



District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for January 08, 2009



- 7:00 pm **Call to order**
- 7:01 Special Orders - Swearing-in of ANC Commissioners by Councilmember Wells (if necessary)
- 7:06 **Adopt agenda**
- 7:07 **Special Orders - Election of Officers, Chairs and Appointment of Members - see page 5**
1. Commission Officers
 - a. Chair
 - b. Vice Chair
 - c. Treasurer
 - d. Secretary
 2. Amend Commission bylaws to remove Public Safety as a standing committee
 3. Committee Chairs - Standing Committees
 - a. Alcohol Beverage Licensing - Mary Beatty
 - b. Economic Development and Zoning - Drew Ronneberg
 - c. Public Safety (pending bylaw amendment)
 - d. Community Outreach - Elizabeth Nelson
 4. Committee Chairs - Working Committees
 - a. Transportation and Public Space
 - i. Establish committee for two year ANC term
 - ii. Election of chair - Omar Mahmud
 5. Appointment of Committee Membership
 - a. Alcohol Beverage Licensing

 - b. Economic Development and Zoning

 - c. Public Safety (pending bylaw amendment)

 - d. Community Outreach
Louis Barbash, Rose Williams, Mark Roy, Jaqueline Aamot
 - e. Transportation and Public Space
Sean Iovitt, Shane Artim, DeLania Hardy, Lance Brown, Diane Hoover
- 7:27 **Approve previous meeting's minutes - starts on page 6**
- 7:30 **Community Comments (2 minutes each)**
- 7:35 **Officer Reports:**
- Chair (2 minutes)
 - Vice-Chair (2 minutes)
 - Secretary (2 minutes)
 - Treasurer (2 minutes) - *starts on page 23*
 1. Approve treasurer's report and previous month's disbursements.
 2. Approve monthly photocopying expenses.
 3. Participation in ANC security fund



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7:38 Single Member District reports (2 minutes each)

Standing Committee Reports:

7:45 Alcohol Beverage Licensing - starts on page 24

1. **Recommendation:** ANC 6A pursue a voluntary agreement for Vendetta and if we can get a VA signed prior to the petition date of January 26, 2009 we will not protest.
2. **Recommendation:** ANC 6A pursue a voluntary agreement for Joe's Coal & Ice House and if we can get a VA signed prior to the petition date of January 26, 2009 we will not protest.
3. **Recommendation:** ANC 6A not protest Class B Liquor License renewals for Bella Market, 1101 Convenience Mart, Me and My Supermaket, DC Express, DC Supermarket, J&K Market, M&T Beer and Wine.
4. Next meeting - 7:00 p.m., January 13, 2009 (Rescheduled to Avoid Inauguration)

7:55 Economic Development and Zoning - starts on page 27

1. **Recommendation:** ANC 6A oppose the rooftop deck requested as part of BZA 17835 (225 9th St NE).
2. **Recommendation:** ANC 6A direct the committee to develop recommendations for ANC consideration on the following zoning topics for low/moderate density residential areas: 1) customized residential zones, 2) matter-of-right height for residential buildings, 3) matter-of-right building footprint and depth, 4) non-conforming courts, 5) requirements for reuse of historic institutional structures, 6) residential density.
3. Next meeting - 7:00 p.m., January 21, 2009 (3rd Wednesday)

8:10 Community Outreach - starts on page 31

1. No Meeting in December
2. Next meeting - 7:00 p.m., January 19, 2009 (3rd Monday)

8:10 Public Safety - starts on page 32

1. No Meeting in December

8:10 Transportation and Public Space Committee - starts on page 33

1. No Meeting in December
2. Next meeting - 7:00 p.m., January 26, 2009 (Rescheduled to Avoid Inauguration)

8:10 Unfinished Business

8:10 New Business - starts on page 34

1. National Marathon Outreach
2. Motion to support the designation of 1305-1311 H Street NE to DC Historic Landmark status.



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3. Planned disposition of 525 9th Street and 1341 Maryland Avenue, NE.
4. Approval of Adele Robey to represent ANC6A on Council Member Well's Juvenile Crime Task Force

Main motions – new business	A. Secondary motion – Incidental	B. Secondary motion – Privileged	C. Secondary motion – Subsidiary
<p>• Offered in positive terms. Example: “I move to buy a new computer and laser printer.” Member making motion speaks first.</p> <p>• When speaking to a motion, the member must indicate whether they speak for or against the motion at the outset of their remarks. Example: “I speak for the motion because...” or “I speak against the motion because...”</p> <p>• Members generally have 2 minutes on each turn – the minutes can’t be yielded.</p> <p>• Debate must be germane to the motion</p> <p>• Requires 2nd and is debatable and amendable.</p> <p>• A member can only speak twice to a motion and the second time only after everyone who wished to speak the first time has spoken.</p> <p>• The member who makes the motion can’t speak against it – but can vote against it. The member who seconds the motion can speak against it and vote against it.</p> <p>D. A Tie Vote</p> <p>• A tie vote occurs when 50% of the vote is in favor and 50% of the vote is against. The chairperson will not break a tie.</p> <p>• For example, if three vote for the motion and three vote against the motion, the vote is a tie and the motion is lost.</p> <p>E. Majority Vote Defined</p> <p>• A majority vote is more than half of those who voting to approve a motion.</p> <p>• Those voting – not those present – determine the majority.</p> <p>• Example. A meeting has eight members present. Three members vote in favor of the motion and two members vote against the motion, the motion carries.</p>	<p>Incidental motions deal with questions of procedure arising from pending business. They are not ranked because they must be taken up immediately when made:</p> <ul style="list-style-type: none"> • Appeal – disagree with ruling • Point of order – question of rules • Division – doubt the result of vote • Object to consideration of motion • Request – I have a question • Suspend the rules – set aside rule • Division of the question – divide motion <p>Usually not debatable and required immediate action.</p> <p>Division of Question. Majority required. Needs second, amendable, not debatable. Result, motion is divided into separate parts to consider individually.</p> <p>Suspend the rules. Two-thirds required. Needs second, not amendable, not debatable. Result, rules set aside so member can do something else. Typically used to take something up out of order on the agenda.</p> <p>Request. Does not require motion. Designed to ask chair a question (point of information). Example, “Do we have enough money to buy a computer?”</p> <p>Object to consideration. Two-thirds required. No second required, not debatable. If adopted, motion cannot be considered.</p> <p>Division. No vote, no second, not debatable. Result, vote is retaken in a different way than originally taken. Example, all those stand in favor of...</p> <p>Point of order. No vote required. No second, not debatable. Chair rules on the point. Point of order is to correct breach of rules when chair does not correct.</p> <p>Appeal. Majority required. Needs second, debatable, not amendable. Motion is worded to support chairs ruling, “Shall the decision of the chair be sustained.” If adopted, chair ruling stands. If rejected, decision of chair overruled.</p>	<p>Privileged motions do not relate to pending motion. They relate to special matters of immediate importance. They are higher in rank than subsidiary motions. They are assigned an order of rank and be handled only one at a time (listed from highest to lowest):</p> <ul style="list-style-type: none"> • Adjourn – end meeting now • Recess – take a break • Question of privilege – welfare of assembly • Orders of the day – stick to agenda <p>Generally requires 2nd and is undebatable – but amendable in some cases.</p> <p>Orders of the day. No vote is taken unless two-thirds of the members want to set aside the agenda. Does not need a second, not amendable, not debatable.</p> <p>Question of privilege. Does not need a second, not amendable, not debatable. Chair rules on request. Common question of privilege deals with noise or meeting conditions. Example, can’t hear the speaker.</p> <p>Recess. Majority required. Needs a second, length of recess is amendable, not debatable. Result, short intermission and then resume business.</p> <p>Adjourn. Majority required. Needs second, not amendable, not debatable. Result, immediate end to meeting – motion moves to #1 under unfinished business.</p> <p>Ladder of Motions in order of rank: <i>Order of making (bottom to top)</i> <i>Order of voting (top to bottom)</i></p> <p style="text-align: center;">Adjourn Recess Raise question of privilege Call for orders Lay on the table Previous question Limit or extend debate Postpone to a certain time Refer to committee Amend Postpone indefinitely Main motion</p>	<p>Subsidiary motion help dispose the main motion – it always does something to the main motion. They are assigned an order of rank and be handled only one at a time (listed from highest to lowest):</p> <ul style="list-style-type: none"> • Lay on the table – set aside • Previous question – stop debate • Limit or extend time of debate • Postpone to a certain time • Refer to committee • Amend – change a motion • Postpone indefinitely – kill a motion <p>Requires 2nd and is generally debatable and amendable.</p> <p>Postpone indefinitely. Majority required. Needs second, <u>not</u> amendable, debatable. If adopted, kills main motion for duration of meeting.</p> <p>Amend. Majority required. Needs second, secondary amendment allowed, debatable. Four ways to amend, insert words within, add words at end, strike out words and strike out and insert words. If adopted, becomes part of motion.</p> <p>Refer to committee. Majority required. Needs second, amendable, debatable. If adopted, goes to committee and does not return until committee is ready.</p> <p>Postpone to a certain time. Majority required. Needs second, time element amendable, debatable. If adopted, item put off until later in the meeting.</p> <p>Limit / extend time of debate. Two-thirds required. Needs second, time element amendable, <u>not</u> debatable. If adopted, standard rules of debate are altered.</p> <p>Previous Question. Two-thirds required. Needs second, <u>not</u> amendable, <u>not</u> debatable. If adopted, vote taken on immediate question pending.</p> <p>Lay on the table. Majority required. Needs second, <u>not</u> amendable, <u>not</u> debatable. If adopted, main motion and adhering motion are placed in hands of secretary until some moves to take from table. Take from the table uses same.</p>



