions.** The fast food restaurant shall be constructed and operated in accordance with these Proposed Conditions and the attached Exhibits, all of which are in the record at Exhibit \_\_\_\_ [*anticipated to be marked as Exhibit 40A in the public record for BZA Case No. 21144*].
2. **Term Limit and Applicant's Good Faith Commitment.** This approval shall be for a term of TEN (10) YEARS, beginning on the date upon which this order becomes final (the "Term"). Throughout the Term, Applicant commits to working in good faith with the community to address, improve, remedy, and/or resolve (i) concerns related to operations; and/or (ii) shortcomings in fulfilling the intent of the conditions which are to mitigate noise, odors and pests. For purposes of this condition, the Applicant designates Saleh Uddin as its primary point of contact (phone: 703-981-0987 / email: salehuddin@3754@gmail.com). In the event of continuing mechanical noise issues, Applicant shall engage ArtUSA to assist in resolving such issues.
3. **Deliveries.** Deliveries to the site shall be restricted to Monday through Friday, between 10:00 am to 4:00 pm.
4. **Hours of Operation.** Applicant's hours of operation may be from 7:00 am to 12:00 am (midnight), seven days a week. The walk-up service window may be open daily until 3:00 am but will only accommodate third party delivery services and mobile order pick-ups.
5. **Restaurant Trash and Recycling Pick-Ups.** Trash and recycling pick-ups shall occur no earlier than 7:00 am. Trash shall be picked up six (6) days a week. Recycling shall be picked up five (5) days per week. All trash pick-ups shall be from the abutting 8<sup>th</sup> Street, S.E. curb.
6. **Indoor Cooler.** As specified in Exhibit A to the Proposed Conditions, an indoor, walk-in style cooler, shall be used exclusively for the storage of all trash, recycling, and used cooking oil and grease.
7. **Condensers and Compressors.** As specified in Exhibit A to the Proposed Conditions, all condensers and compressors shall be located inside the leased portion of the building and shall not be located on the roof. These items include, but are not limited to, Pepsi, ICEE, food freezer/cooler and the trash/recycling cooler condensing units.
8. **HVAC.** As shown and specified in Exhibit B and Exhibit C to the Proposed Conditions, HVAC units shall be located on the roof of the building. No mechanical equipment beyond that specified in Exhibit D to the Proposed Conditions will be added to the roof of the building for any restaurant use. When replacement of HVAC equipment is required, the replacement equipment will be no louder than the acoustical measures specified in Exhibit D to the Proposed Conditions.

9. **Kitchen Exhaust Fan.** As shown and specified in Exhibit B and Exhibit C to the Proposed Conditions, the kitchen exhaust fan shall be located on the roof. Deflectors attached to the exhaust fan shall direct discharge toward the east. No mechanical equipment beyond that specified in Exhibit D to the Proposed Conditions will be added to the roof of the building for any restaurant use. When replacement of the kitchen exhaust fan is required, it shall involve a fan no louder than the acoustical measures specified in Exhibit D to the Proposed Conditions.
10. **Rooftop Sound Barriers.** Applicant has retained ArtUSA for installation of rooftop sound barriers as shown and specified in Exhibit B and Exhibit C to the Proposed Conditions. Sound barrier materials, including ArtWhisper sound absorbing material, shall be repaired and replaced when the materials begin to deteriorate.
11. **Maintenance of Mechanical Equipment.** The HVAC units and kitchen exhaust fan located on the rooftop shall be maintained in good working order via a maintenance contract including, at minimum, four annual service inspections.
12. **Non-Use of Rear Courtyard.** The rear courtyard shall not be used by employees or for storage purposes. No rear egress shall be made available from the building and rear doors will be alarmed. No outdoor seating will be provided for customers.
13. **Condition of Rear Courtyard.** The rear courtyard shall be maintained in good condition. Among other measures, commercially reasonable efforts shall be used to keep the courtyard free of debris, keep the existing drainage system clear and unobstructed, and rid the courtyard space of any rodent burrows and all rodent harborage.
14. **Pest Control.** Applicant shall use commercially reasonable efforts to conduct all operations in accordance with Exhibit E to the Proposed Conditions.
15. **Minor Design Flexibility.** Applicant is granted minor design flexibility from the Approved Plans, including the configuration of the rooftop structures, to respond to feedback from and/or modifications required by the Historic Preservation Office and/or the Historic Preservation Review Board.

**BZA Application No. 21144**

**Special Exception Request to Allow Fast Food Restaurant at 411 8th Street, SE  
Proposed Conditions for Final BZA Order**

**EXHIBITS TO PROPOSED CONDITIONS**

**EXHIBIT A**  
to Proposed Conditions

*Equipment Plan prepared by GPD Group (Sheet A2.0)*



# **EXHIBIT B**

to Proposed Conditions

*Roof Plan prepared by GPD Group (Sheet A3.0)*



**EXHIBIT C**  
to Proposed Conditions

*Section prepared by GPD Group (Sheet A5.0)*



# **EXHIBIT D**

## to Proposed Conditions

*Rooftop Structure Information and Modules*



# Trane Precedent Packaged Rooftop

## Unit Overview - WHJ150A3S0G\*\*02C0A101A0A0000000000000000

Application	Unit Size	Supply Fan		External Dimensions (in.)			Operating Weight	EER	IEER/SEER	Elevation
		Airflow	Total Static Pressure	Height	Width	Length				
Heat Pump / Electric Heat	12.5 Ton - HP or eFlex	5000 cfm	1,032 in H2O	4.92 ft	7.25 ft	10.25 ft	2151.7 lb	12.30	18.30	0.00 ft

## Unit Features

<b>Hinged Service Access/Filters</b>	Hinged Access Panels with 2-in MERV 8
<b>Through the Base Provisions</b>	Electric
<b>Disconnect / Circuit Breaker</b>	Non-Fused Disconnect Switch
<b>Refrigeration Systems Option</b>	Modulating Hot Gas Reheat (HGRH)



## Unit Electrical

<b>Voltage/phase/hertz</b>	208-230/60/3
<b>MCA</b>	119.00 A
<b>MCA (230 w Electric Heat)</b>	126.00 A
<b>MOP</b>	125.00 A
<b>MOP (230 w Electric Heat)</b>	150.00 A
<b>Condenser Fan FLA</b>	2.20 A
<b>Evaporator Fan FLA</b>	8.80 A
<b>Electric Heat FLA</b>	37.60 A
<b>Electric heat FLA (230V)</b>	43.40 A
<b>Compressor 1 RLA</b>	30.90 A
<b>Compressor 2 RLA</b>	16.40 A
<b>Compressor Power</b>	10.52 kW
<b>System Power</b>	12.67 kW

## Controls

<b>Unit Controls</b>	Symbio 700
<b>Communications Option</b>	Advanced Controls and BACnet BAS
<b>SupplyFan/Drive/MotorType</b>	Single Zone VAV with Standard Motor
<b>Smoke Detector</b>	Return Air

## Cooling Section

		Capacity
<b>Entering Dry Bulb</b>	77.00 F	
<b>Entering Wet Bulb</b>	66.00 F	<b>Gross Total</b> 150.06 MBh
<b>Ambient Temp</b>	95.00 F	<b>Gross Latent</b> 41.62 MBh
<b>Leaving Coil Dry Bulb</b>	56.88 F	<b>Gross Sensible</b> 108.45 MBh
<b>Leaving Coil Wet Bulb</b>	56.03 F	<b>Net Total</b> 145.50 MBh
<b>Leaving Unit Dry Bulb</b>	58.25 F	<b>Net Sensible</b> 103.88 MBh
<b>Leaving Unit Wet Bulb</b>	56.67 F	<b>Net Sensible Heat Ratio</b> 71.40 %
<b>Saturated Discharge Temperature</b>	117.55 F	<b>Fan Motor Heat</b> 0.83 MBh
<b>Saturated Suction Temperature</b>	49.55 F	<b>Refrig Charge-Circuit 1</b> 36.0 lb

## Reheat Section

		Capacity
<b>Hot Gas Reheat</b>	Modulating Hot Gas Reheat (HGRH)	
<b>Entering Dry Bulb (in HRGH)</b>	73.00 F	<b>Dehumidification/Hot Gas Reheat</b> 100.56 MBh
<b>Entering Wet Bulb (in HRGH)</b>	64.00 F	<b>Reheat Mode Leaving Unit Temp</b> 72.06 F
<b>Evap Coil LAT DB (HGRH)</b>	53.50 F	<b>Leaving Unit Dew Point in HGRH</b> 52.59 F
<b>Evap Coil LAT WB (HGRH)</b>	52.69 F	<b>Reheat Coil Temperature Rise</b> 17.45 F
<b>Ambient DB (in HGRH)</b>	70.00 F	<b>Reheat Mode Moisture Removal</b> 6.18 gph
		<b>Reheat Coil LAT (HGRH)</b> 70.95 F
		<b>Reheat Coil LWB (HGRH)</b> 59.81 F



### Heating Section

<b>Heating</b>	18 kW Electric Heat
<b>Output Heating Capacity</b>	61.47 MBh
<b>Heating EAT</b>	65.00 F
<b>Heating LAT</b>	76.16 F
<b>Heating Temp Rise</b>	11.16 F
<b>Heat Pump</b>	
<b>Heat pump Heating Capacity</b>	83.51 MBh
<b>Heat pump EAT</b>	65.00 F
<b>Heat pump LAT</b>	82.93 F
<b>Heat pump heating ambient temperature</b>	17.00 F
<b>Heat pump heating temperature rise</b>	17.93 F
<b>Heat pump heating ambient relative humid</b>	70.00 %
<b>AHRI COP @ 47 F</b>	3.80 Number
<b>AHRI COP @ 17 F</b>	2.32 Number

### Fan Section

Indoor Fan Data		Indoor Fan Performance	
<b>Airflow Application</b>	Horizontal	<b>Airflow</b>	5000 cfm
<b>Design ESP</b>	0.800 in H2O	<b>Supply Motor Horsepower</b>	2.900 hp
<b>Component SP</b>	0.222 in H2O	<b>Indoor Motor Operating Power</b>	1.643 hp
<b>Heat SP</b>	0.010 in H2O	<b>Indoor RPM</b>	1082 rpm
<b>Total SP</b>	1.032 in H2O	<b>Outdoor Fan Data</b>	
<b>Supply Fan Count</b>	1.00 Number	<b>Outdoor Fan Drive Type</b>	Direct
<b>Indoor Fan Drive Type</b>	Variable Direct	<b>Outdoor Fan Quantity</b>	2.00 Number
<b>Indoor Fan Quantity</b>	2.00 Number	<b>Outdoor Fan Type</b>	Propeller
<b>Indoor Fan Type</b>	BC Plenum		

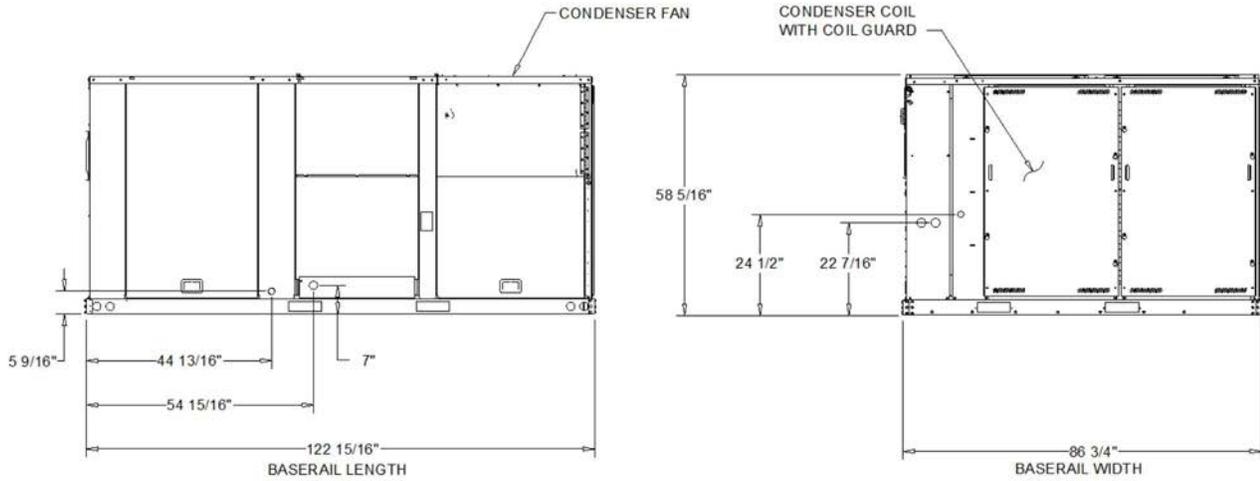
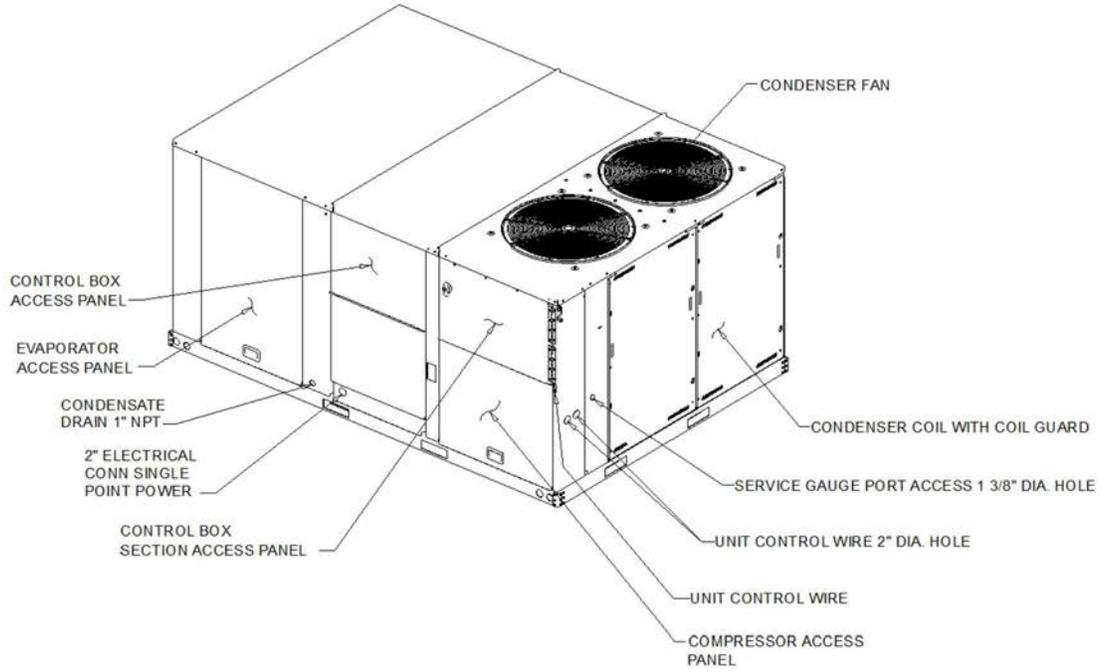
### Field Installed Accessories

