

## ANC 6B Sorting Out 'Peace, Order and Quiet' on Barrack's Row

BY HUNTER L GORINSON

When it comes to dealing with the District's Alcoholic Beverage Regulation Administration (ABRA), the paperwork may be signed and permits paid, but buyer beware – you may not be getting what you think. One new establishment, Senart's Oyster House, found out as much the hard way prior to the June meeting of Advisory Neighborhood Commission 6B.

Senart's proprietor, Xavier Cevera – the same restaurateur behind two Eighth Street establishments, Molly Malone's and Lola's – came before the ANC's Alcohol Beverage Commission Committee for a liquor license and permission for a 22-seat sidewalk café, as well as two outdoor "summer gardens," at his new oyster house at 520 Eighth St. SE. Funny thing is, however, Cevera never requested a permit for a "summer garden" – much less two – on his application to ABRA.

After clarifying that mishap with the ANC's ABC Committee and local residents, Cevera was able to address the matter of hours for his patio seating. Dampening concerns over what the ANC described as "peace, order and quiet in the neighborhood," Senart's agreed to "cease service" outdoors at 11 p.m. five days a week and at 1 a.m. on Friday and Saturday.

In ABRA's nomenclature, however, "ceasing service" equals "ceasing consumption" – something that Cevera was not aware of when he

entered into his agreement and now disputes. This left the patio matter still open to debate when the ANC convened to consider his outdoor seating request. And the commission too was a bit baffled by ABRA's distinction.

"We're not really quite so focused on whether alcoholic beverages are being served are not. We have a noise concern for the neighbors and want be clear about that point ... [but] it's not exactly clear where to go," said Chairman David Garrison.

With Cevera not in attendance to discuss the issue further, the only resolution, it seemed, was for the commission to begrudgingly move to protest Senart's patio seating – something that not that all commissioners were entirely comfortable in doing.

"Mr. Cevera has been the one to come in and say I want to resolve the problem. I think we need to leave him alone and let him do what he wants to do. I think he's a responsible business owner," said Commissioner Carol Green, noting the standards maintained at Senart's soon-to-be sister establishments.

But with no voluntary agreement to sign, the ANC voted to protest the Senart's application based on the unclear hours of the sidewalk café with seven commissioners for the measure, Green voting against it and Commissioner Mary Wright abstaining.

"It feels awkward ... but I don't see what our choices are here," said Garrison.

During the same session, the commission also faced another laundry list of liquor license renewals from currently operating establishments. As in the month prior, the majority passed without exception, aside from a select few who, too, faced complaints about noise, sanitation and other issues of community concern – popular hotspots Good Stuff Eatery, Matchbox and Tunnick's among them.

All three were approved unanimously for renewal after discussions at the committee level between the ANC, the respective business owners and affected community members. A neighbor of one of the contested

establishments, Mary Wadley, called the process a prime "example of good communication on all fronts."

Even the Ugly Mug, which had received a negative recommendation from the commission in May due to ANC concerns that went unanswered, regained the panel's support after implementing restricted patio hours, posting signs that implore customers to be mindful of the neighbors and hiring a doorman for Friday and Saturday evenings.

### New Capper Community Center Still a Long Time Coming

Dan McCabe of Urban Atlantic was back before ANC 6B this June to seek a second extension for his company's redevelopment of the demolished Capper Community Center at Fifth and K streets SE – just one component of the 32-acre Capper/ Carrollsburg Planned Unit Development (PUD) project that the developer, in tandem with the DC Housing Authority, has been working on for a decade. The panel had previously opposed such a delay a year prior during McCabe's last visit, though the Zoning Commission eventually granted it.

McCabe told the panel that the community center portion of the development was still facing significant "financial difficulties" and, as such, hoped to gain an extension through July 2012. Urban Atlantic hoped that construction would then begin, he said, in July 2013 – a best-case scenario projection, based on the pilot bond financing behind the project, which will require the majority of the townhouses and multi-family housing units within the development to be completed before work on community amenities can begin.

"Further down the road, when we have a better real estate-slash-income stream, the second portion of the pilot bonds, which is \$26 million, will be used to finance the remaining components along Canal Park and the community center," he said.

The commission remained skeptical, though, as the developer had failed to provide its planning committee with plans or a concrete

timeline for the community center -- once projected to go to ground as early 2008. While McCabe did produce "60 percent" completed construction documents for the center, he did concede that "there is no timeline" and added: "We'd love to build it, we just don't have the money."

Commissioner Kenan Jarboe cited a need for the developer to demarcate milestones in the development process that would allow the ANC to track progress towards the center, instead of an ongoing "put it off, put it off" scenario.

"The original sin here is that ... the community center should have been dedicated right up front. There are too many public amenities in these things that get paid for at the end of the process rather than up front. We're in that box," he said.

Still, McCabe stressed the fact the community center was but one piece of a much larger, federally mandated development that will have widespread ramifications for both 6C and 6D areas in the coming years.

"The whole concept ... is that we use the value of that land to be able to replace 707 public housing units that were dilapidated. We're at 339, and they're beautiful... To deep-six the PUD now, I think, would be shortsighted," said McCabe.

On the heels of a lengthy discussion, Jarboe introduced a motion to support the extension on the condition of support from ANC 6D, the formalization of a timeline and the submission of written document to the Zoning Commission by the developer outlining specific funds for the center. The extension request passed unanimously.

*ANC 6B regularly meets at 7 p.m. on the second Tuesday of each month at The People's Church, 535 Eighth St. SE. Call 202-543-3344 or visit [www.anc6b.org](http://www.anc6b.org) for more information. ★*