District of Columbia Government
Advisory Neighborhood Commission 6A
Commission Election Procedures



ARTICLE VIII. Commission Elections

Section 1. The Commission shall elect officers from its membership, and chairs of its standing committees from both its membership and the residents of the ANC area, at a public meeting of the Commission held in January each year.

(a). The officer positions shall be: Chairperson, Vice Chairperson, Secretary and Treasurer. The officers of the Commission must be elected commissioners.

(b). The standing committee chairs shall be: Economic Development and Zoning, Alcohol Beverage Licensing, Public Safety, and Community Outreach. The committee chairs may be either elected commissioners or residents that live in the geographic boundaries of the4 Commission as defined in Article II.

(c). The Commission may also elect any other officer or chairperson the Commission deems necessary.

Section 2. Methods of Election.

(a). Upon a two-thirds majority of the Commissioners present and voting, any commissioner may submit a slate of officers and committee chairs for consideration. The approval of the slate shall require a simple majority of the Commissioners present and voting. If a simple majority vote is not achieved to approve the slate, the individual offices and committee chairs will be voted on separately as outlined in Article VIII, Section 2, subsection (b).

(b). The Commission shall use the following procedure to elect individual officers and committee chairs:

(1). Each candidate shall be nominated by a Commissioner and must be seconded by another Commissioner. A Commissioner may nominate him or herself, but may not second the nomination. Upon receiving a second, the candidate shall be granted some time to address the nomination.

(2). Officers of the Commission shall be elected by a simple majority vote of the Commission. In the event that no candidate has a simple majority vote of all Commissioners, there shall be a run-off between the two candidates having received the most votes.

(3). Voting on each office shall occur before the floor is open for nomination for another office.

(c). Voting during the Commission elections for officers and committee chairs shall be conducted in accordance with Article V, Section 2, Subsection (d). Under any circumstance, there shall not be a secret ballot vote during these elections.

Section 2. The Commission shall approve the membership of all Commission committees at the request of each of the committee chairperson either at the January meeting or the next regularly scheduled meeting after the election of officers and committee chairs.

(a). Each committee chairperson will forward a list of names, consisting of residents of the Commission area, to the Commission for approval.

(b). The approval of committee membership shall be by a simple majority of the Commission. The approval can either be by a slate of candidates or voted upon individually.

(c). Voting on each Committee membership shall occur before the floor is open for nominations for another Committee memberships



**Advisory Neighborhood Commission 6A
Meeting Minutes
December 11, 2008**



Advisory Neighborhood Commission 6A

Miner Elementary School

December 11, 2008 Minutes

The meeting was convened at 7:00 PM.

Present: Commissioners Alberti, Beatty, Fengler, Holmes, Mack, Marshall, Schultheiss

1. Agenda

The agenda was approved without objection.

2. Minutes

Mr. Fengler requested Ms. Weiner further refine the section of the minutes relating to the RFP for packet preparation and submit the corrections at the January meeting for adoption. The November minutes, except for that section, were adopted without objection.

3. Community Comment

The principal of Miner School, Lavonne Taliaferro Bunch, asked that the door to the school be kept locked during meetings and that someone sit at the front door to let people in. She reported that children had snuck into the school at night. Mr. Fengler said that MPD would be asked to help, or that someone could be hired to undertake that job.

4. Community Presentation

Damon Harvey, DDOT Public Parking Program manager, was asked to address the ANC on two topics: setting up an RPP program, without any exceptions; and the process for getting speed bumps and other traffic-calming measures.

Mr. Harvey said that traffic calming has been in effect since 2004, but can't be implemented on every street. 80% of road funds are federal funds and traffic calming measures can't be implemented on roads funded by the federal government. He said there are three types of road: arterials, collectors which connect to arterials, and local streets, which get most of the traffic calming activity.

Raised crosswalks and speed bumps are two of 20 plus traffic calming measures. The process is that the ANC requests a traffic-calming study; DDOT engineers undertake the study and then come back to the ANC with results and recommendations, and work with the Commission on ways to slow people down. Mr. Fengler asked about the threshold for petitions requesting such a study. Mr. Harvey said that while 50% of residents of an area are required, it can be done without petitions.



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He said that State avenues are almost all collectors, and measures are not usually implemented on collectors, but there are exceptions. There are other things that can be done on federal streets. The issue of Maryland Avenue was raised, and how dangerous it is, including a huge blind spot, and that a formal study on Maryland would be welcomed. Mr. Fengler asked whether a request for that study be ANC-initiated or resident-initiated. Mr. Harvey suggested that the ANC do a resolution on the request.

Ms. Mack reported that she has been working with the residents of the 1600 block of Rosedale Avenue, where 75 to 80% of the residents have requested DDOT action. She said she has made 13 contacts with DDOT's Team 3. She expressed her frustration, saying the Mayor had walked the street. Mr. Harvey said she should e-mail him, and he will let her know where she is in the "queue." He suggested she talk to Councilmember Wells.

Mr. Schultheiss asked how communication with DDOT can be improved, and listed at least six issues that he has tried to get DDOT to act on: 1300 Emerald Street NE, 500-800 13th Street, NE, 700-800 12th Street NE, 500 Tennessee Avenue NE, 9th Street and Maryland Avenue NE, an upgraded crosswalk at 10th and Maryland Avenue NE.

Mr. Harvey suggested that a letter should be sent from all the Commissioners detailing the outstanding problems, and it should be sent to Karina Ricks and Kathleen Penney. He said he would look into these things but that the ANC had to follow through. Mr. Holmes said that DDOT was the most unresponsive agency the ANC had to deal with. Mr. Alberti mentioned the bike lane on North Carolina Avenue, which is missing markings on one block. Drew Ronneberg mentioned the problem of parking on public space.

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion that the ANC send a letter to the DDOT director within two weeks listing all projects that have already been filed, based on input from Commission members. The motion passed without objection.

Mr. Harvey said it should be done in conjunction with Councilmember Wells' office, which may be working on some of these issues. Mr. Fengler also raised that ANC 6C should be included in the request for the traffic-calming study on Maryland Avenue, because it should go from 14th Street to 6th Street NE.

Mr. Harvey then discussed the RPP, the residential parking program. He said that a request for a program should be done by petition, with the signatures of 51% of the residents of any block. After the petition is filed, DDOT will do a study: 70% of the parking spaces have to be filled, with 10% of that 70% being out-of-state cars. He said that it was done that way to make sure it was the residents want. The signs can vary from 6 a.m. to 7 pm, or 7 am to midnight, what the residents want. There are no RPP signs in front of commercial buildings.