<b>Roof curb</b>	14" Full Perimeter Knockdown Curb
<b>Fresh air selection</b>	0-100% Economizer, dry bulb control, Hor
<b>Low Ambient Kit</b>	None

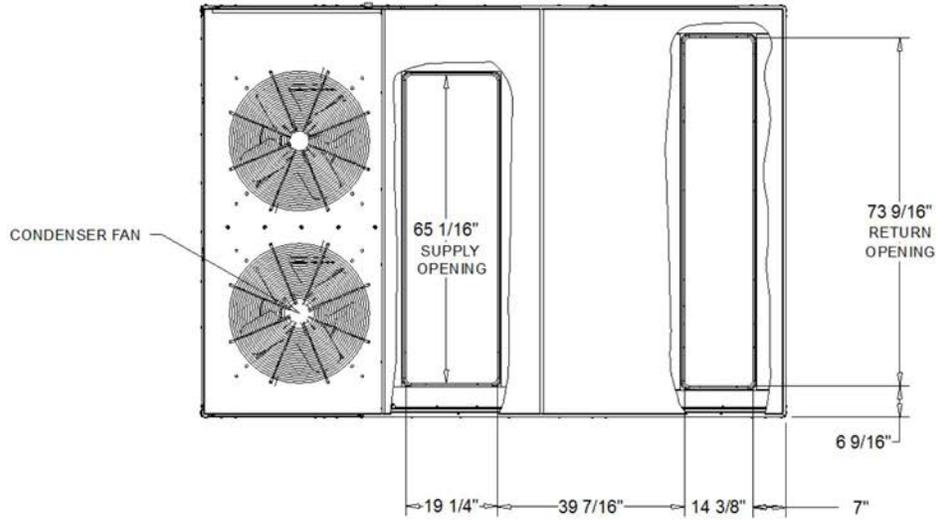
### Acoustics

<b>Sound Path</b>	<b>63 Hz</b>	<b>125 Hz</b>	<b>250 Hz</b>	<b>500 Hz</b>	<b>1 kHz</b>	<b>2 kHz</b>	<b>4 kHz</b>	<b>8 kHz</b>
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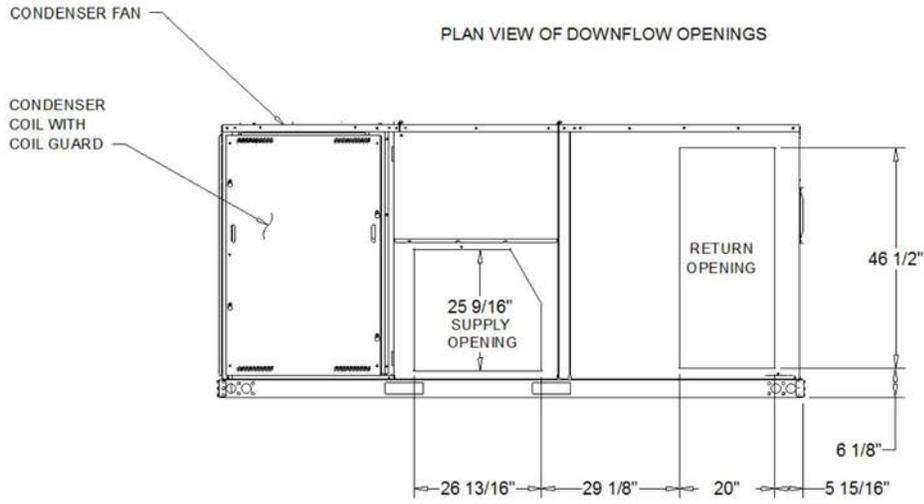
- NOTES:  
 1. THRU -THE -BASE ELECTRICAL IS NOT STANDARD ON ALL UNITS.  
 2. VERIFY WEIGHT, CONNECTION, AND ALL DIMENSION WITH  
 INSTALLER DOCUMENTS BEFORE INSTALLATION



HEAT PUMP / ELECTRIC HEAT HIGH EFFICIENCY  
 DIMENSION DRAWING



PLAN VIEW OF DOWNFLOW OPENINGS



HORIZONTAL AIR FLOW OPENING

HEAT PUMP / ELECTRIC HEAT HIGH EFFICIENCY

DIMENSION DRAWING



Job Name: GPD - Taco Bell DC  
Prepared For:  
Unit Tag: 12.5-HP  
Quantity: 1

- NOTES:  
1. APPROX. INSTALLED WEIGHT INCLUDES ALL SELECTED OPTIONS AND ACCESSORIES.  
2. CORNER WEIGHTS ARE FOR BASE UNIT ONLY AND DO NOT INCLUDE OPTIONS OR ACCESSORIES.  
3. WEIGHT INCLUDES BOTH FACTORY AND FIELD INSTALLED ACCESSORY.

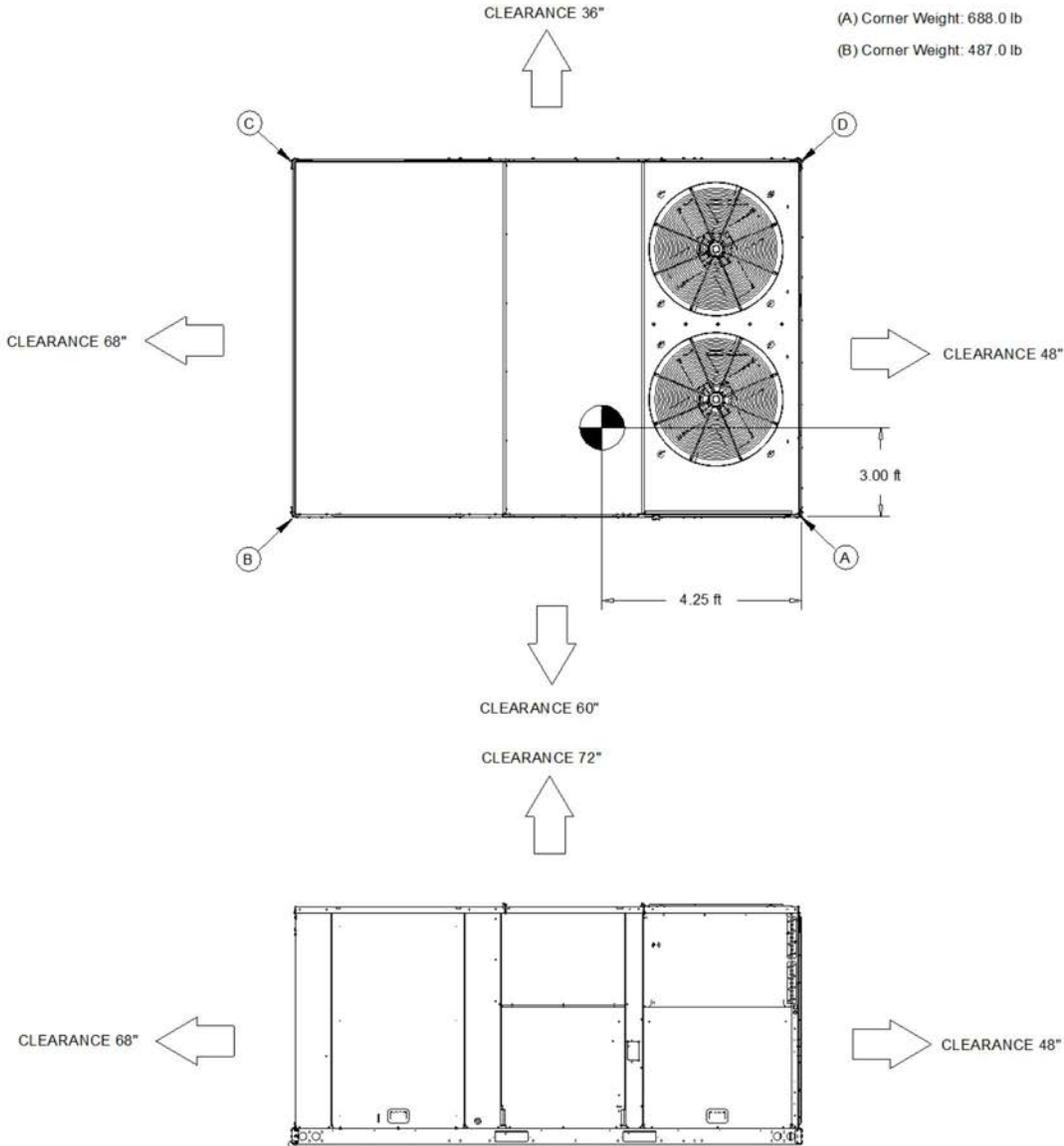
Approximate Installed Weight: 2,151.7 lb

(A) Corner Weight: 688.0 lb

(C) Corner Weight: 344.0 lb

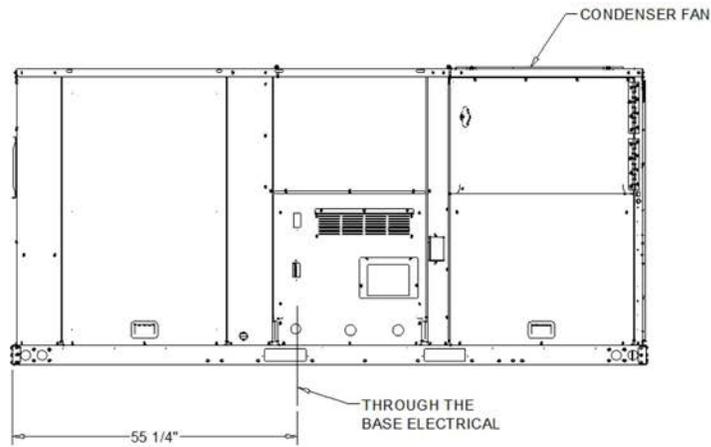
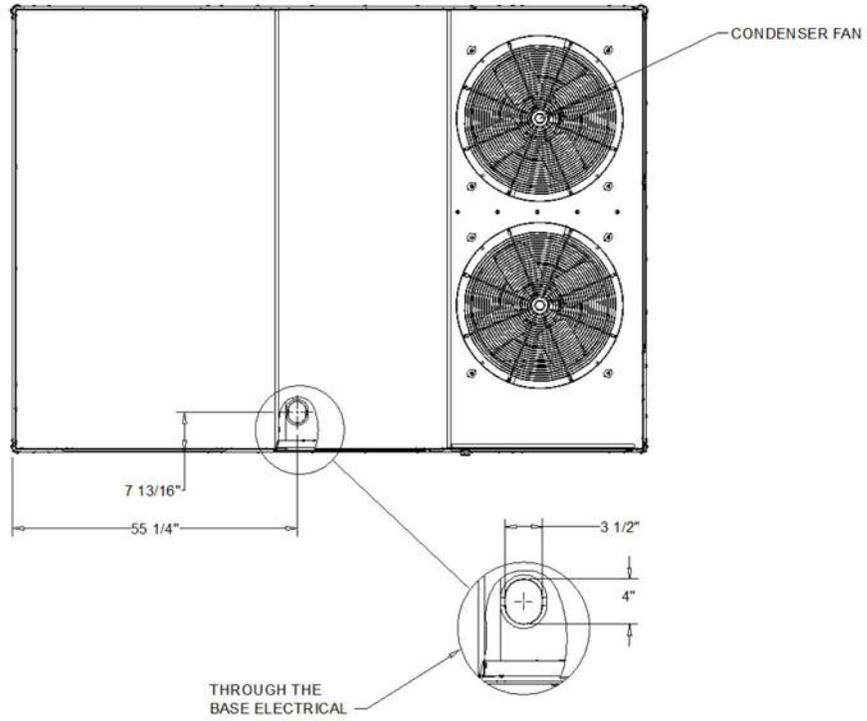
(B) Corner Weight: 487.0 lb

(D) Corner Weight: 486.0 lb



HEAT PUMP / ELECTRIC HEAT HIGH EFFICIENCY

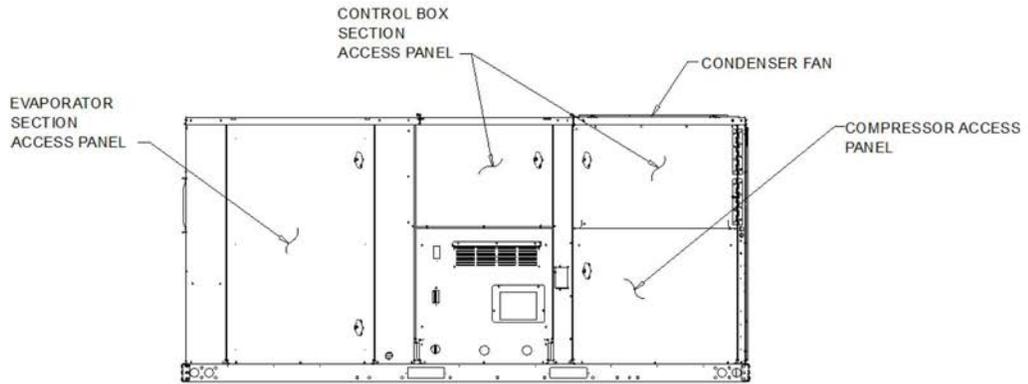
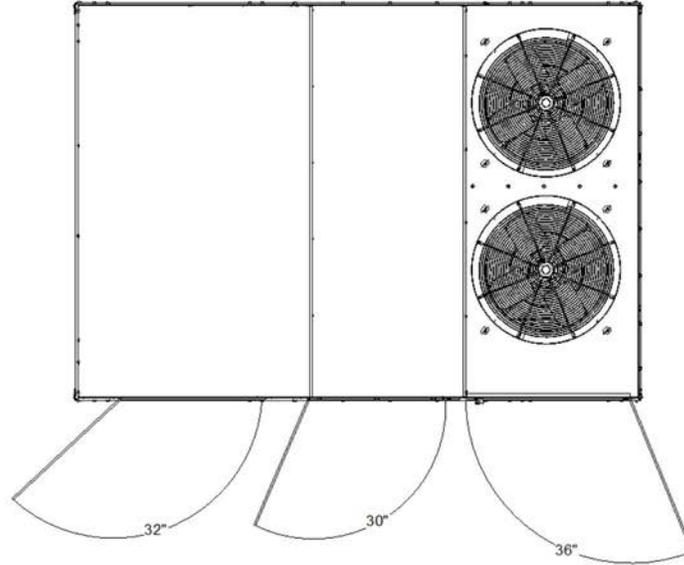
WEIGHTS AND CLEARANCES



THROUGH-THE-BASE ELECTRICAL (OPTION)  
 HEAT PUMP / ELECTRIC HEAT HIGH EFFICIENCY



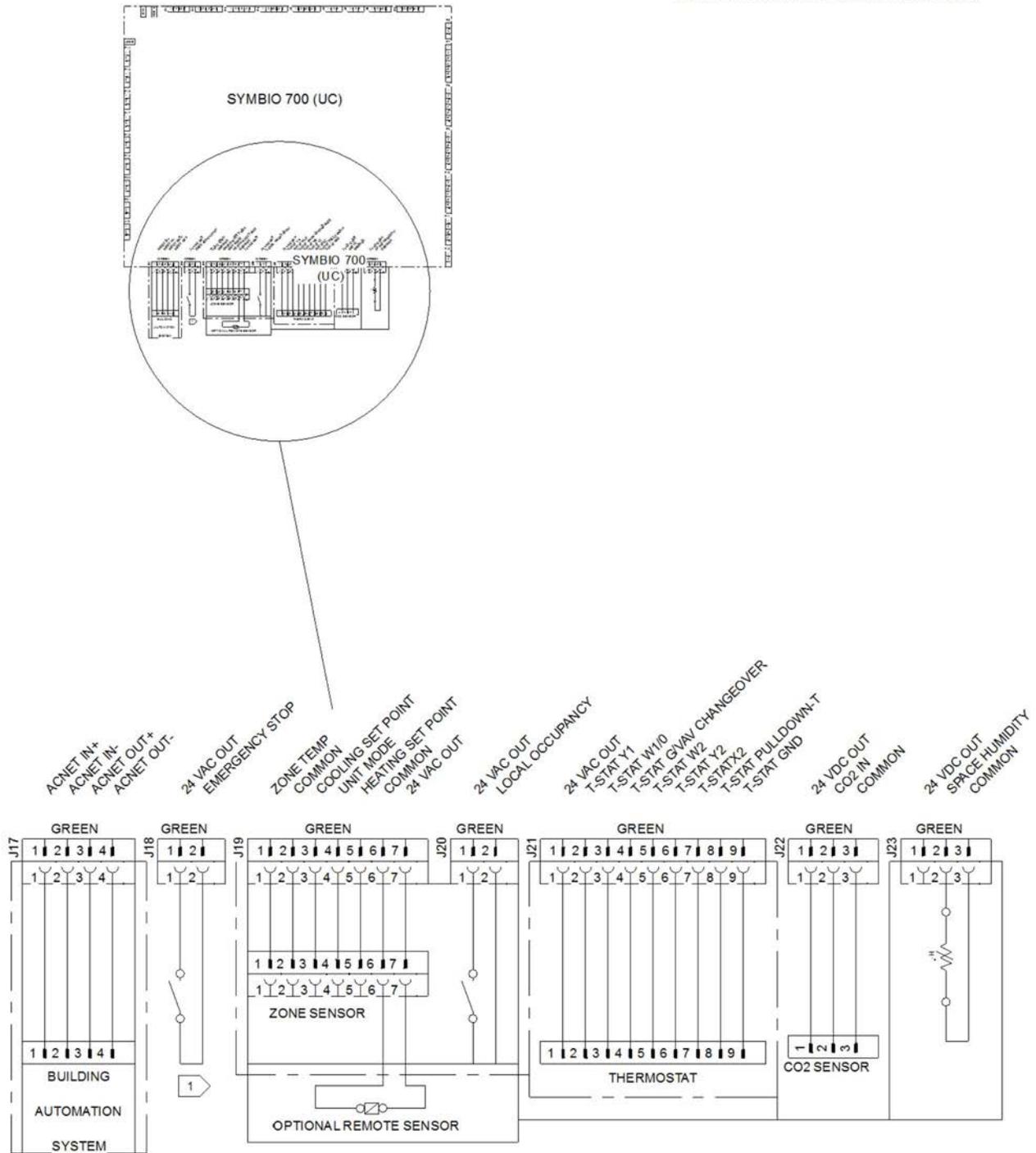
Job Name: GPD - Taco Bell DC  
Prepared For:  
Unit Tag: 12.5-HP  
Quantity: 1



SWING DIAMETER FOR HINGED DOOR(S) (OPTION)

HEAT PUMP / ELECTRIC HEAT HIGH EFFICIENCY

NOTES:  
 1. VERIFY WEIGHT, CONNECTION, AND ALL DIMENSION WITH  
 INSTALLER DOCUMENTS BEFORE INSTALLATION



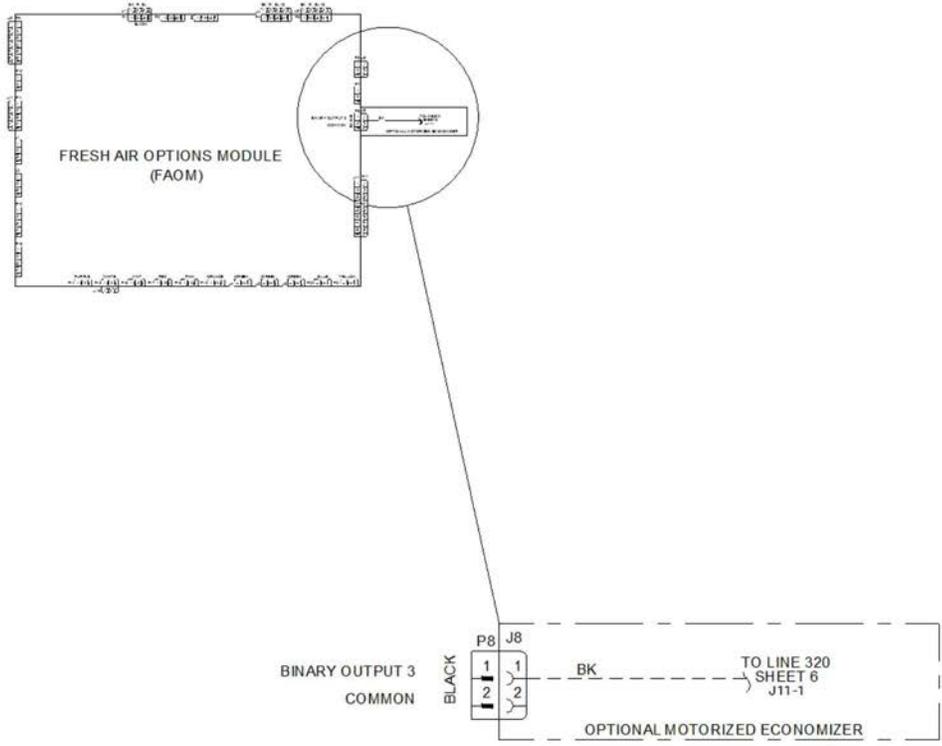
SYMBIO 700 (J17, J18, J19, J20, J21, J22, AND J23)

FIELD WIRING DRAWING



Job Name: GPD - Taco Bell DC  
Prepared For:  
Unit Tag: 12.5-HP  
Quantity: 1

NOTES:  
1. VERIFY WEIGHT, CONNECTION, AND ALL DIMENSION WITH  
INSTALLER DOCUMENTS BEFORE INSTALLATION



OPTIONAL MOTORIZED ECONOMIZER (J8)  
FIELD WIRING DRAWING (INDOOR OPTION MODULE)



### **Heatpump - General**

- Packaged rooftop units cooling, heating capacities, and efficiencies are AHRI Certified within scope of AHRI Standard 210-240 for 12.5 to 25 Tons and ANSI Z21.47 and 10 CFR Part 431 pertaining to Commercial Warm Air Furnaces (all gas heating units).
- Convertible airflow.
- Symbio controls operating range between 40.0 F and 125.0 F in cooling mode standard from the factory. Factory or field-installed low ambient kit extended operating range down to 0°F.
- Factory assembled, internally wired, fully charged with R-410A, and 100 percent run tested to check cooling operation, fan and blower rotation, and control sequence before leaving the factory.
- Colored and numbered wiring internal to the unit for simplified identification.
- Units cULus listed and labeled, classified in accordance for Central Cooling Air Conditioners.

### **Heatpump - Casing**

- Zinc coated, heavy gauge, galvanized steel.
- Weather resistant pre-painted metal with galvanized substrate.
- Meets ASTM B117, 672 hour salt spray test.
- Removable single side maintenance access panels.
- Lifting handles in maintenance access panels (can be removed and reinstalled by removing fasteners while providing a water and air tight seal).
- Exposed vertical panels and top covers in the indoor air section insulated with a cleanable foil-faced, fire-retardant permanent, odorless glass fiber material.
- Base pan shall have no penetrations within the perimeter of the curb other than the raised 1 inch high downflow supply/return openings to provide an added water integrity precaution, if the condensate drain backs up.
- Base of the unit insulated with 1/8 inch, foil-faced, closed-cell insulation.
- Unit base provisions for forklift and/or crane lifting on three sides of unit.

### **Heatpump - Coils**

#### **Evaporator and Condenser**

- Internally finned, 5/16" copper tubes mechanically bonded to a configured aluminum plate fin are standard.
- Coils are leak tested at the factory to ensure integrity.
- Evaporator coil and condenser coil are leak tested to 600 psig.
- Assembled unit is leak tested to 465 psig.
- Condenser coil is patent pending 1+1+1 hybrid coil, designed with slight gaps for cleaning ease.
- Composite, dual-sloped, removable condensate drain pan is standard.

### **Heatpump - Coil Guards**

Provides condenser coil protection.

### **Heatpump - Compressors**

- All units have direct-drive, hermetic, scroll type compressors with centrifugal type oil pumps.
- Suction gas-cooled motor with voltage utilization range of plus or minus 10 percent of unit nameplate voltage.
- Internal overloads standard with scroll compressors.
- Crankcase heaters are standard on all compressors.
- All units have dual compressors.
- Three stages of cooling available on 12.5 to 17.5 tons units and four stages of cooling available on 20 and 25 tons units.

### **Heatpump - Filters**

- Standard throwaway filters
- Optional 2 inch MERV 8 and MERV 13 filters

### **Heatpump - Froststat**

- Utilized as a safety device.
- Opens to prevent freezing temperatures on evaporator coil.
- Temperature will need to rise to 50.0 F before closing.
- Utilized in low airflow or high outside air applications (cooling only).



### **Heatpump - Indoor Fan**

- Direct drive plenum fan design - 12.5 to 25 tons units.
- Plenum fan design- backward-curved fan wheel along with an external rotor direct drive variable speed indoor motor.
- Supply fan speed adjustments can be made using the Symbio 700 or Mobile App.
- Motors are thermally protected.
- Variable speed direct drive motors are high efficiency - 12.5 to 25 tons.

### **Heatpump - Through-the-Base Electrical with Disconnect Switch**

- 3-pole, molded case, disconnect switch with provisions for through-the-base electrical connections.
- Disconnect switch installed within unit in a water tight enclosure.
- Wiring provided from the switch to the unit high voltage terminal block.
- Switch cULus agency recognized.