This works with performance parking, so that meter rates can be set and resident-only parking signs can be put up. He suggested that Councilmember Wells can add streets to the performance parking plan, with the approval of constituents.

Mr. Harvey said he should be contacted to follow up on these issues. His e-mail is damon.harvey@dc.gov, and his phone number is 671-0493.



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5. Special Election

Gottlieb Simon, of the Office of Advisory Neighborhood Commissions, updated the ANC on the status and process for filling the ANC 6A08 vacancy. He said that there was no candidate on the ballot, but that Commissioner Mack had received the largest number of write-in votes. However, because Ms. Mack serves in another SMD, the Board of Elections could not declare a winner. The notice of the vacancy is to be published in the DC Register on January 2nd, and that beginning on January 5th, candidates will have three weeks to pick up petitions and file petitions. If only one person picks up petitions, that will constitute an election. However, if there is more than one candidate, the regular process for a special election will be followed, with the election occurring in February.

6. Officers' Reports

Chair

Motion: Mr. Fengler moved that a letter be sent to Lt. Caldwell at PSA 103 requesting security for the front desk at Miner School on ANC 6A meeting nights. The motion passed without objection. Mr. Alberti suggested that local high school students always need community service points and this would be a good opportunity for that.

Vice-Chair

Mr. Holmes reported that he prepared a nomination to the DC Register of Historic Places for 1309-1311 H Street NE, but because of time constraints, he was unable to wait six days until an ANC meeting for Commission approval. Instead the nomination was filed by the Capitol Hill Restoration Society (CHRS), and CHRS has paid the filing fee.

Treasurer

Mr. Alberti presented the Treasurer's Report. The opening balance of the checking account was \$22, 533.26, and there was a District allotment payment of \$6,019.50. The savings account had an opening balance of \$4,186.18, and there was an interest payment of \$1.06, leaving a balance of \$4,187.24. The following disbursement was approved: \$127.50 to Roberta Weiner for the transcription of minutes (Check #1396). The closing balance was \$28, 432.86. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the December Treasurer's Report. The report was adopted without objection.

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was adopted without objection.

Motion: Mr. Alberti moved/Mr. Fengler seconded a motion to approve \$25 for petty cash. The motion passed without objection.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion to allocate up to \$200 per month for the taking and transcribing of minutes. The motion passed without objection.



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7. Single Member District Reports

Ms. Mack a November 28th clean-up in her SMD

Mr. Holmes reported that the ANC has received formal notification of a report by the Office of the Inspector General in response to an ANC 6A request that entirely endorses the Commission's concern that ANCs were not receiving the required notification by the Public Charter School Board (PCSB). The OIG made six recommendations to improve the PCSB's notification process.

Mr. Alberti reported that they are attempting to get a Jumbotron in Lincoln Park for the Obama inauguration.

Mr. Marshall reported that the dumpster at 822 1st Street had been removed, and that Stop signs have been installed at 8th and L Streets NE.

5. Committees

Alcoholic Beverage and Licensing

There was no report from the Committee

Economic Development and Zoning

Expenses for 1400 Maryland Avenue NE

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation that the ANC authorize the expenditure of up to \$300 for expenses such as photocopying for the 1400 Maryland Avenue NE case. The motion past without objection.
225 9th Street NE

At the request of BZA, Louis Fiore, the property owner, presented new plans for his proposed garage. The revised and resubmitted plans have a standard entrance from the alley and the garage will be set back to the line common with the other garages on the alley. The garage height has been reduced to 13' from 15', and the applicant still wants to install a deck on the garage roof.

Mr. Fiore is requesting a variance for lot occupancy because it is now over 70%. Mr. Fiore says he is trying to stay within the 70% lot occupancy, but that he also wants to meet the concerns of the ANC about the placement of the garage.

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion to accept the committee's recommendation that the ANC support a special exception for 225 9th NE for 70% lot occupancy and a variance for rear-yard setback if the garage is set back to the common line with the other garages in the alley, and that the ANC support the Applicant's request for a rooftop deck on the garage.

Dr. Ronneberg said that if there is a variance to the special exception, the hearing will have to be re-noticed by the BZA.

Motion: Mr. Holmes moved/Mr. Schultheiss seconded a motion to lay the current motion on the table and continue to support its existing motion supporting the setback of the garage. The motion passed 4-0.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion to send a letter to BZA requesting 30 days notice for any rehearing on the variance. The motion passed 5-0.



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Mr. Alberti said that there should be proper review of variances as a matter of course. The report of the ED&Z Committee was accepted without objection.

Community Outreach

Grant to Maury School PTA

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion that the ANC accept the Committee's recommendation to approve a grant of \$550 to the Maury School PTA for the purchase of playground equipment. The motion passed without objection. Heather Schoell was present as a representative of the Maury School PTA.

Grant to Eastern SHS PTSA

A proposed grant to the Eastern High School PTSA for instruments for the marching band was withdrawn, and laid upon the table.

Public Safety Committee

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion to suspend advertising meeting dates for the Public Safety Committee until January, when new ANC committees will be formed. The motion passed without objection.

The report of the Community Outreach Committee was accepted without objection.

Transportation

There was no report from the Transportation Committee

6. New Business

R. L. Christian Library

Mr. Schultheiss reported that the R. L. Christian library on H Street has been slated for closure by the DC Public Library Board. He said the ANC was notified ten days prior to the vote, when 30 days notice is required.

Rosalind Christian, R.L. Christian's daughter, spoke in favor of keeping the library open. She said that there had not been adequate public notice, and that Councilmember Harry Thomas had made recommendations to increase usage of the library and increase its curb appeal. She said that available funds had not been used and the library has not had an opportunity to succeed.

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion to send a letter to the DC Public Library Board of Trustees, Mayor Fenty, with copies to the City Council, requesting that DCPL reconsider its decision to close the R. L. Christian Library Kiosk at 1300 H Street NE for the following reasons:



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1. The ANC and the community were not given proper notification of the proposed closing as required by DC Law (1.309.10(b) which requires 30 days written notices. We were provided a scant 12 days.
2. The community deserves an opportunity to testify before the Board.

The ANC requests that the Board consider a rehearing of the case with properly noticed community meeting within the boundaries of ANC 6A to ensure the community has an opportunity to express their opinions with regard to the library closing or remaining open. We also request that the community be given the following information to help them make an informed decision:

1. Hours of operation of the existing facility
2. Budget and staffing of the existing facility
3. Facts regarding the Library's use and trends of use
4. Facts on the possible reconstruction and expansion of the library as a mixed use facility.

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion to send a letter to the Office of the Attorney General requesting that an audit of DCPL notice procedures be opened.

Mr. Alberti said that the ANC is acting too quickly in going to the OAG before DCPL has had an opportunity to respond to the ANC's resolution. The motion passed 6-1, with Mr. Alberti in opposition.

Testimony on 1400 Maryland Avenue NE

Motion: Mr. Fengler moved/Ms. Beatty seconded a motion to approve the resolution on opposing a public space permit for 1400 Maryland Avenue NE that will be presented as testimony at the Public Space Committee, and to authorize Mr. Fengler to sign the resolution in behalf of all members of the ANC, rather than getting individual signatures. The motion passed without objection.

Letter to Office on Planning on 1400 Maryland Avenue NE

Motion: Mr. Fengler moved/Ms. Beatty seconded a motion to approve a letter to Jennifer Steingasser of the Office of Planning opposing the OP recommendation to BZA regarding 1400 Maryland Avenue NE. The motion will also authorize Mr. Schultheiss, Dr. Ronneberg, and Rich Luna to testify at the Public Space hearing of the garage. The motion passed without objection.

Schedule and Process for RFP

Motion: Ms. Fengler moved/Ms. Beatty seconded a motion that the RFP for an agenda packer manager and assembler be that the RFP be released for bids on December 11th, and the deadline for submissions will be on January 2nd. Three of four officers—Mr. Fengler, Mr. Schultheiss and Mr. Alberti will be authorized to do the hiring. The motion passed without objection.