### **Note:**

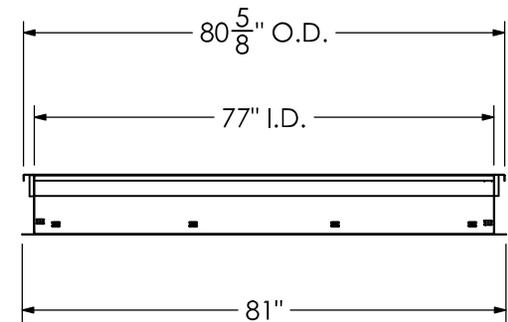
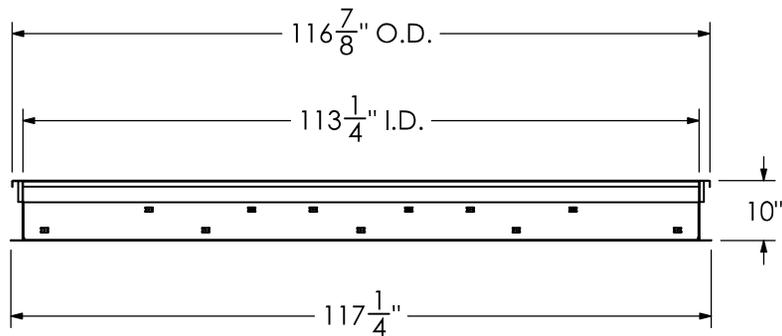
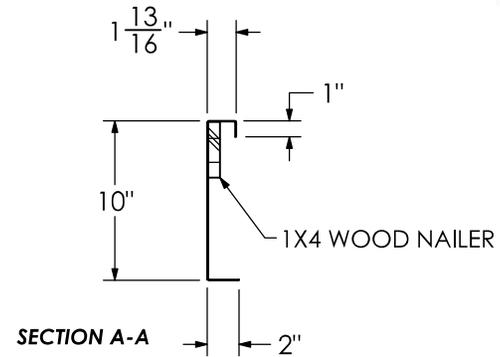
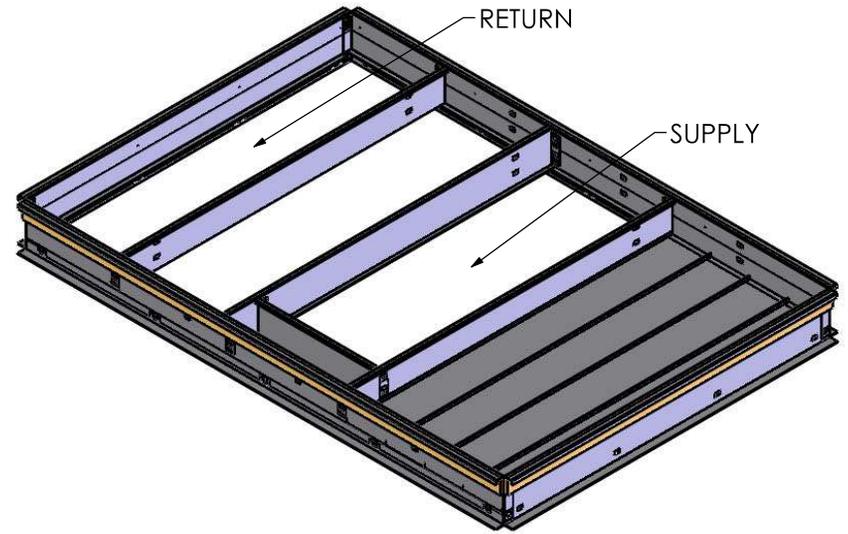
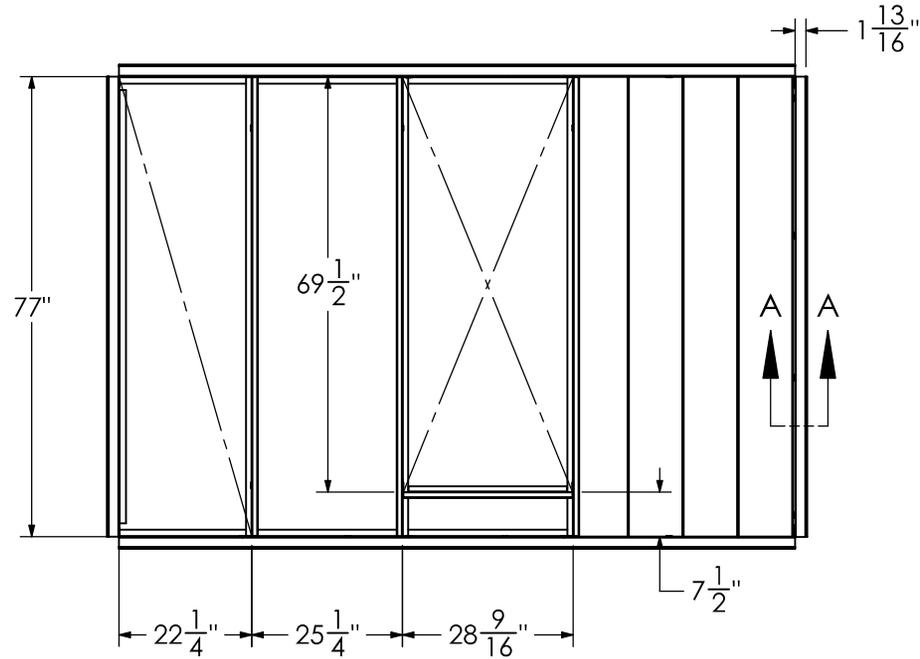
*Disconnect switch sized per NEC and cULus guidelines but will not be used in place of unit overcurrent protection*

### **Heatpump - Roof Curb**

- Designed to mate with the unit's downflow supply and return.
- Provide support and a water tight installation when installed properly.
- Shall allow field-fabricated rectangular supply/return ductwork to be connected directly to the curb.
- Curb shall be shipped knocked down for field assembly.
- Shall include wood nailer strips.

**NOTES:**

1. INSTALLING CONTRACTOR MUST VERIFY DIMENSIONS PRIOR TO SETTING CURB AND UNIT
2. THIS CURB SHIPS KNOCKED DOWN FOR FIELD ASSEMBLY
3. 1X4 WOOD NAILER WILL BE INSTALLED UNDERNEATH TOP FLANGE OF CURB
4. PANS INSULATED WITH 1" THICK, 1.5 PCF DUCTLINER



**75 FT GASKET**

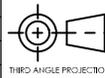
DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. DO NOT SCALE DRAWING.

KCC-TT5-KD-10



2716 GRASSLAND DRIVE  
 LOUISVILLE, KY 40299  
 1-800-382-2872  
 FAX: (502) 491-1739

DRAWN BY	KEB	REVISED BY	-
DRAWN DATE	5/11/2022	REVISED DATE	-



PART: **KCC-TT5-KD-10**  
 DRAWING DESCRIPTION: **BAY027 Knockdown Curb, 10" Tall**

MATERIAL: **18 GA (.0478") GALVANIZED STEEL**

SHEET 1 OF 1  
 WEIGHT: **178 LBS.**

MODEL REV: **A**  
 DWG REV: **A**

**EXHAUST FAN INFORMATION - JOB#6106827**

FAN UNIT NO.	TAG	QTY	FAN UNIT MODEL #	MANUFACTURER	CFM	ESP	RPM	MOTOR ENCL.	HP	BHP	PHASE	VOLT.	FLA	DISCHARGE VELOCITY	WEIGHT (LBS)	SCHE.
1		1	SV-US811500	STRATOVENT	1050	2.500	1829	ODP-PREMIUM	2.000	1.0340	3	208	6.1	730 FPM	284	23.3

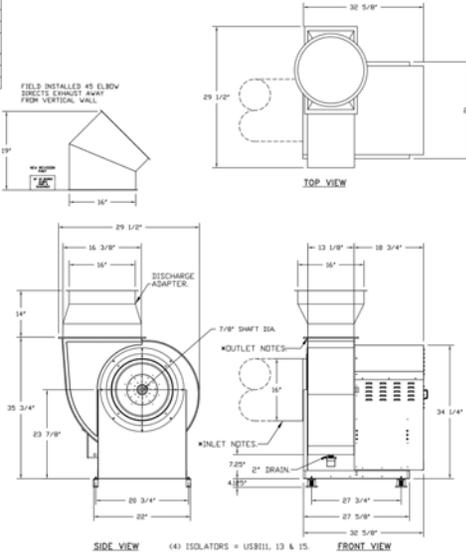
**FAN OPTIONS**

FAN UNIT NO.	TAG	QTY	DESCRIPTION
1		1	B115 - INLET SERVICE DUCT CONNECTION USED TO CONNECT TO STANDARD 16" GREASE DUCT OR FIELD WELDED DUCT. INCLUDES (2) 7" RISERS BOLTED TO STANDARD INLET RISER
		1	UTILITY SET GREASE CUP
		1	B115 - INLET CONNECTION STANDARD 16" FLANGED GREASE DUCT
		1	UTILITY SET - SPRING VIBRATION ISOLATORS - B111 THRU B115 / EQUIVALENT SIZED
		1	UTILITY SET - INDOOR/OUTDOOR USE
		1	B1 - DISCHARGE ORIENTATION VERTICAL UPPER LEFT - CV INLET SIDE
	1	B115 - 16" DISCHARGE ADAPTER	
	1	2 YEAR PARTS WARRANTY	

**FAN ACCESSORIES**

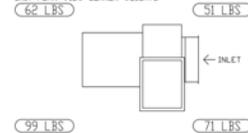
FAN UNIT NO.	TAG	EXHAUST				SUPPLY			
		GREASE CUP	GRAVITY DAMPER	WALL MOUNT	SIDE DISCHARGE	GRAVITY DAMPER	MOTORIZED DAMPER	WALL MOUNT	
1		YES							

FAN #1 SV-US811500 - EXHAUST FAN



\* INLET/OUTLET NOTES:  
LENGTH OF THE STRAIGHT DUCT ON THE INLET AND OUTLET TO BE 3 TIMES THE EQUIVALENT DUCT DIAMETER BEFORE CONNECTING TO ANY FITTINGS SUCH AS ELBOWS TO AVOID SYSTEM EFFECT.

UNIT PLAN VIEW CORNER WEIGHTS:



CORNER WEIGHTS ARE CALCULATED BASED ON VERTICAL DISCHARGE. SUPPORT DUCT PROPERLY BEFORE FAN TO ENSURE CORNER WEIGHTS ARE NOT AFFECTED.

NORMAL TEMPERATURE TEST DIRECT DRIVE EXHAUST FAN MUST OPERATE CONTINUOUSLY WHILE EXHAUSTING AIR AT 200°F (176°C) UNTIL ALL FAN PARTS HAVE REACHED THERMAL EQUILIBRIUM AND WITHOUT ANY DETRIMENTARY EFFECTS TO THE FAN WHICH WOULD CAUSE UNFAIR OPERATION.

**FEATURES:**

- ROOF MOUNTED FANS.
- UL 705.
- UL 742 AND ULC-5645 (RESTAURANT MODEL).
- HIGH HEAT OPERATION DIRECT DRIVE 3500° (176°C).
- HEAT SINKER.
- NEMA 3B SAFETY DISCONNECT SWITCH.
- GREASE CLASSIFICATION TESTING.
- 2" DRAIN.
- MOTOR WEATHER COVER.
- FULLY SEALED SCROLL HOUSING.
- SCROLL ACCESS DOOR.
- FLANGE 1 1/4".

**DESIGNS:**

- B115 - INLET SERVICE DUCT CONNECTION USED TO CONNECT TO STANDARD 16" GREASE DUCT OR FIELD WELDED DUCT. INCLUDES (2) 7" RISERS BOLTED TO STANDARD INLET RISER.
- UTILITY SET GREASE CUP.
- B115 - INLET CONNECTION STANDARD 16" FLANGED GREASE DUCT.
- UTILITY SET - SPRING VIBRATION ISOLATORS - B111 THRU B115 / EQUIVALENT SIZED UTILITY SET - INDOOR/OUTDOOR USE.
- B1 - DISCHARGE ORIENTATION VERTICAL UPPER LEFT - CV INLET SIDE.
- B115 - 16" DISCHARGE ADAPTER.
- 2 YEAR PARTS WARRANTY.

Exhaust Fan Wiring		JOB: 6106827 - GREASE DUCT AIR - ST WASHDCNT	
DRAWING NUMBER: EXH06106827-1	SHOP DATE: 4/5/2023	MODEL: #1-080808	DATE: 07/14/2023
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REVISIONS	DESCRIPTION	DATE
1		
2		
3		



TACO BELL RESTAURANT  
411 8TH ST SW  
Washington, DC, 20003

DATE: 07/14/2023  
DWG.#: 6106827  
DRAWN BY: REG24-JJ  
SCALE: NTS  
MASTER DRAWING

SHEET NO. 3

FOR REFERENCE ONLY

DATE	REMARKS
09.01.23	NTP Comments

CONTRACT DATE: 06.26.23  
BUILDING TYPE: CANTINA  
PLAN VERSION: MARCH 2021  
BRAND DESIGNER: DICKSON  
SITE NUMBER: 315430  
STORE NUMBER: 457345  
PAPM: LA  
DRAWN BY: DJ  
JOB NO.: 202308-18  
TACO BELL  
411 8th St SE  
Washington D.C. 20003

ENDEAVOR 1.0  
HOOD EXHAUST SYSTEM  
DETAILS & AND SCHEDULES  
M5.0

PLOT DATE: 4/22/2024 8:55:21 AM

**EXHIBIT E**  
to Proposed Conditions

*Pest Prevention Guide prepared by GPD Group (Sheet G3.0)*



**MEMORANDUM OF AGREEMENT  
BOARD OF ZONING ADJUSTMENT CASE NO. 21144**

This MEMORANDUM OF AGREEMENT (“**MOA**”) is made this 8<sup>th</sup> day of July, 2024, by and among Taco Bell of America, LLC (“**Taco Bell**”), Zusin Development LLC, a District of Columbia limited liability company, and its successors and assigns (“**Property Owner**”), and the neighboring signatory residents, tenants, and/or owners in Square 902 in the District of Columbia (collectively, the “**Neighbors**”, and together with Taco Bell and Property Owner, the “**Parties**” or individually, a “**Party**”).

**RECITALS**

- I. Property Owner is the owner of certain real property and existing improvements in the District of Columbia located at 411 8<sup>th</sup> Street, SE and also known as Lot 16 in Square 902 (the “**Property**”).
- II. Taco Bell filed an application to the D.C. Board of Zoning Adjustment (hereinafter referred to as “**BZA**” or the “**Board**”) requesting zoning relief to (i) allow to the operation of a fast food restaurant at the Property and (ii) permit the configuration of certain rooftop structures intended to mitigate any adverse impacts to the Neighbors (the “**Application**”). The Application is being processed as BZA Case No. 21144.
- III. As part of the Application, Taco Bell and the Neighbors negotiated and agreed to a list of proposed conditions with incorporated exhibits, which is marked as Exhibit 22B in the public record for BZA Case No. 21144 (the “**Proposed Conditions**”).
- IV. Two of the Proposed Conditions imposed obligations specific to Property Owner and to which Property Owner consented, as reflected by the letter marked as Exhibit 31 in the public record for BZA Case No. 21144.
- V. During the public hearing on the Application held on July 3, 2024, the BZA held that five of the Proposed Conditions were outside of the Board’s jurisdiction and/or could not be integrated into a final order approving the Application (the “**BZA Order**”).
- VI. The Parties wish to memorialize the Proposed Conditions to which all Parties have agreed, but will not be included in the BZA Order, to be in effect for the duration of the BZA Order.

NOW, THEREFORE, in consideration of the foregoing Recitals and for other good and valuable consideration, as further described herein, the mutual receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

A. **Agreement of the Neighbors.** In consideration of the following promises made by Taco Bell and Property Owner, the undersigned Neighbors agree to continue to support the Application.

B. **Conditions Related to Taco Bell's Use of the Property**

1. **Maintenance of Abutting Public Space.** During the hours of operation, including upon opening and closing, Taco Bell shall monitor the abutting public space at the front of the building for trash, litter, and/or debris, and any such debris removed. The abutting public space shall be kept in clean condition. Further, Taco Bell shall install a hose bib for regular cleaning and maintenance.
2. **Landscaping.** Any pruning or trimming of trees on adjacent properties will only be done with the prior consent of the adjacent property owners.

C. **Conditions Related to Property Owner's Ownership of Property**

1. **Leasing First Floor to Future Third Party for Fast Food Restaurant.** Property Owner agrees that, in the event Taco Bell is no longer a tenant and Property Owner leases the first floor of the Property to a third party for the purpose of operating a fast food restaurant pursuant to the BZA Order (the "**Third Party**"), Property Owner will expressly reference this MOA and the BZA Order in the formal lease to the Third Party. As such, Property Owner benefitting from the BZA Order is responsible for requiring the terms of this MOA and the conditions in the BZA Order to ensure ongoing compliance for the Neighbors.
2. **Future Tenancy of Second Floor.**
  - a. **No Restaurant Use on Second Floor.** Property Owner commits to not leasing the second floor of the Property to a restaurant, prepared food shop, or fast food restaurant, so long as the BZA Order is valid, and any conditions thereunder are in full force and effect.
  - b. **Soundproofing for Additional HVAC Units.** Property Owner agrees that, so long as the BZA Order is valid, and in the event that (i) Property Owner leases the second floor of the Property to another tenant in accordance with Paragraph C.2.a (the "**Second Floor Tenant**") and (ii) additional HVAC units must be installed for the Second Floor Tenant's use, including upon the rooftop or in the rear courtyard, said HVAC units will require the installation of sound barriers, or comparable soundproofing material, manufactured by ArtUSA Industries, Inc. ("**ArtUSA**") or,

if ArtUSA is no longer in business, another sound mitigation company of equal experience and expertise. This Condition C.2.b shall be included in the formal lease between Property Owner and the Second Floor Tenant.

3. **Applicable to Future Owners of the Property.** Property Owner agrees that the conditions in this MOA shall be binding upon future owners of the Property so long as the MOA is in effect, and Property Owner agrees to incorporate this Condition C.3 into any document transferring the Property to a future owner.

**D. Additional Conditions.** If the BZA does not include any of the other Proposed Conditions set forth in Exhibit 22B (including incorporated Exhibits A-E) in the BZA Order, such Proposed Conditions shall be deemed to be included in this MOA and enforceable under the terms of this MOA.

**E. Enforcement by Suit or Arbitration.** If the Neighbors find that Taco Bell and/or Property Owner has not satisfied the conditions of this MOA, and following the notice and cure provisions in Paragraph F.2, the Neighbors, each of whom is authorized to act individually on behalf of any or all of the Neighbors, may, at their election, (a) seek to enforce the MOA in accordance with the laws of the District of Columbia, including any remedies at law or in equity, including the remedy of specific performance, or (b) submit the dispute to binding arbitration in accordance with the commercial arbitration rules of the American Arbitration Association (“AAA”) in Washington, D.C., using a single arbitrator (the “Arbitrator”), who shall be a licensed attorney working in Washington, D.C. with at least fifteen (15) years of experience in commercial or real property litigation. If arbitration is selected, the Arbitrator’s decision shall be conclusive and binding, and it shall not be subject to appeal. Each Party shall bear their own attorneys’ fees and costs, and (i) if the dispute involves two of the three Parties herein, each Party shall bear one-half of the cost of the arbitration proceeding and the Arbitrator’s fee; and (ii) if the dispute involves all three Parties herein, each Party shall bear one-third of the cost of the arbitration proceeding and the Arbitrator’s fee.

**F. Miscellaneous Provisions.**

1. **Neighbors’ Successors and Assigns.** The Neighbors’ rights and obligations under this MOA shall be applicable to their successors and assigns as residents, tenants, and/or owners in Square 902 in the District of Columbia.

2. **Default and Opportunity to Cure.** In the event that a Party fails to perform any of its obligations under this MOA, the Neighbors shall notify the non-performing Party thereof and non-performing Party shall be given thirty (30) days to cure the defect. If

the non-performing Party does not cure the defect within such period, the Neighbors may take action under Paragraph E of this MOA.

3. **Entire Agreement and Modification.** This MOA constitutes the complete agreement among the Parties and shall not be modified or amended except by written agreement of the Parties hereto.
4. **Termination.** This MOA shall automatically terminate as to Taco Bell at such time as it no longer operates a fast food restaurant on the first floor of the Property permitted by the BZA Order. This MOA shall automatically terminate as to Property Owner at such time as neither Taco Bell nor the Third Party operates a fast food restaurant on the first floor of the Property permitted by the BZA Order.
5. **Counterparts.** This MOA may be executed in counterparts, each of which constitutes an original and all of which constitute one and the same MOA.

**IN WITNESS WHEREOF**, Taco Bell, Property Owner, and the Neighbors, have each caused this Memorandum of Agreement to be executed and delivered in its name by its duly authorized representative(s) as of the day and year first above written.

**[SIGNATURES FOLLOW]**

**TACO BELL:**

TACO BELL OF AMERICA, LLC

By: Mary Lattarulo Digitally signed by Mary Lattarulo  
Date: 2024.07.06 13:50:44 -04'00'

Name: Mary Lattarulo

Title: Sr. Manager, Construction

**PROPERTY OWNER:**

ZUSIN DEVELOPMENT, LLC,  
a District of Columbia limited liability company

By: \_\_\_\_\_  
Ilya Zusin, Authorized Person

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

**TACO BELL:**

TACO BELL OF AMERICA, LLC

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

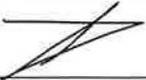
Name: Mary Lattarulo

Title: Sr. Manager, Construction

**PROPERTY OWNER:**

ZUSIN DEVELOPMENT, LLC,

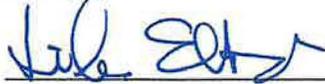
a District of Columbia limited liability company

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

Ilya Zusin, Authorized Person

[ADDITIONAL SIGNATURES ON FOLLOWING PAGE]

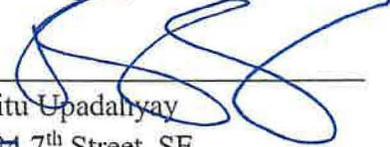
**NEIGHBORS:**

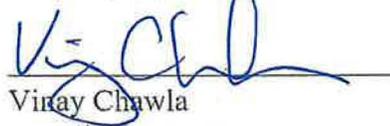
By:   
Linda Elliott  
414 7<sup>th</sup> Street, SE  
Washington, DC 20003

By:   
John West  
414 7<sup>th</sup> Street, SE  
Washington, DC 20003

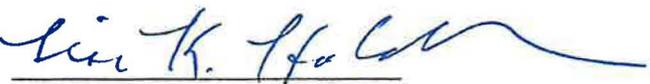
By:   
Katherine Szafran  
704 E Street, SE  
Washington, DC 20003

By:   
Linda Young  
706 E Street, SE  
Washington, DC 20003

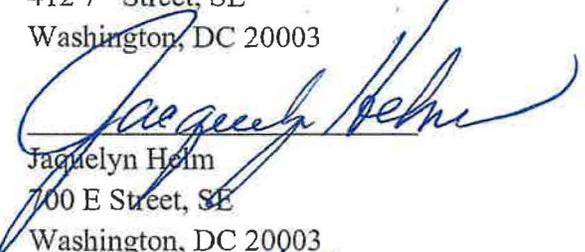
By:   
Ritu Upadhyay  
424 7<sup>th</sup> Street, SE  
Washington, DC 20003

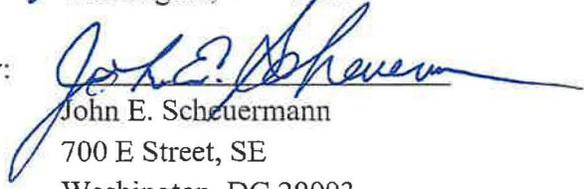
By:   
Viray Chawla  
424 7<sup>th</sup> Street, SE  
Washington, DC

By:   
Kirk Beatley  
416 7<sup>th</sup> Street, SE  
Washington, DC 20003

By:   
Lisa Beatley  
416 7<sup>th</sup> Street, SE  
Washington, DC 20003

By:   
Evan Fotopoulos  
Regal International Group LLC  
412 7<sup>th</sup> Street, SE  
Washington, DC 20003

By:   
Jacquelyn Holm  
700 E Street, SE  
Washington, DC 20003

By:   
John E. Scheuermann  
700 E Street, SE  
Washington, DC 20003

By:   
Max Moncaster  
The Prout Condos, 418/420 7<sup>th</sup> St., SE  
Washington, DC 20003

By:   
Lizzie Moncaster  
The Prout Condos, 418/420 7<sup>th</sup> St., SE  
Washington, DC 20003

(P) 432



## **Report of the ANC6B Public Safety Committee Meeting**

**June 24, 2024, 6:30 – 8:00p.m.**

**Commissioners Present:** Frank Avery, Committee Vice Chair (6B01), David Sobelsohn (6B03); Gerald Sroufe (6B02)

**Resident Members Present:** Lisa Matsumoto, Chair; Ann Keep; Michelle Strizever, Eric Miller, Frank Boudra, Chuck Schmoyer, John Schwab, Jody Kent Lavy, Cinnamon Butler

### **I. Agenda Item #1; Introductions**

Introductions of Commissioners and resident members.

### **II. Agenda Item #2; Informational Presentation:** Guest speaker Benny Del Castillo from the Network for Victim Recovery of DC (NVRDC) regarding victim rights and services.

Ms. Del Castillo gave an informative presentation about services provided by NVRDC for victims and survivors. NVRDC provides free, holistic, and trauma-informed advocacy, legal and therapeutic services to survivors of any type of crime in D.C., including, but not limited to, sexual assault, violence, gun violence, carjackings etc. The organization provides advocacy, sexual assault & rape crisis response, legal services, therapeutic services, and outreach education. She also discussed the concept of survivor-defined justice, and that a survivor should be able to choose what justice looks like for them, and emphasized that there is no wrong or right way to react to or cope with a crime.

Ms. Del Castillo was asked about their restorative justice initiative. She indicated this is a fairly new initiative that they are still working to develop. There are challenges and acknowledged that the goals of a prosecutor and a survivor are different. The program seeks to hold people accountable as well as repair. She discussed healing circles which allows for a conversation with the person who committed the crime. It is a new technique. The technique requires that there is some buy-in, but ultimately survivors should be able to choose what justice looks like for them. Many groups are now advocating for restorative justice.

There were several questions from the committee and community members about services and funding, which is substantially by grant. The organization may be able to assist any victim or survivor of crime that occurred in D.C. or if the victim/survivor lives, works or attends school within the District. Anyone can contact NVRDC at [www.nvrdc.org](http://www.nvrdc.org) or by calling (202) 742-1727.

### **III. Action:** Final Proposed Letter to the USAO Regarding Data Transparency

Background: At the May 20<sup>th</sup> meeting of the committee, RM Chuck Schmoyer (6B03) presented a draft letter to the USAO for feedback and endorsement by the Committee. The letter built upon discussion from the April Public Safety Committee Meeting with US Attorney Matthew Graves. RM Schmoyer and Vice Chair Frank Avery worked together to update the draft.

The committee discussed final edits to the letter for the ANC to adopt at its July 9<sup>th</sup> full commission meeting. The letter follows up from the ANC 6B Public Safety Committee meeting in April where committee members met with the United States Attorney for the District of Columbia, Matthew Graves. The draft letter was distributed prior to the meeting to allow committee members to review it and discuss any questions, concerns, or make suggestions for revision to the letter.

The Committee discussed the letter and several members provided comments and suggested revisions. After the discussion, the Committee voted by unanimous consent, conducted as follows, to send the letter to the July 9 ANC 6B Consent Agenda with a set of five revisions discussed during the meeting:

- 24 minutes of open discussion on the item itself (content of the letter)
- A motion with a second with open discussion on the motion prior to calling for a vote.
- Unanimous consent vote was called with explicit request for anyone in opposition to speak and request a voice vote, if needed.
- The motion was made by RM Schmoyer/seconded by Chair Matsumoto.
- Based on the trend of the conversation, a unanimous consent vote was called with explicit opportunity for someone to object. There were no objections. Another opportunity was called for any last-minute abstentions or concerns about the process. There were no further objections or abstentions.
- The item passes unanimously to be placed on the July 9 consent agenda

### **IV. Community Partner Request for Support Announcements:** Open forum for any community partner organizations in attendance to request support from the community. There were no announcements.

### **V. Adjournment:** The meeting was adjourned at 8:13 PM. The next meeting is July 22, 2024.



July 9, 2024

700 Pennsylvania Avenue SE  
Ste. #2032  
Washington, DC 20003  
6B@anc.dc.gov

US Attorney Matthew Graves  
United States Attorney’s Office: District of Columbia  
601 D Street, NW  
Washington, DC 20004

**OFFICERS**

Chairperson  
*Edward Ryder*

Vice Chair  
*Vince Mareino*

Secretary  
*David Sobelsohn*

Treasurer  
*Frank Avery*

Parliamentarian  
*Kasie Durkit*

**COMMISSIONERS**

- SMD 01 Frank Avery
- SMD 02 Jerry Sroufe
- SMD 03 David Sobelsohn
- SMD 04 Frank D’Andrea
- SMD 05 Kasie Durkit
- SMD 06 Chander Jayaraman
- SMD 07 Vince Mareino
- SMD 08 Edward Ryder
- SMD 09 Matt LaFortune

DELIVERED VIA EMAIL: [matthew.graves@usdoj.gov](mailto:matthew.graves@usdoj.gov)

**Re: April 24 Meeting with District of Columbia Advisory Neighborhood Commission 6B Public Safety Committee Meeting – Request for Implementation of Transparent Data Management and Public Reporting of Aggregate Data**

*At a properly noticed general meeting on July 9, 2024, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted X-X-X, based on the recommendation of its Public Safety Committee, to submit the following request.*

**Dear Mr. Graves:**

Thank you for joining ANC 6B to discuss ongoing concerns regarding the recent influx of crime in the District of Columbia. The ANC appreciates you taking time to discuss these issues with commissioners, committee members, and neighbors, and we hope you found the conversation productive. The ANC is eager to continue its engagement with you and your office, and we look forward to ongoing collaboration to provide advisement and connection between your office and the neighbors and residents of the District of Columbia. Thank you for your willingness to engage, discuss, and collaborate with the community.