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Letter to Checkers

Motion: Mr. Fengler moved/Mr. Schultheiss seconded a motion to send a letter to Checkers corporate headquarters about the fact that the doors are still not repaired and that the store's signs are broken and nothing has been done to implement repairs. The motion passed without objection.

Authorization for ABL to Submit Testimony to ABRA

Motion: Ms. Beatty moved/Mr. Holmes seconded a motion to authorize the ABL Committee to protest on behalf of the ANC, with the ANC voting at its next meeting, if any protest comes up in the large number of Class B renewals now pending. The motion passed 6-0-1, with Mr. Alberti abstaining.

The meeting was adjourned at 9:15 p.m.



Approved Letters from December 11, 2008



December 15, 2008

Ms. Catrina Felder, Secretary
Public Space Committee
Department of Transportation
7th Floor
941 North Capitol Street NE, 20002

RE: ANC 6A authorization of testimony and participation for December 18, 2008 at the Public Space Committee meeting regarding the application by 1400 Maryland LTD Empire Leasing

Dear Ms. Felder,

At a regularly scheduled and properly noticed public meeting on December 11, 2008, our Commission voted unanimously to authorize Dr. Drew Ronneberg and Commissioner William Schultheiss to testify on behalf of our Commission and Mr. Richard Luna to present the facts regarding 1400 MD Ave Ltd Empire Leasing Inc's application for a public space permit for 1400 Maryland Ave NE.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A



Approved Letters from December 11, 2008



January 5, 2009

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

Re: BZA Case 17825 (1400 Maryland Ave. NE)

Dear Mr. Moy:

At a regularly scheduled and properly noticed meeting on September 11, 2008, our Commission voted 5-0-0 (with 4 Commissioners required for a quorum) to retain Mr. Richard Luna of Kilpatrick & Stockton LLP to represent ANC 6A in its opposition to 1400 Maryland Ave Ltd Empire Leasing Inc's application for a special exception to 11 DCMR 743.1.

If you have any questions, please contact Richard Luna at Rluna@KilpatrickStockton or (202) 508-5203.

On Behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Mr. Richard Luna, Kilpatrick & Stockton LLP



Approved Letters from December 11, 2008



December 29, 2008

Ms. Ginnie Cooper, Chief Librarian
DC Public Library
901 G Street, NW Fourth Floor
Washington, DC 20001

Ms. Cooper,

This letter is sent to you to inform you the meeting of the DC Public Library Board of Trustees conducted on November 19, 2008 at 6:00pm at the Lamond Riggs Neighborhood Library was not properly noticed as required by D.C. law. Specifically, D.C. Official Code 1-309.10(b) requires thirty days written notice (see attachment #1).

The letter sent on November 7, 2008, from your office, provided only nine days notice (excluding weekends) of the meeting held on November 19, 2008 in which the decision to phase out the R.L. Christian Library Kiosk located at 2600 Benning Road, NE was approved by the D.C. Public Library Board of Trustees. Accordingly, as this meeting was not conducted in compliance with DC law, our Commission voted unanimously at our regularly scheduled and properly noticed meeting on December 11, 2008, to request the decision to phase out the R.L. Christian Library Kiosk on February 6, 2008, be set aside until this topic can be considered at a properly noticed D.C. Public Library Board of Trustees meeting as required by DC Official Code 1-309.

Unfortunately, with a little more than one week of notice, your invitation for our community to attend and comment on this matter was significantly diminished if not completely marginalized. To the studied observer, this trend of insufficient notice has become the norm and not the exception for boards that serve our city. I am attaching a recent report from the Office of the Inspector General that audited the notification procedures of the D.C. Public Charter School Board where a similar systemic problem was uncovered by our Commission.

In close, it is our hope that this was an inadvertent error and not a calculated decision to minimize our ability to provide comment as required by D.C. Law. We look forward to your answer to this request by January 15, 2008. In addition to postal service notification, it would be greatly appreciated if you could send your response to my electronic mail address – fengler6a02@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc. Councilmember Wells
Councilmember Brown
Councilmember Cheh
Councilmember Catania
Dan Tangherlini, City Administrator
Gottlieb Simon, Executive Director, Office of Advisory Neighborhood Commissions



Approved Letters from December 11, 2008



Attachment #1:

D.C. Official Code 1-309.10

1-309.10(b) Thirty days written notice, excluding Saturdays, Sundays and legal holidays of such District government actions or proposed actions, including (1) the intent to acquire an interest in real property, either through purchase or lease or (2) the intent to change the use of property owned or leased by or on behalf of the government, shall be given by first-class mail to the Office of Advisory Neighborhood Commissions, each affected Commission, the Commissioner representing a single-member district affected by said actions, and to each affected Ward Councilmember, except where shorter notice on good cause made and published with the notice may be provided or in the case of an emergency and such notice shall be published in the District of Columbia Register.

1-309.10(c)(1) . . . In addition to those notices required in subsection (a) of this section, each agency, board and commission shall, . . . before the formulation of any final policy decision or guideline with respect to grant applications, comprehensive plans, requested or proposed zoning changes, variances, public improvements, licenses, or permits affecting said Commission area, the District budget and city goals and priorities, proposed changes in District government service delivery, and the opening of any proposed facility systems, provide to each affected Commission notice of the proposed action as required by subsection (b) of this section. .



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December 15, 2008

Dan Tangherlini
City Administrator
1350 Pennsylvania Ave., NW
Suite 521
Washington, DC 20004

Mr. Tangherlini:

Over the past few years, ANC 6A has reviewed dozens of development proposals that require approval from two or more of the following entities: the Historic Preservation Office (HPO), the Zoning Administrator/Board of Zoning Adjustments (BZA/ZA), and DDOT's Office of Public Space (DDOT-OPS). In each of these instances, the city directed applicants to seek approvals in the following order: historic preservation, zoning, and public space.

Our ANC believes that the current order of approvals is deeply flawed because:

- 1) HPO often approves projects without knowledge or consideration of zoning or public space issues. Applicants often find out about these issues only after they have spent months seeking HPO approval. In addition, HPRB has frequently approved designs that cannot be built without zoning relief and public space permits.
- 2) Applicants request ZA/BZA approval for projects which rely on the use of public space, but for which the applicant had not received a public space permit.
- 3) DDOT-OPS approves public space applications that have no corresponding public benefit because the agency does not want to stop developments that have already received HPO and ZA/BZA approval.
- 4) A denial of an applicant's public space application after HPO and/or BZA/ZA approval can cause unexpected delays, cost increases and other additional burdens that would be avoided by requiring applicants to apply for public space permits before HPO and BZA/ZA review.

In order to solve these problems, we respectfully request the City Government alter the approval process to follow the following order: public space, zoning, and historic preservation. Although this would be the formal approval chain, the Applicant would be encouraged to have informal discussions with the ZA or Office of Zoning and HPO during the project's design and development.

Some of the many examples we have encountered are outlined below. These examples illustrate the problems with the current approval system and how the system we propose would alleviate these problems:

701 10th St NE. In this case, the applicant submitted plans to DCRA for a 2 unit flat on a corner lot without alley access that showed two parking spaces on private land with driveway/curbcut access from the street. However, the applicant had not obtained a public space permit for the curbcut and driveway from DDOT-OPS. DCRA issued building permits and the building was constructed before the applicant applied to DDOT-OPS for a driveway and curbcut. When DDOT-OPS received the public space application, they approved the curbcut and



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driveway over the unanimous opposition of the ANC. We believe that DDOT-OPS's approval of such a curbcut and driveway was not consistent with customary DDOT standards.

We further believe DDOT's decision to approve the applicants request was biased by the fact that a denial could have placed a heavy burden on the owner and at the very least, delayed use of the property. Denial of the request by DDOT would have necessitated that the owner apply retroactively for a zoning variance from parking requirements for a flat in an R-4 zone. Had the BZA then denied the variance, the owner would have had to retrofit the building as a single family home or demolish the structure. If one believes the owner acted in good faith, it would seem unfair to subject the owner to that risk.

Requiring the applicant to first obtain a public space permit would have allowed DDOT to appropriately evaluate the merits of the curbcut application before a structure had been constructed on the site.

1137 C St NE. In this case, the applicant proposed expanding an existing 2-story 2-unit property in the historic district to a 3-story 5-unit structure with 100% lot occupancy. In addition, the applicant proposed integrating a 3-car garage that would require additional curb-cuts from 12th St NE.

The case was first reviewed by the Historic Preservation Office, where the staff did not advise the applicant that variances would be required for the lot occupancy and creation of a multi-unit building or that public space permits would be required for the curb-cuts. The case went through several months of review by HPO and our ANC before the applicant understood the difficulty in obtaining the variances and abandoned the project.

In the approval system proposed by ANC 6A, the applicant would be aware that variances and public space permits would be required at the beginning of the project and could have made a more informed decision about whether he should pursue the necessary approvals.

1101 D St. NE. The applicant in this case owns a corner lot and wanted to construct a 6-foot high fence to enclose public space for use as a private side yard. HPO was the first body to consider this case and approved the design of the fence but did not address the public space issues in their report. In its application to DDOT's Public Space Committee (PSC), the applicant emphasized HPO's approval of the fence and the PSC later approved the use of public space largely based on the HPO's approval.

In the approval system proposed by ANC 6A, the PSC would be the first to consider the application and would be more apt to deny the request because of the lack of public benefits or at least require a shorter, open fence as specified in the public space regulations. In this system, HPO would have the opportunity to further refine the design of the fence after PSC approval.

140 14th St NE. Brown Memorial A.M.E proposes to expand their church, which is located in the Capitol Hill Historic District. In this case, the HPRB recommended and approved a design that necessitates building on public parkland. Brown must now make requests to DDOT-OPS and the National Park Service. If use of land is denied, as is recommended by ANC 6A, the design approved by HPRB will be voided. Brown AME will then have to apply once again to HPRB for approval of an amended design.

Our ANC fears that the DDOT and the NPS will find it difficult to deny a public space request for a project that has received HPO approval of the burden it places on the applicant - It will take addition time to get approval for the project and necessitate redesigning the building expansion plans.



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In the approval system proposed by our ANC, the public space component would be considered first. The steps of the process required for approval would be known to the applicant before hand, without the threat of a delay due to a second HPRB review if the use of public space is denied. The DDOT and the NPS could fairly review the public space permit without being biased the prior HPRB approval or considerations of the burden a negative decision places on the applicant.

1400 Maryland Ave. NE. In this case, the applicant proposes to construct a gas station on a corner lot and incorporate an area of public space into their business that is almost equal to the size of the lot owned by the applicant. The applicant originally requested the BZA approve site plans for a proposal that included signage, curbcuts, driveways, and extensive pavement of public space for which no public space permit had been granted. ANC 6A opposes proposed uses of public space and requested a delay in the BZA case, so that the DDOT-OPS can first rule on the use of public space.

In this case, had BZA considered the case first, as was initially planned, it would have been asked to make a ruling that relied on the assumed availability of public space whose use had not yet been granted by the DDOT-OPS. In that event, if DDOT-OPS decided to deny the request for a public space permit, the BZA's decision would have been made mute. That would have cause unexpected delays for the applicant. Additionally, ANC 6A fears that if BZA had approved the proposed use, the DDOT-OPS would be biased by a positive BZA ruling and thus would be unable to fairly rule on the request for a public space permit.

In the approval system proposed by our ANC, the PSC hearing for public space would have automatically come before the BZA hearing. It would guarantee that BZA made its decision on a set of facts, not on hypothetical conditions unresolved at the time of BZA's decision. It would potentially shorten the time required to resolve the case and lessen the risk of placing additional, yet avoidable, burdens on the applicant.

When formulating this recommendation, our ANC investigated how other similar cities handled the approval process. We found that Baltimore, Boston and Philadelphia all required zoning approval be obtained before their equivalents to the Historic Preservation Office can consider the case.

The cases outlined in this letter clearly show the problems associated with the current process of receiving approvals from historic preservation, zoning and public space. Our ANC strongly urges the District Government to require public space approval before zoning or historic issues are addressed, and to also require zoning approval before historic preservation issues addressed. This system would benefit the applicant because the zoning and public space issues would be evident earlier in the process. It would also benefit District residents because it would be more likely that public space applications would be granted only when there was a compelling public benefit and HPO would only consider projects that had received zoning approval.

In close, as this challenge crosses three city entities, we are seeking your assistance to implement a change to the administrative process that requires applicants to seek approvals in the following order: public space, zoning, and historic preservation. As this proposed administrative direction requires no change in law or regulation, we look forward to timely review of our request by the end of March 2009.

On behalf of the Commission,

Joseph Fengler



Approved Letters from December 11, 2008



Chair, Advisory Neighborhood Commission 6A

cc. Linda Argo, DCRA, Director
David Maloney, Historic Preservation Office, Director
Frank Seals, Jr., DDOT, Interim Director
Tommy Wells, Ward 6 Councilmember
Jim Graham, Ward 1 Councilmember
Kawme Brown, At-Large Councilmember
David Catania, At-Large Councilmember
Karen Wirt, ANC 6C, Chair
Ken Jarboe, ANC 6B, Commissioner
Monte Edwards, Stanton Park Neighborhood Association



Approved Letters from December 11, 2008



December 22, 2008

Mr. Bill Schoon
Public Space Permit Office
Department of Transportation
941 North Capitol Street NE
Washington, DC 2002

Mr. Schoon:

Brown AME Church has informed Advisory Neighborhood Commission 6A of their intent to file a public space application for approval to occupy a portion of Reservation 236, the public parkland located at the intersection of N. Carolina Ave NE, Constitution Ave NE and 14th St NE. Our Commission opposes the application and requests the public space permit be denied.

Brown AME has presented a proposal to our Commission to expand its current building. This proposal includes plans to incorporate its existing porch into a two-story addition (a vestibule) and add a new porch onto the front façade of the new addition. They propose to build this new porch on Reservation 236. It would be approximately 36 ft by 10 ft. (360 sq ft.) and have side stairs so that egress to the new porch would be from both the Constitution Ave and N. Carolina Ave sides of the park. In addition to the porch, Brown AME proposes to place sidewalks across the park, covering about 400 sq ft of the park. In total, the church is proposing to occupy about 760 sq ft of the park.

At our regularly scheduled and properly noticed meeting on October 9, 2008, our Commission voted 6-0 (with 4 Commissioners required for a quorum) to oppose Brown's proposal to occupy public space that is part of Reservation 236. Our community opposes the proposal to build a porch and sidewalks on Reservation 236 for followings five reasons:

1. The proposed use of the park is inconsistent with purposes for which it was transferred to the District government. Although Reservation 236 was transferred to the District for "comprehensive plan" purposes it is still titled to the United States government. While that is one of the broadest categories of transfer, it does not permit the District to sell the property or lease it to a private party to build or expand a building.
2. Reservation 236 is a historic landmark that is part of Pierre L'Enfant's design for the city. L'Enfant's Plan was designated as a historic landmark on the National Register of Historic Places in 1994. The small 'parklets' contained within L'Enfant's Plan, such as Reservation 236, are included in the inventory of contributing features of that historic landmark. The proposed taking of a significant portion of this park is detrimental to the integrity of the landmark.
3. Brown can meet their goals of making the church ADA compliant and expanding space to meet the needs of the congregation without building on the park. In January 2008 Brown AME Church (130 14th St NE) submitted conceptual plans to the Historic Preservation Office (HPO) for the expansion of their building. This original design required building up to the current property lines but did not include a porch, which confirms that the inclusion of the porch is not necessary to meet the church's needs. The original design was subsequently altered to include a porch that would sit on the adjacent parkland. This change was made at the suggestion of HPO staff solely to address aesthetic concerns despite the fact that the church is not a contributing structure in Capitol Hill Historic District.