As you are likely aware, the District’s Home Rule Charter, approved by Congress, establishes Advisory Neighborhood Commissions (ANCs) as the official, elected voice to advise both District of Columbia government agencies and federal agencies on matters that affect District residents’ neighborhoods. As the United States Attorney uniquely responsible for prosecutions of crimes for both the District of Columbia and the federal government, we ask that you accept the correspondence below with the “great weight” afforded ANC6B under the Home Rule Charter, request a written response or future conversation with the committee, and urge you to implement the requests below as part of your forthcoming data management update process.

During our April convening with you, ANC6B and neighbors discussed with you the need for clear, transparent, and improved real-time data to better assess both the prosecution rate of crimes committed in the District of Columbia and to better understand the outcomes for justice-involved individuals who engage with the

**Commented [FA1]:** The previous version of this letter, distributed prior to the June 24 Public Safety Committee meeting, referenced the “peak economic and public health impacts of the COVID-19 pandemic and their lasting impacts.” The Committee accepted a request for this to be removed.

**Commented [FA2]:** The Committee requests additional language re-emphasizing the ANC’s collaborative approach and desire to positively engage.

\*Please note that the ANC 6B mailing address has changed as of January 2023

rehabilitation system through alternative routes such as diversion, restorative justice strategies, or supportive services.

Per our conversation, the USAO currently maintains a case management system that lacks the ability to provide detailed aggregate data on trends. However, you shared that the USAO intends to implement a new case management system soon. This forthcoming upgrade represents an excellent opportunity for the USAO to collaboratively implement data reporting improvements that can help both USAO and District residents better understand key trends and advocate for more effective policies.

ANC 6B strongly urges the USAO to maximize this opportunity to improve its data reporting and includes the following recommendations on specific data elements, reporting functions, and reporting uses as part of its updates to its case management system. The recommendations include:

1. USAO’s new case management system should be able to offer detailed summaries of felony cases on at least a monthly basis, if not more frequently.
2. USAO’s new case management system should integrate a “dashboard” function that provides clear, publicly accessible data on key metrics related to the USAO’s operations, prosecutions of crime, and service provided for engagements that don’t involve a prosecution, such as referrals to rehabilitative or supportive services
3. USAO’s new case management system should provide the ability for public users to generate custom reports tailored to specific needs. There is extensive precedent for this in other federal agencies such as the US Department of Labor’s Bureau of Labor Statistics (BLS) or US Department of Commerce Census Bureau.
4. USAO’s new case management system should track at least the following measures:
  1. Number of felony charges brought forward, prosecuted, dismissed, or referred to an alternate non-felony outcome (misdemeanor, dropped, plea bargain, etc.); Cases should be searchable by its six-digit Central Complaint Number (CCN).
  2. Number of charges modified between the time of arrest, subsequent court proceedings.
  3. In the instances where cases are declined to be prosecuted due to insufficient evidence or incorrect police procedures, require a written feedback loop with explanation to MPD of the deficiency with actionable recommendations to prevent future deficiency. Record that this written feedback was provided.
  4. Data and statistics on recidivism by case final disposition, including plead, declined, referred, prosecuted guilty/acquitted.
  5. Offer public access to track current status of cases: open, charged, plead, declined, prosecuted guilty/acquitted.
  6. Number of diversion or similar alternative engagements by which an arrestee charged with a crime goes through an alternative rehabilitation or remediation process and the rate of success from these engagements.
  7. Number of opportunities restorative justice engagements are offered, accepted, and fulfilled by the office.

**Commented [FA3]:** This has been restructured slightly to reduce some redundancies in the original writing.

**Commented [FA4]:** Committee requests specific reference to searchable by CCN.



8. Number of victim services offered and fulfilled by the office.
9. Regular demographic analysis of individuals engaged by the office, whether through criminal proceedings, restorative justice, or other community engagement methods.

*\*ANC 6B is only requesting aggregate data. ANC 6B understands and respects that no federal agency can nor should be asked to provide personally identifiable information (PII) on public platforms. All references to data or details data summaries are requests for anonymized, aggregate data.*

We thank you for your consideration, and we look forward to continuing to collaborate with you on these issues. For any questions about this letter, please contact ANC 6B Public Safety Committee Chair Lisa Matsumoto at [publicsafety.anc6b@gmail.com](mailto:publicsafety.anc6b@gmail.com) and ANC 6B01 Commissioner and ANC 6B Public Safety Committee Vice Chair Frank Avery at [6B01@anc.dc.gov](mailto:6B01@anc.dc.gov).

Sincerely,

**Edward Ryder**  
**2024 Chair, Advisory Neighborhood Commission 6B**

**CC:**

U.S. Attorney General Merrick Garland – [TBD]  
Wendy Pohlhaus, Director of Community Outreach, U.S. Attorney’s Office: District of Columbia - [wendy.pohlhaus@usdoj.gov](mailto:wendy.pohlhaus@usdoj.gov)  
U.S. Congresswoman Eleanor Holmes Norton – [eleonor@mail.house.gov](mailto:eleonor@mail.house.gov)  
Hannah Umansky-Castro, Legislative Counsel to Congresswoman Norton - [hannah.umansky-castro@mail.house.gov](mailto:hannah.umansky-castro@mail.house.gov)  
District of Columbia Mayor Muriel Bowser – [muriel.bowser@dc.gov](mailto:muriel.bowser@dc.gov)  
Chairperson Phil Mendelson, DC Council – [pmendelson@dccouncil.gov](mailto:pmendelson@dccouncil.gov)  
At-Large Councilmember Robert White, DC Council – [rwhite@dccouncil.gov](mailto:rwhite@dccouncil.gov)  
At-Large Councilmember Kenyan McDuffie, DC Council – [kmcduffie@dccouncil.gov](mailto:kmcduffie@dccouncil.gov)  
At-Large Councilmember Anita Bonds, DC Council – [abonds@dccouncil.gov](mailto:abonds@dccouncil.gov)  
At-Large Councilmember Christina Henderson – [chenderson@dccouncil.gov](mailto:chenderson@dccouncil.gov)  
Ward 6 Councilmember Charles Allen, DC Council – [callen@dccouncil.gov](mailto:callen@dccouncil.gov)  
D.C. Attorney General Brian Schwalb – [brian.schwalb@dc.gov](mailto:brian.schwalb@dc.gov)  
Frank Avery, Commissioner, 6B01 and Vice Chair of ANC 6B Public Safety Committee – [6b01@anc.dc.gov](mailto:6b01@anc.dc.gov)  
Lisa Matsumoto, Resident Member & Chair, ANC 6B Public Safety Committee – [publicsafety.anc6b@gmail.com](mailto:publicsafety.anc6b@gmail.com)  
Colin Hall, First District Commander, Metropolitan Police Department – [Colin.Hall@dc.gov](mailto:Colin.Hall@dc.gov)  
Brianna Burch, Public Affairs Specialist, U.S. Capitol Police – [brianna.burch@uscg.gov](mailto:brianna.burch@uscg.gov)  
Marcus Manning, Ward 6 Liaison, Office of the Mayor – [marcus.manning@dc.gov](mailto:marcus.manning@dc.gov)

**Commented [FA5]:** The Committee requested the addition of these metrics as part of the ANC’s advisement/request to the USAO.

**Commented [FA6]:** Updated CC list to include specific elected officials or personnel previously engaged or interested in the PSC’s work and with relevant federal or D.C. government responsibility.

## SE Library Task Force Minutes, July 8<sup>th</sup>, 2024

Thanks to taskforce secretary Ana Unruh Cohen for this up-to-date report of the ANC 6B Southeast Library Task Force's July 8 meeting!

After a moment of silence for our late vice-chair, Raiford Gaffney, we heard a renovation update from DCPL & general contractor Whiting-Turner. DCPL will issue its official July update July 12. DC water has fixed the water hydrant on location but did not replace the brickwork in the street, which DDOT has authority to fix. DCPL also discussed Whiting-Turner's installation of structural bracing to prepare for excavation of the new basement. Excavation is scheduled to start later this month and continue until the fall. Noise level will be similar to that in May. Whiting-Turner has also drilled dewatering wells on the property. A drill rig will remain on site for the next few weeks. Whiting-Turner has added structural measures to the adjacent townhouses.

Regarding pedestrian safety, a DDOT inspector on July 1 confirmed that the DDOT traffic plan has been implemented. DCPL will check with DDOT and parking enforcement on remaining issues about signs and parking.

DCPL and Whiting-Turner confirmed that Welch Mechanical, the subject of a wage-theft lawsuit regarding another Whiting-Turner project, is not a subcontractor on the library project. DCPL also reported that, as regulations require, DCPL regularly reviews Whiting-Turner library-renovation payroll.

Interim Library: Commissioner Sobelsohn reported that, after weeks of closure, the Arthur Capper interim library (what DCPL calls its "TechExpress") finally reopened July 1. He circulated a DCPL letter in which director Richard Reyes-Gavilan refused to consider shifting the hours of the TechExpress, but in which he promised to explore providing book pickups whenever the rec center is open. The taskforce is working on a flyer to distribute to the neighborhood to promote use of the Arthur Capper library facility. Commissioners Ryder and D'Andrea promised to reach out to ANC 8F colleagues to promote the facility to Navy Yard residents.

The taskforce scheduled its next meeting for Monday, August 26, 6:30 p.m. at 700 Pennsylvania Ave., SE.

# REPORT

## Parks and Public Spaces Committee

*Annotated to indicate Actions Taken*

July 8, 2024; 7:00 PM; 700 Pennsylvania Avenue

### AGENDA

1. Welcome; Agenda Review; Materials Review

Committee members and Chair Sroufe joined by Commissioner Avery, several representatives of the Riverfront Bid, and one resident interested in murals.

2. Considerations toward recommended approval of a draft letter required to support the Riverfront Bid application to DC's PABC Grant Program: 2nd St Underpass Artmaking Project for work under the overpass near Garfield Park. (PABC: Public Art Building Community) *item (un-numbered)*

Guest: Ted Jutras, VP, Community Outreach, Riverfront Bid

*The Committee discussed the coordination of the project with DDOT and other agencies, maintenance and sustainability issues, and potential of the art community to self-regulate the painting projects. The committee approved the project unanimously and with enthusiasm and requested that it be added to the Commission consent agenda.*

3. Consideration of the ANC6B Transportation Committee action approving Capitol Hill BID request for a Memorial Bench for BID Ambassador India Person to be placed in the EMMetro Park. *attached "park benches" item pg 1*

*Remaining Committee members discussed potential problems with the placement of memorials in the park should this idea catch on. What criteria are to be used to determine location and type of commemoration? In this instance, the BID selected the type of bench, its color, and the placement of the bench, and its message.*

*Noted also was the planning that was involved in present permanent fixtures to discourage sleeping, and the current emphasis of a curved and natural wood esthetic to the general park design on both sides of the Avenue were the result of considerable planning by the community. Should they be maintained?*

*Attention was called to District's regulation calling for application to DPR Capital Projects as a means of preserving esthetic and security aspects of the park as request may continue to be made. As the ANC has no capacity to make such decisions, the committee felt it should rely on the DPR Capital Projects staff to do so. It was moved to request that the current item be taken off the consent*

*agenda of the Commission meeting and that a substitute motion supporting an application from the BID to the DRC Capitol Projects be approved by the ANC.*

4. Discussion of the Throne installation and planned evaluations (e.g., residents and Throne Lab) *item pgs 2-3*

*It was moved to request that the ANC6B invite representatives of the Throne Labs to discuss topics such as hours of availability, maintenance schedule, and to provide information about their experience to date with facilities at the Navy Yard and Eastern Market.*

5. Consideration toward approval of a draft letter to appropriate members of DC Council addressing amplified sound abatement legislation. *item pgs 4 to 12-A*

*A draft letter in support of the legislation was considered and recommended for adoption and transmission by the Commission.*

6. Addressing missing shade structures; missing artwork in EMMetro Park  
*Several suggestions made by Committee members to secure information about the delay in installation were offered and will be pursued by the Chair.*

7. Proposed bike amenities (attachment) *item pgs 13 -14*  
*Members of the committee will try to attend a meeting sponsored by Metro on new bike facilities. One issue, what can be done with the bike garages still at EM Metro?*

8. Possible Park Committee Member Activities

*Information items.*

- a. Develop List of federal/DC Parks in Ward 6 (attached Triangle Parks) *pg 15*
  - b. Attend Bethune Day (attached, "Lincoln Park") *item pg 16*
  - c. Attend Ward 6 Parks Construction Update on July 29 *item pgs 17-18*
9. Next Committee Meeting: August 26? or September 16? *September 16*

Target for adjournment 8:15 (PM!) *Adjourned 8:22.*



July 9, 2024

700 Pennsylvania Avenue SE  
Ste. #2032  
Washington, DC 20003  
6B@anc.dc.gov

Kerry Kennedy  
Public Art Program Coordinator  
D.C. Commission on the Arts & Humanities  
200 I Street, SE, Suite 1400  
Washington, DC 20003

**OFFICERS**

Chairperson  
*Edward Ryder*

Vice-Chair  
*Vince Mareino*

Secretary  
*David Sobelsohn*

Treasurer  
*Frank Avery*

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**COMMISSIONERS**

- SMD 01 Frank Avery
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- SMD 04 Frank D'Andrea
- SMD 05 Kasie Durkit
- SMD 06 Chander Jayaraman
- SMD 07 Vince Mareino
- SMD 08 Edward Ryder
- SMD 09 Matt LaFortune

VIA EMAIL: [kerry.kennedy@dc.gov](mailto:kerry.kennedy@dc.gov)

Re: ANC 6B Letter of Support for Capitol Riverfront BID PABC Grant Proposal for the 2nd Street Underpass Artmaking Project

Dear Ms. Kennedy:

*At a properly noticed general meeting on July 9, 2024, with a quorum present, Advisory Neighborhood Commission (ANC) 6B voted X-X-X, based on the unanimous recommendation of its Public Parks & Recreation Spaces Task Force and the recommendation of SMD 6B01 Commissioner Frank Avery, to submit the following letter of support for the Capitol Riverfront Business Improvement District's (BID's) FY25 Public Arts Building Communities (PABC) grant application.*

ANC 6B is pleased to submit this letter of support for the Capitol Riverfront BID's application for the FY 25 PABC Grant to launch its proposed 2<sup>nd</sup> Street Underpass Artmaking Project.