Approved Letters from December 11, 2008



4. The porch is not a critical aesthetic element of the proposed building design. The Capitol Hill Restoration Society (CHRS) strongly disagreed with the HPO's opinion that the addition of a porch is necessary to correct the

aesthetic deficiencies of the original plan. The CHRS recommended, to Historic Preservation Review Board, an alternative design for the front entrance that does not include a porch. CHRS suggested a glass façade for the vestibule, allowing the church to embrace the park as a vista and shifting the entrance doorway to the side of the vestibule as was suggested in the original plans. This would allow the church to create a new welcoming plaza at the N. Carolina Ave entrance that could serve as an area on which parishioners and guests could assembly before and after church functions.

5. The proposed incursion into the park would significantly reduce the size of the park and would adversely impact the quality of this neighborhood amenity. The park is a much used and appreciated amenity for the neighborhood. The church seeks to occupy a wide across an entire side of the triangle, significantly reducing its utility as a recreational space. It offends the neighbors' sensibilities that this public asset could be annexed for private use without a compelling need.

In close, Brown AME's plans to build on the park have also been opposed by the Capitol Hill Restoration Society, the North Lincoln Park Neighborhood Association and Trees for Capitol Hill Inc. All of these groups oppose the encroachment onto the public space of this historic park for use by any individual party or organization. For the above stated reasons, and with the support of our community organizations, our Commission requests the public space permit be denied.

On behalf of the Commission,

Joseph Fengler, Chair
Advisory Neighborhood Commission 6A

Cc:
Peter May, National Park Service
David Maloney, Historic Preservation Office
Councilmember Tommy Wells
Matthew Marcou, Public Space Manager, DDOT
Nancy Metzger, Capitol Hill Restoration Society
Elizabeth Nelson, North Lincoln Park Neighborhood Assoc.
Margaret Missiaen, Trees for Capitol Hill
Mark Grace, Trees for Capitol Hill



Commission Officer Reports



ANC 6A Treasurer's Report December 2008

Period Covered: 12/01/08 - 12/31/08

Checking Account:

Balance Forwarded		\$	28,432.86
Receipts:			
District Allotments		\$	-
Transfers from Saving Account		\$	-
Total Receipts		\$	-
Total Funds Available		\$	28,432.86
Disbursements:			
FedEx Kinko's (Oct '08 Statement)	Ck #1397	\$	175.45
Capital Community News (Monthly Ads Hill Rag & Fagon Guide)	Ck #1398	\$	3,689.00
Roberta Weiner (Minutes Nov. '08)	Ck #1399	\$	120.00
FedEx Kinko's (Nov. '08 Statement)	Ck #1401	\$	277.12
Total Disbursements		\$	4,261.57
Ending Balance		\$	24,171.29

Savings Account:

Balance Forwarded		\$	4,188.27
Receipts:			
Interest (11/28/08)		\$	1.03
Transfers from Checking Account		\$	-
Total Receipts		\$	1.03
Total Funds Available		\$	4,189.30
Disbursements		\$	-
Ending Balance		\$	4,189.30



Committee Reports

Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee
December 16, 2008
Minutes

Meeting called to order at 7:00 pm.

Committee members present: Mary Beatty, Derrick Figures, Michael Herman, Tish Olshefski, Richard Sundberg

Committee members absent: Mary Kozinski, Seth Haring, Jeremy Marcus

Commissioners Present: Gladys Mack (ANC6A07); Raphael Marshall (ANC6A01)

Community: James Seu (J&K Market); Tesfu Ocbazgi (M&T Grocery); Joe Woo (Capitol Liquors); Keiku Lee (DC Supermarket); Coralie Farlee (ANC6D ABL Committee); Joe Englert (Vendetta/Joos Coal & Ice/Argonaut); Phil Lepanto (ANC01 elect); Chuck Burger; David Shim (Me and My); Susanna Caso (Bella Market)

I. Housekeeping

- 1) **Welcome/Introductions** - Committee members introduced themselves.
- 2) **Agenda** - Motion to accept agenda. No objections to changes to pre-filed agenda. Motion to accept minutes of last meeting as amended. No objections.

II. Community Comment

- a. David Shim of Me and My: Ward 6 ban on singles goes into effect January 1. The law is that for Ward 6 it will be in effect after January, but a store owner can go to ABRA to get an exception. He believes that the exemptions are unfair since H Street stores cannot get an exemption because of the moratorium. He thinks the ban should be citywide since it is so easy to go to a competitor to get a single across Ward lines or from a dealer with an exception.
- b. Coralie Farlee reminded the group that there has been conflicting information put out by ABRA which could be part of the confusion.

III. Discussion/Updates

- a. **Capitol Liquors-Single Sales** - did appear at the last meeting ANC meeting to talk about a partial exemption to the single sales legislation in Ward 6 specifically for liquor not beer. Has already applied for an exemption but doesn't have a response yet. (Gladys Mack provided a letter of support.) Mary's concern is that since there are no rules for exemptions yet, how can they be approving exemptions when the law isn't even in effect. ANC6A had asked that language be included in the legislation that would require a vote of the Commission, rather than a letter of support from a single Commissioner to carry the "great weight" of the ANC in the ABRA exemption process.
- b. **Next Meeting Date January 13, 2009** - meeting is moved so not to conflict with Inauguration day.

IV. New Business

a. New License Requests

Joe Englert is planning two new restaurants (1350-1352 H Street). This is a complex of restaurants with an art gallery (Gallery O) between. There is a



Committee Reports

Alcohol Beverage and Licensing (ABL)



driveway between the two buildings which will become a glass atrium building. It used to be a cigar wholesaler and has old cigar murals on the wall. As far as he knows he applied for a CR with an entertainment provision but will check.

- i. **Vendetta**—Classic Italian (similar to old AV Ristorante). 99 seats plus 45 person rooftop summer garden patio area. Current plans include bocce ball courts inside the restaurant. Seeking an entertainment endorsement (opera night, accordion player). Second floor is a desert and cappuccino dining room. It will have an in-house baker and a chocolatier. Teddy Folkman is the co-owner (chef at Granville Moore's).
- ii. **Joe's Coal & Ice**—this is the name of a business that used to be on H Street. Will be much like Ray's the Steaks (in Arlington). Simple preparations of beef, ribs, steakhouse for the common man. Upstairs jazz and blues. Friday & Saturday live music. 99 seats indoor. High concentration of food. Recruiting some name chefs to be there. Another sit down family place.
 - **Questions:** What is the configuration? Patio is on top of the garage space. The patio will have walls or sound-proofing. Will close the garden at 10:00 or 11:00, no bar outside, just tables. Rose's Dream is on one side.
 - **Are they CRs?** If they aren't he will change them.

Mary moves that we pursue a voluntary agreement and if we can get a VA signed prior to the petition date of January 26, 2009 that we will not protest. Second by Richard. Unanimous.

Mary moves that we pursue a voluntary agreement for Joe's Coal & Ice House and if we can get a VA signed prior to the petition date of January 26, 2009 we will not protest. Seconded by Tish. Unanimous.

b. Substantial Change Request-

- i. **Argonaut**—Joe Englert states that the substantial change is the ABRA language, not his. He is seeking an entertainment endorsement and wants to be in compliance. Wants to have karaoke, DJ, etc. Committee doesn't have to make a motion since there are no concerns. This is a CR and they do more than ample food business.
- c. **Class B Liquor License Renewals** - Mary sent out the notice of renewal about a month ago (the date of our November meeting) to the entire ANC list serve (about 1,000 people). Got only one comment back. Will read into the record. Bella market allows a good bit of loitering outside the store some of which I think is connected to the drug dealer on the 1400 block of Ames Place. M&T which is in equal proximity, however, has done a great job of not tolerating loitering, public consumption, etc.
- i. **Bella Market** - comment from owner is that they do ask loiterers to move on and they think their store is no worse than others. Reminded by Chair Beatty that the VA says they should police loitering. Recommendation that we not protest. Seconded by Richard Sundberg. Unanimous



Committee Reports

Alcohol Beverage and Licensing (ABL)



- ii. **1101 Convenience Mart** - no comments. Mary states that they have been one of the best as far as sale of singles. **Michael move that we not protest. Seconded by Mary. Unanimous.**
- iii. **Me and My Supermarket** - no comments. **Richard moves that we not protest. Seconded by Michael. Unanimous.**
- iv. **DC Express** - no comments. **Richard moves that we not protest. Seconded by Michael. Unanimous.**
- v. **DC Supermarket** -Tish noted that there is never any loitering there and it's very clean. They have the ANC sticker posted. **Tish moves that we not protest. Seconded by Richard. Unanimous.**
- vi. **J&K Market** - Richard says that a little better job on monitoring the loitering would be good. He drives to Maryland regular and comes back on C Street and sees people loitering. Mary adds that several of her constituents have complained about the loitering. Owner: they try their best, bus stops on both sides, hard to determine when he goes outside if they've been standing awhile or just meeting someone and chatting. **Derrick moves that we not protest. Seconded by Richard. Unanimous.**
- vii. **M&T Beer and Wine** - no comments. **Michael Herman moves that we not protest. Richard seconds. Unanimous.**

V. **Adjourn.** Move to adjourn 7:50 pm. Next meeting: January 13, 2008.



Committee Reports

Economic Development and Zoning (ED&Z)



REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A December 17, 2008

Resident Members Present: Drew Ronneberg, Jeff Fletcher, Dan Golden, Rich Luna, Alan Page, Cody Rice

Commissioners Present: Nicolas Alberti, David Holmes

Drew Ronneberg chaired the meeting.

Community Comments

The committee heard from James Delehanty, representing the Harrison House Condo Association at 803 7th St NE. Mr. Delehanty expressed his concerns about a vacant city-owned property at 805 7th St NE. This property is in poor condition and the condo association has been forced to spend approximately \$2,000 to address drainage and runoff problems from this property. According to research by Mr. Delehanty, this property was part of a bundle of properties in the Home Again Initiative managed by the Office of the Deputy Mayor for Planning and Economic Development but no improvements have been made. Mr. Delehanty asked for the help of the committee and the ANC in convincing the city to put this property back into residential use. The committee discussed how it might be helpful for the ANC to invite a representative from the Home Again Initiative to a future ANC meeting.

Status Reports

1400 Maryland Ave NE

Mr. Ronneberg reported that the Public Space Committee (PSC) would be holding a hearing on the application for use of public space for a gas station at this address. Commissioner Schultheiss and Mr. Luna will be presenting testimony and members of the community are encouraged to attend. The PSC meeting is scheduled for 1 PM, December 18, 2008 at 941 N. Capitol St NE, 7th Fl. (*ed.*—the PSC denied the application for use of public space.)

Vacant Properties

Mr. Golden is coordinating with DCRA to update the list of vacant and exempt properties in ANC 6A. He is working from a list from DCRA and a list from the CommunityWalk website.

Historic District Survey

Mr. Ronneberg spoke about the nominations submitted by the Capitol Hill Restoration Society to prevent the razing of two buildings at 1309 and 1311 H St NE next to the Atlas Performing Arts Center on H St NE. Commissioner Holmes said that the HPRB hearing is scheduled for January 22, 2009. Mr. Ronneberg and Ms. Halleck continue to explore funding for a complete property survey along H St NE.

Zoning Code Rewrite



Committee Reports

Economic Development and Zoning (ED&Z)



Mr. Rice reported that he had attended a workgroup meeting recommending changes to the zoning for low/moderate density residential areas, which includes much of the R4 zoning for ANC 6A. This workgroup is part of Office of Planning's Review of DC Zoning Regulations, a multi-year public effort to review and revise the District's zoning regulations. There are approximately 20 areas of potential interest to the ANC including low/moderate density residential areas, parking, historic districts, commercial corridors, and PUD. Mr. Rice is tracking the discussions for the committee. For more information on the process, see <http://dczoningupdate.org/>.

225 9th St NE

Commissioner Holmes reported that eight residents had submitted letters opposing the rooftop deck on a rebuilt garage as part of BZA 17835 for this property.

903 D St NE

Commissioner Holmes reported that he would be seeking a letter from the DC Teachers' Federal Credit Union agreeing to the conditions sought by the ANC for a variance requested per BZA 12842.

Old Business

None

Motions

The following motions were passed by during the ED&Z Committee meeting of December 17, 2008.

1. Motion that ANC 6A oppose the rooftop deck requested as part of BZA 17835 (225 9th St NE). Passed 4-0-2.
2. Motion that ANC direct the committee to develop recommendations for ANC consideration on the following zoning topics for low/moderate density residential areas: 1) customized residential zones, 2) matter-of-right height for residential buildings, 3) matter-of-right building footprint and depth, 4) non-conforming courts, 5) requirements for reuse of historic institutional structures, 6) residential density. Passed unanimously.

New Business

Zoning Code Rewrite: Low/Moderate Density Residential

Mr. Rice presented information relating to the recommendations from the workgroup convened by the Office of Planning to develop recommendations for updating the zoning code for low/moderate density residential. The committee discussed how it would be helpful for the ANC to provide guidance to the committee on zoning issues that have created problems for the community over the past few years, and which might be addressed through the zoning code rewrite. The committee also discussed how some of the proposed recommendations could significantly change the extent of review and community input for certain projects in the residential areas.

Following is a brief summary of topics that were discussed in depth:



Committee Reports

Economic Development and Zoning (ED&Z)



- 1) Customized residential zones: The proposal is to allow customized residential zones. This would mean that there would be a standard template for the moderate density (rowhouse) zone that could be customized for local areas through a Small Area Plan and would replace the use of local overlays. The details of how this would work in practice and how this would differ from the current system of overlays (other than perhaps conciseness) are unclear.
- 2) Height: The current maximum height in R4 zones is set at three stories and forty feet, which is higher than many of the existing residential structures within ANC 6A. The current system is measured in feet to the ceiling of the top story. The current system allows for unlimited height above the top ceiling, as well as requiring a limit on the number of stories. Across the city, this has led to confusion and litigation over the definitions of "top story," "attic," "basement," and "ceiling." The proposal is to measure to the top of a flat roof or the mid-point of a sloped roof and remove the separate measurement of stories. There was general agreement among the committee that this measurement proposal would be easier to understand and implement. The committee discussed whether the maximum height should be lowered so that additions or new construction above the typical height of existing residential structures could be subject to input from the community. There was discussion of whether it is more appropriate to control height within the zoning envelope through the design review provisions of the historic district. More data on typical height and the potential to use surrounding buildings as a reference would be helpful.
- 3) Building area/lot occupancy: Building footprint is currently controlled through measurement of lot occupancy (e.g., 60 percent for row dwellings) within minimum lot width (18 feet) and lot area (1800 square feet). The proposal is to allow a matter-of-right building footprint regardless of lot size. There was discussion of the impact of this proposal on open space and possible incentives to subdivide lots.
- 4) Courts: The current zoning code provides incentives to fill narrow, non-conforming courts since they are counted toward lot occupancy and their expansion requires a variance. The proposal is to remove current court width and area requirements and to remove courts from the lot occupancy requirements. This would remove current incentives to fill non-conforming courts and help preserve building and neighborhood character.
- 5) Reuse of historic institutional structures: Except as provided in Section 222, new uses in old institutional buildings are subject to the same special exception and variance standards as new construction. The proposal is to ease the adaptive reuse of these buildings. The committee discussed past experience with Appletree, House of Ruth, the old Police Station, and the old Firehouse. While adaptive reuse of historic building is desired, the potential impacts of the new uses should be considered and opportunities for meaningful community input preserved.
- 6) Residential density: The R4 zone allows row dwellings, flats (two units), or conversion of existing buildings to apartments with a minimum lot area of 900 square feet per dwelling unit. The experience in ANC 6A has been that DCRA allows unlimited units without consideration of lot area or parking if there is an existing apartment Certificate of Occupancy for an apartment. It is unclear what the proposal is here, but this has been an issue in the past and this update may provide an opportunity to clarify the rules.