Garfield Park serves as an active playground for families and sports enthusiasts, offering a space for community members to gather and enjoy outdoor activities. The adjacent 2nd Street underpass represents an extended functional area that can provide additional opportunities for recreational and cultural engagement. Improving the 2nd Street underpass will enhance Garfield Park, making it more accessible and vibrant and will further enhance the area part of larger forthcoming \$3.6M initiative to establish the [Garfield Park Connector](#).

Garfield Park is a cherished neighborhood asset for recreation, community gatherings, and cultural events. Over the past five years, the District Department of Transportation (DDOT) and Department of Parks and Recreation (DPR) have recognized the importance of enhancing this neighborhood park and have actively engaged residents and park users to identify necessary improvements. This collaboration led to the Garfield Park Connector project.

During the planning stages, both the community leaders, members, and planners acknowledged the critical connection to the 2nd Street underpass and its significance

for sports court users, local content creators, and neighbors. Consequently, the scope of the Connector project includes basic infrastructural improvements at the 2nd Street underpass.

To complement these forthcoming infrastructure enhancements, the BID evaluated this under-utilized public space and engaged with the community to reimagine the underpass for public gatherings and programming. The result was a refreshed strategy to channel interest in the underpass into proactive beautification efforts with local artists.

The Garfield Park Connector project, scheduled to begin summer 2024, will serve as the first step in revitalizing the area. The BID seeks to use PABC funding to launch a public art project that will capitalize and sustain the success of the Garfield Park Connector.

The 2nd Street Underpass Artmaking Project is essential for activating the site and increasing connectivity between the two neighborhoods separated by the highway. As the elected commission responsible for represent the views of area neighbors and advising D.C. and federal agencies of neighborhood perspectives, we believe the project aligns with the community's vision and our mission to promote the enjoyment and appreciation of Garfield Park and the broader “connector” vision. The proposed functional public art, including wayfinding structures, artistic lighting, and seating, will improve pedestrian access and safety, ensuring our park users feel secure and can comfortably explore the expanded area. We also anticipate increased visitation from the Capitol Riverfront neighborhood, enriching their experience and making the park and underpass area more inviting and exciting.

The concepts have been presented to the SMD 6B01 Commissioner for ANC 6B, Frank Avery who has expressed his support and connected the BID with supportive nearby neighbors. They have also been shared through the ANC 6B Public Parks & Recreation Spaces Task Force on its Monday, July 8<sup>th</sup> meeting. To date, neighbors, the Commissioner, and the Task Force are supportive, and all stakeholders appreciate the BID’s approach to a collaborative process that will foster shared decision-making on the forthcoming public art.

Therefore, ANC 6B offers its support for this artmaking project and look forward to its positive impact on the residents, park users, and visitors. We encourage you to support the BID’s application to the PABC fund to bring this project to fruition.

Sincerely,

Edward Ryder,

Chair, Advisory Neighborhood Commission 6B

CC:

Aaron Myers, Executive Director, DC Commission on the Arts & Humanities – [aaron.myers@dc.gov](mailto:aaron.myers@dc.gov)

Charles Allen, Ward 6 Councilmember – [callen@dccouncil.gov](mailto:callen@dccouncil.gov)

Trayon White, Ward 8 Councilmember – [twhite@dccouncil.gov](mailto:twhite@dccouncil.gov)

Frank Avery, Commissioner, ANC 6B01 – [6B01@anc.dc.gov](mailto:6B01@anc.dc.gov)

Brian Strege, Commissioner, ANC 8F03 – [8F03@anc.dc.gov](mailto:8F03@anc.dc.gov)

Emeka Moneme, Executive Director, Capitol Riverfront Business Improvement District (BID) –  
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Ted Jutras, Vice President of Planning & Public Realm, Capitol Riverfront BID –  
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Yi Shao, Planning Manager, Capitol Riverfront BID – [yi@capitolriverfront.org](mailto:yi@capitolriverfront.org)

Capitol Riverfront BID & Parks Foundation

# **2<sup>nd</sup> Street SE Underpass Artspace**

## ***"Phase Zero"***

ANC 6B Parks & Public Space Taskforce Meeting

July 2024



DC Amplified. Life Simplified.

# Virginia Ave + Underpass Vision Plan (2022)



New Jersey Avenue Bridge/Underpass



Basketball Courts



2nd Street Underpass Entrance



2nd/3rd Street Berm

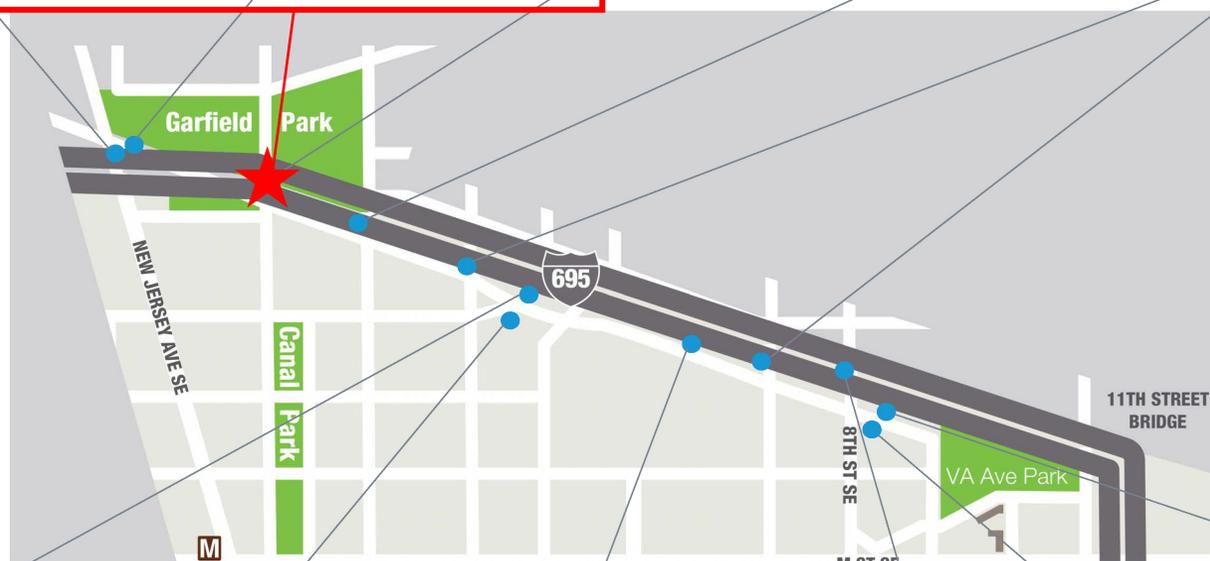


3rd Street Underpass



7th Street Underpass

**STUDY AREA**  
ENVISIONED



8th/9th Street Berm



4th Street Underpass Re-Envisioned



4th Street Triangle Park



6th/7th Street Berm



8th Street Underpass



Emblem Plaza

# Site Overview

## CSX Tunnel Reconstruction

CSX performs a major overhaul of the Virginia Ave Tunnel, doubling the freight capacity of a critical route

Historic Virginia Ave Tunnel portal stones preserved at the 2<sup>nd</sup> Street Underpass

**2015-2018**

## DDOT Garfield Park Connector Project

Re-grading and re-paving, improved lighting, the installation of a retaining wall, and a new ADA-compliant pedestrian/bicycle ramp

**2024**

**2012**

## Bridge Spot Project

5 Artists lead 5 Skateboarding and public art projects in partnership with the DC Office of Planning's "5x5" program

**2025**

## Pickleball Court Improvement

Pickleball courts will be rearranged and repainted with permanent infrastructure after the road is repaved

# Project Overview

The 2<sup>nd</sup> Street underpass is planned to be transformed through two-phases of placemaking + activation. The first phase (“Phase Zero”) focuses on enhancing aesthetic appeal, improving safety, and increasing connectivity. Depending on funding, phases 1.A and 1.B may move forward at the same time, or on separate schedules.



## Phase Zero – Beautify + Define the Space

- Leverage the infrastructure improvements that DDOT is undertaking at the underpass
- Use gateway art, seating, and artistic lighting to define the spaces that will be used



## Phase 1.A – Programming

- Design and build permanent sports courts facilities
- Work with DDOT, DPR, and community for operations and management of facilities



## Phase 1.B – Enhancement

- Identify or create additional art canvases
- Develop comprehensive art plan
- Begin commissioning of identified canvases

# Phase Zero – Beautification

## Mural Art

Mural Artist, Kelly Towles, will curate artists/designs to fill the support columns, softening the space and complementing the existing mural wall.



*Conceptual rendering showing the vertical support columns that will serve as canvases for new artwork.*

### Canvases

- Supporting columns will be painted with new murals after DDOT's infrastructure improvement project
- Maintain the large wall on the east side of the underpass

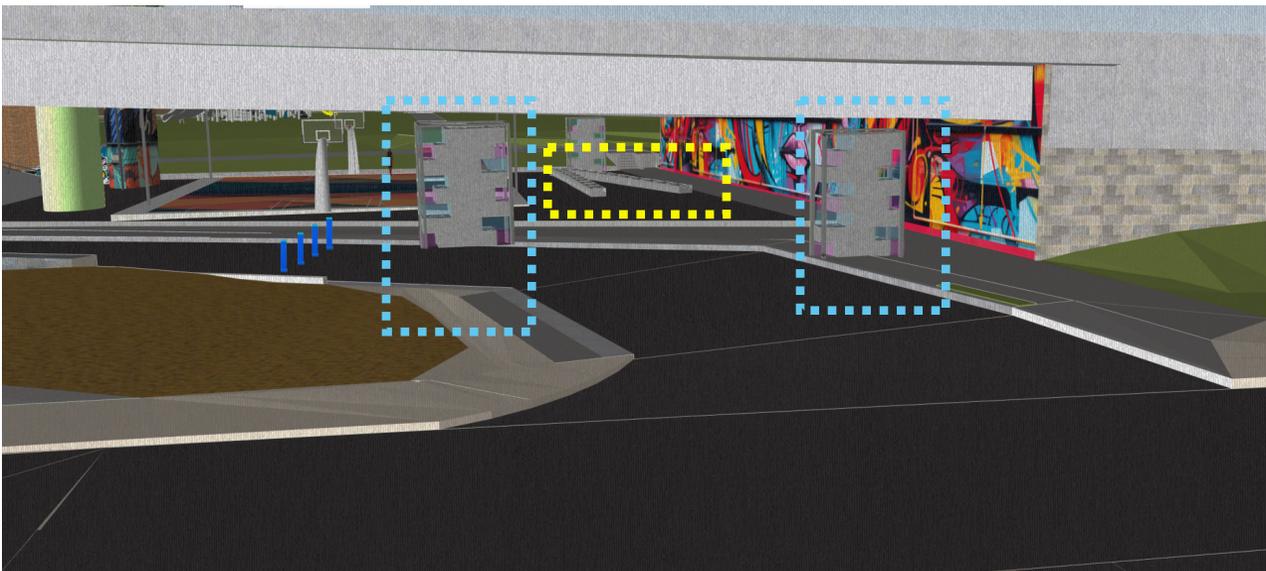
### Community Engagement

- Community will be invited to engage on theme and design with artists
- Community will be invited to participate in painting one or more of the columns during a community painting event

# Phase Zero – Beautification

## Historic CSX Portal Stone Reuse

Local artist and architect, My Ly, will lead the design of stone structures, which will serve as gateway and functional art delineating the space and enhancing the visual appeal



*Conceptual rendering showing potential use of sculptural elements to serve as visual gateways and functional furniture elements for the site.*

### Vertical Structure

Stones will be stacked together for wayfinding art defining the entrances of the underpasses and alluding to the old freight rail tunnel entrance

### Horizontal Structure

Stones will be arranged to define boundaries of different activity zones and serve as seating for people to rest and socialize

# Phase Zero – Beautification

## Artistic Lightings

Artistic lightings will illuminate the underpass, improving visibility and safety while highlighting artistic features



*Conceptual rendering of potential sculptural and lighting elements*

### **Artistic Highlights**

- Soften the appearance of concrete portal stones
- Complement texture, color, and intricate details of artwork

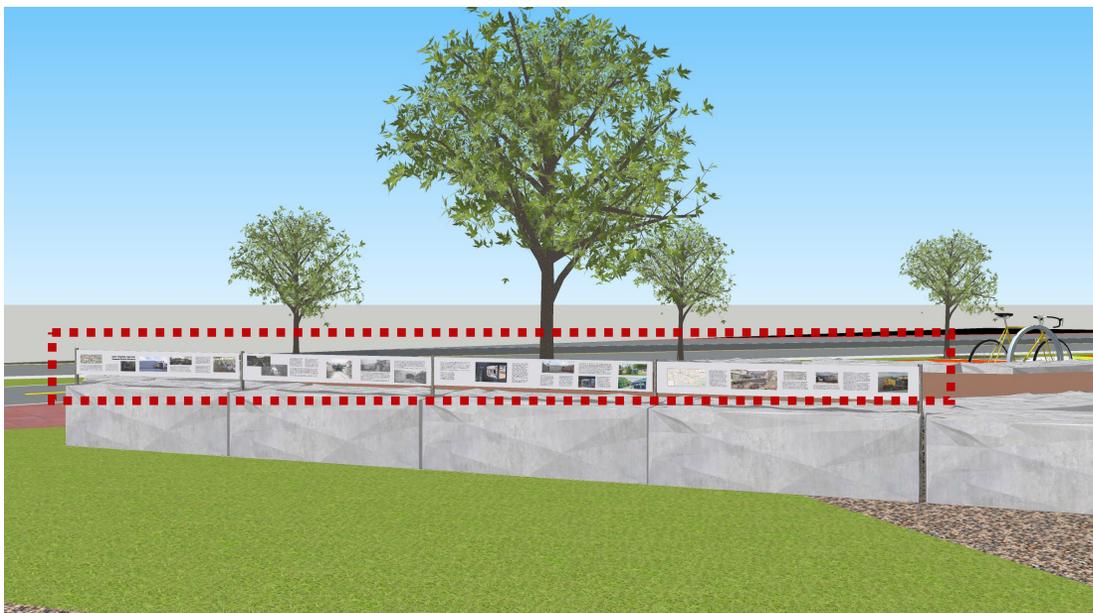
### **Improved Perception of Safety**

- Increase visibility
- Create a cozy and inviting ambiance for users

# Phase Zero – Beautification

## Historic Preservation

Capitol Riverfront has been awarded a Preservation Initiatives grant from the DC Preservation League related to reuse of the portal stones.



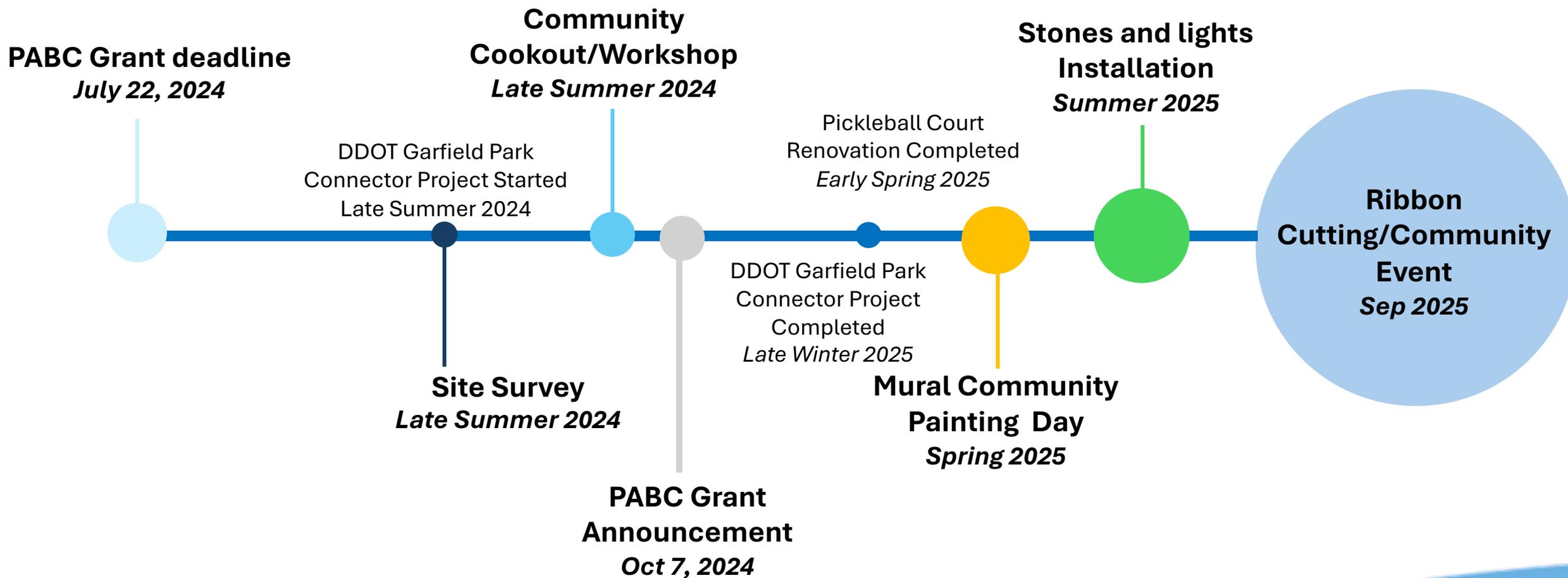
*Conceptual rendering of interpretive signage at the future Emblem Park  
(8<sup>th</sup> St + Virginia Ave SE)*

### **Interpretive Signage**

The grant will allow the BID to create physical signage, as well as digital assets to educate the community about the history of the freight rail through the neighborhood, and the national impact of the rail line that runs under Virginia Avenue.

The signage will accompany the reuse of the portal stones at the 2<sup>nd</sup> Street underpass, as well as other locations along the corridor.

# Phase Zero – Timeline



# Addressing Other Concerns

## Existing Encampment

- DDOT's Garfield Park Connector project will require that the encampment disband
- Capitol Riverfront has proactively flagged the needs for the city the need to find suitable housing options for all members of the encampment well before construction begins
- **What we've heard:** more than half of the members of the encampment have been placed in stable housing, and the city and its service providers are actively working to do the same for the remaining residents of the encampment

## Graffiti Art Spreading Beyond the Underpass

- The underpass has been a home to graffiti artists practicing their work for well over a decade
- Artists from around the country, and around the globe have added works over the years
- The space has not been formally managed – artists have self managed
- **However**, in the past two years some of the graffiti art (as well as graffiti “tagging”) has expanded to the infrastructure outside of the underpass
- The BID's goal is to encourage creative use within the underpass and to encourage the arts community to self regulate that process
- ***The BID will work aggressively with the city, and community to identify and quickly remove unapproved art or tagging outside of the underpass.***

# Project Summary

## What we want to achieve:

- Increase the visibility of the underpass
- Create a welcoming environment
- Connect neighborhoods on both sides of the highway
- Connect local artists with the community
- Preserve the historic and cultural assets

## Community Engagement Opportunities

- Community Cookout Event (Late Summer 2024)
- Community Painting Day (Early Spring 2025)
- Ribbon Cutting Community Event Day (TBD)

*The project is heavily impacted by the PABC Grant, without the awards, the project timeline will be subject to delays.*

# Questions?

**To Provide your support, please come to us and provide your signatures!**

Help us to:  
Spread the Word  
Stay Involved  
Follow Updates  
Share your feedback

Feel free to reach out to us at:

[ted@capitolriverfront.org](mailto:ted@capitolriverfront.org)

[yi@capitolriverfront.org](mailto:yi@capitolriverfront.org)

[savannah@capitolriverfront.org](mailto:savannah@capitolriverfront.org)

*Our goal is to turn down the music. Right now, everyone in the DC government says they have no authority to turn it down.*

-- Chair Mendelson, July 3, 2024; Public Hearing of Public Works and Operations Committee concerning the Amplified Sound Mitigation Act of 2024 (B25-749)

TO: Council Members Bonds, Nadeau, Pinto, and Mendelson

FR: Edward Ryder, Chair, ANC6B

Date: July 10, 2024

ANC6B, meeting at a regularly scheduled meeting on July 9, 2024, voted to send this letter in support of the Amplified Sound Mitigation Act of 2024. The recorded Commission vote was \_\_\_\_\_.

We welcome the leadership of the Council in addressing the fraught issue of amplified sound in a densely populated residential community. Our neighbors have made it clear that they regard excessive sound as a health issue as well as a nuisance issue

The provisions of the pending legislation that we believe hold greatest promise for addressing the growing problem of excessive amplification are: (1) fixing primary responsibility for enforcement in a specific government agency; (2) providing for testing the level of amplification at the source: rather than in the homes or businesses impacted; (3) stipulating the highest level of amplification permitted; (4) providing adequate testing equipment to permit prompt response to complaints; and (5) providing a civil penalty for repeat violators.

The frustration evidenced by the Council Chair and several public witnesses at the hearing on July 3 has been experienced also by residents in Ward 6, including those within ANC6B. At the conclusion of the hearing on July 3, hearing Chairman Mendelson referred to the loud music provided by a “Darth Vader Guitarist” in his neighborhood. Similarly, on Capitol Hill we have endured several years of “The Preacher,” an individual whose stated goal is to provide spiritual guidance to persons residing in homes on the north side of Pennsylvania Avenue by means of a deafening message broadcast from the south side of the Avenue near the 8<sup>th</sup> Street SE Starbucks.

We look forward to working with the Committee as this important legislation moves forward. Commissioner Jerry Sroufe, chair of the 6B task force on Parks and Public Spaces, is our designated respondent for this legislation; he can be contacted at [6B02@anc.gov](mailto:6B02@anc.gov); 202-258-7053.



**ANC 6B July 2024 Treasurer's Report**  
**Submitted by Frank Avery, Commissioner 6B01 and 2024 Treasurer, ANC 6B**  
**Submitted July 7<sup>th</sup>, 2024 for the July 9<sup>th</sup>, 2024 Commission Meeting**

**Item #1: Monthly Financials – No action required.**

For **June 2024**, the ANC's opening balance was \$64,661.09. The ANC closed the month with a balance of \$63,680.16. The change in net position for the ANC was a **decrease of \$380.93**. The expenditures and income were as follows:

**Debit Card**

- **June 2, 2024 - \$2.03 – Amazon Web Services:** The ANC pays a monthly utilization fee for website hosting via Amazon Web Services (AWS).
- **June 17, 2024 - \$3.55 – United States Postal Service:** The Treasurer paid for postage and supplies (envelop) via debit card at the post office to mail checks to 700 Penn LP and Capital Community News, Inc.

**Checks**

*Cleared Since Last Report*

- **Check #4988 - \$375 – 700 Penn:** This check was issued to pay for meeting space for the ANC's hybrid full commission meeting on Monday, April 8, 2024.
- **Check #4989 - \$225 – 700 Penn:** This check was issued to pay for meeting space for the ANC's hybrid April Public Safety Committee meeting on Wednesday, April 24, 2024.
- **Check #4900 - \$378 – Capital Community News:** This check was issued to pay for ANC 6B's annual advertisement in the Fagon Community Guide. The advertisement highlights the ANC as part of a section dedicated to educational information on Advisory Neighborhood Commissions in Ward 6.

**Deposits**

- **June 28, 2024 - \$2.65 – National Capital Bank (Interest):** The ANC received its monthly interest payment from its bank.

*No other deposits were received in June 2024.*

**Item #2: FY24 Third Quarter Quarterly Financial Report (FY24 Q3 QFR) – ACTION REQUIRED**

The ANC must approve a quarterly financial report which documents the preceding fiscal quarter expenditures. Reports are submitted to the Office of ANCs for monitoring and review. When reports are accepted, the OANC issues a letter to the DC Treasury authorizing release of each quarterly allotment to the ANC.

Reports are due approximately 45 days following the close of each quarter. The report has been included on this meeting and must be passed at the July meeting in order to be accepted on time by OANC. The ANC will be on recess in August and therefore cannot meet the 45 day requirement if it fails to pass the QFR at its July 9 meeting (without calling a special session of the Commission).

**Recommended Action:** The Treasurer recommends the QFR be accepted as presented by consent at its July 9, 2024 meeting.



**Item #3: Quarterly Allotment**

The ANC received confirmation on Monday, July 1, 2024, that the previous QFR had been accepted and OANC will issue the ANC's next quarterly allotment of \$6055.17 on schedule.

**Item #4: RFP for Administrative Services**

The ANC is seeking a new administrative services provider. The Treasurer will post the previous RFP, with minor amendments, to the website by the Tuesday, July 9, 2024 meeting.

**There are no further updates at this time.**

For any questions regarding the contents of this report, please contact Commissioner Frank Avery, 2024 Treasurer for ANC 6B, at [6B01@anc.dc.gov](mailto:6B01@anc.dc.gov).

## ANC 6B Monthly Treasurer's Report

June 2024

Opening Balance: \$64,061.09  
Closing Balance: \$63,680.16  
Change: *(\$380.93)*

### Transactions (Checking)

Check/Dep ↑↓	Date ↑↓	Payee/Payor	Cat ↑↓	Income	Expense
	2024-06-03	Amazon Web Services	3		\$2.03
4900	2024-06-03	Capital Community News, Inc.	3		\$378.00
	2024-06-17	United States Postal Service	4		\$3.55
	2024-06-28	National Capital Bank	D-I	\$2.65	

## ANC 6B Quarterly Financial Report FY24 Q3

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<b>Balance Forward (Checking)</b>	<b>\$59,505.87</b>
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**Receipt**

Allotment	\$6,055.16
Interest	\$7.86
Deposit Other	\$256.25
Transfer from Savings	\$0.00

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<b>Total Receipts</b>	<b>\$6,319.27</b>
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<b>Total Funds Available During Quarter</b>	<b>\$65,825.14</b>
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**Disbursement**

1. Personnel	\$0.00
2. Direct Office	\$0.00
3. Communications	\$384.07
4. Office Supply	\$1,219.39
5. Grants	\$0.00
6. Local Transportation	\$0.00
7. POServ	\$541.52
8. Bank Fees	\$0.00
9. Other	\$0.00
T-O. Transfer to Savings	\$0.00

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<b>Total Disbursements</b>	<b>\$2,144.98</b>
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<b>Ending Balance: Checking</b>	<b>\$63,680.16</b>
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Approval Date by Commission: \_\_\_\_\_

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

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

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

## ANC 6B Quarterly Transactions FY24 Q3

### Accounts - Checking

Clrd	Check #	Debit #	Date	Date Approved	Payee/Payor	Cat	+	-	Type	Memo	Report Balance
✓	4894		04/01/24	09/12/23	Tori Collins	7		\$541.52	☒		\$58,964.35
✓		16	04/02/24	09/12/23	Amazon Web Services	3		\$2.02	☒		\$58,962.33
✓	4895		04/19/24	09/12/23	700 Penn LP	4		\$375.00	☒		\$58,587.33
✓	4896		04/19/24	09/12/23	700 Penn LLC	4		\$225.00	☒		\$58,362.33
✓	4897		04/19/24	09/12/23	700 Penn LP	4		\$4.00	☒		\$58,358.33
✓		17	04/22/24	09/12/23	United States Postal Service	4		\$11.84	☒		\$58,346.49
✓			04/23/24		National Capital Bank	D-O	\$256.25			Refund from bank for erroneous vendor charge	\$58,602.74
✓			04/30/24		D.C. Government	D-A	\$6,055.16				\$64,657.90
✓			04/30/24		National Capital Bank	D-I	\$2.46				\$64,660.36
✓		18	05/02/24	09/12/23	Amazon Web Services	3		\$2.02	☒		\$64,658.34
✓	4898		05/15/24	09/12/23	700 Penn LP	4		\$225.00	☒		\$64,433.34
✓	4899		05/15/24	09/12/23	700 Penn LP	4		\$375.00	☒		\$64,058.34
✓			05/31/24		National Capital Bank	D-I	\$2.75				\$64,061.09
✓		19	06/03/24	09/12/23	Amazon Web Services	3		\$2.03	☒		\$64,059.06
✓	4900		06/03/24	09/12/23	Capital Community News, Inc.	3		\$378.00	☒		\$63,681.06
✓		20	06/17/24	09/12/23	United States Postal Service	4		\$3.55	☒		\$63,677.51
✓			06/28/24		National Capital Bank	D-I	\$2.65				\$63,680.16