Committee Reports

Economic Development and Zoning (ED&Z)



Next Scheduled ED&Z Committee Meeting:
Wednesday, January 21, 2009
7-9 PM
640 10th Street, NE
2nd Floor - Sherwood Recreation Center



Committee Reports
Community Outreach Committee (COC)



No Meeting in December



Committee Reports
Public Safety



No Meeting in December



Committee Reports
Transportation and Public Space




No Meeting in December



New Business



Race Details:

- 4th Annual SunTrust National Marathon and Half Marathon
 - Saturday, March 21, 2009*  Start Time: 7:00AM / End Time: 1:30PM
 - Course & Finish Line clean-up will be provided by Goodwill Industries
 - Participant Field is limited to 8,000 total participants
 - 26.2 mile full marathon and 13.1 mile half marathon
 - Qualification time requirement of 5 hours
 - Four (4) SAG vehicle points at mile markers 7,11,16 & 20
 - Runners will be taken off course if they do not maintain 6 hr 15 minute pace
- *Event is held on a Saturday in order to minimize conflicts with community worship services***

Why is the National Marathon important to DC & how does your neighborhood get involved?

- Our region is ranked 3rd nationally, with over *one million* active runners
- Annual event which **raises funds for local youth investment organizations** and **creates a civic tradition highlighting our neighborhoods, parks and local businesses.**
- **Official Partner Running Clubs:** Capitol Hill Running Club; DC Front Runners; DC Road Runners Club; Washington Running Club; Washington RunHers
- Youth Engagement: JuMMP Fitness Challenge for ages 8-13 years. Youth run 26 miles over 17 weeks. Program partners: DPR, YMCA, DCPS & GWB&GCs www.nationalmarathon.com/JuMMP.asp
- Goodwill Industries- "Leave No Trace" will participate before and after the event by immediately cleaning up any trash along the race route
- Neighborhood and local retailers featured in participant and spectator event guide
- Opportunity to host a **neighborhood MOTIVATION STATION** or water station
- **DETAILED COMMUNITY NOTIFICATION SCHEDULE** (Reverse side)

Produced by: **Greater Washington Sports Alliance**
 Diane Thomas, Director-Community Relations (202)857-5914
 Chris Brown, Vice President (P) 202-857-5996

www.NationalMarathon.com
dthomas@gwsportsalliance.com
cbrowne@gwsportsalliance.com

SPECIAL EVENT NOTIFICATION

ACTION

- **ANC MAILING:**

EXECUTION

MONDAY, JANUARY. 26, 2009



New Business

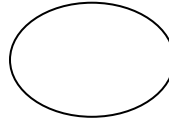


- RACE COURSE DESIGNATION SIGNS: SATURDAY, MARCH 14, 2009
- DOOR HANGERS: SATURDAY, MARCH 14, 2009
- 2nd Notice on Target Streets: FRIDAY, MARCH 20, 2009
- WMATA BUS ROUTE DETOURS NOTICES: SATURDAY, MARCH 7, 2009
SATURDAY, MARCH 14, 2009



SPECIAL EVENT NOTICE:
SATURDAY,
MARCH 21, 2009
SUNTRUST NATIONAL MARATHON
& HALF MARATHON
STREET CLOSURES BEGINNING
AT 7:00 A.M. TO 10:30 A.M.

WMATA BUS DETOURS
WWW.WMATA.COM
 INFORMATION:
WWW.NATIONALMARATHON.COM
 (202)XXX-XXXX



SATURDAY, MARCH 21, 2009 STREET CLOSURES

Street Closure	Closed From	Closed To	Estimated Time Closed	Estimated Time Open
East Capitol St SE	22nd St SE	2nd St NE	6:45 AM	7:15 AM
2nd St SE	East Capitol St	Independence Ave SE SW	6:50 AM	7:20 AM
Independence Ave SE SW	2nd St SE	3rd St SW NW	6:50 AM	7:40 AM
3rd St SW NW	Independence Ave SE SW	Pennsylvania Ave	6:55 AM	7:40 AM
Pennsylvania Ave NW	3rd St SW NW	Donnellson Ave NW	6:55 AM	7:45 AM
Constitution Ave NW	Pennsylvania Ave NW	11 th St NW	6:50 AM	8:00 AM
Constitution Ave NW	2 nd St NW	18 th St NE	7:00 AM	8:15 AM
12 th St NW	Constitution Ave NW	Connecticut Ave NW	7:05 AM	8:15 AM
Connecticut Ave NW	18 th St NW	Columbia Rd SW	7:00 AM	8:30 AM
Columbia Rd NW	Connecticut Ave NW	Harvard St NW	7:10 AM	8:40 AM
Harvard St NW	Columbia Rd NW	Michigan Ave NW	7:15 AM	9:00 AM
Nimsgan Ave NW	Harvard St NW	North Capitol St NE	7:15 AM	9:15 AM
North Capitol St NW	Michigan Ave NW	K St NE	7:20 AM	9:30 AM
K St NE	North Capitol St NE	L St NE	7:30 AM	9:40 AM
L St NE	K St NE	M St NE	7:30 AM	9:40 AM
M St NE	L St NE	N St NE	7:30 AM	9:40 AM
13 th St NE	H St NE	North Carolina Ave NE	7:30 AM	9:50 AM
North Carolina Ave NE	13 th St NE	O St NE	7:30 AM	9:50 AM
O St NE	North Carolina Ave NE	22 nd St NE	7:30 AM	10:00 AM
Independence Ave SE	19 th St SE	18 th St SE	7:40 AM	10:15 AM
19 th St SE	Independence Ave SE	East Capitol St SE	7:45 AM	10:20 AM
East Capitol St SE	19 th St SE	2nd St SE	7:50 AM	10:45 AM
2nd St SE	East Capitol St	Independence Ave SE SW	7:50 AM	10:50 AM
Independence Ave SE SW	2nd St SE	3rd St SW NW	7:50 AM	10:50 AM
3rd St SW NW	Independence Ave SE SW	Pennsylvania Ave	7:50 AM	10:40 AM
Pennsylvania Ave	3rd St SW NW	Constitution Ave	8:00 AM	11:00 AM
Constitution Ave NW	Pennsylvania Ave NW	3rd St Tunnel NW	8:00 AM	11:10 AM
3 rd St Tunnel NW	Constitution Ave NW	Main Ave SW	8:15 AM	11:30 AM
Main Ave SW	3 rd St SW	5 th St SW	7:00 AM	11:30 AM
5 th St SW	Main Ave SW	Water St SW	7:00 AM	11:30 AM
Water St SW	5 th St SW	2 nd St SW	8:25 AM	11:40 AM
2 nd St SW	Water St SW	3 rd St SW	8:25 AM	11:40 AM
3 rd St SW	2 nd St SW	South Capitol St SW	8:25 AM	11:40 AM
South Capitol St SW	3 rd St SW	Douglas Bridge Access rd	8:25 AM	11:00 PM
Douglas Bridge Access rd	South Capitol St SW	Anacostia Dr SE	8:40 AM	10:00 PM
Anacostia Dr SE	Douglas Bridge Access rd	Nicholson St SE	8:45 AM	12:30 PM
Nicholson St SE	Anacostia Dr SE	Fairfax Ave SE	8:45 AM	12:30 PM
Fairfax Ave SE	Nicholson St SE	Pennsylvania Ave SE	8:45 AM	12:30 PM
Pennsylvania Ave SE	Fairfax Ave SE	Minnesota Ave SE	8:50 AM	12:40 PM
Minnesota Ave SE	Pennsylvania Ave SE	E. Capitol St SW ramp	8:50 AM	1:15 PM
E. Capitol St SE	Minnesota Ave SE	22 nd St NE	8:50 AM	1:50 PM
22 nd St NE	E. Capitol St SE	East Capitol St SE	8:50 AM	1:50 PM

East Capitol Street from 19th to 2nd Street will be Open to Intermittent North/South traffic flow from 7:15am-8:15am at all MPD controlled intersections. Traffic flow is at the discretion of MPD.

WMATA ROUTES:
90, 92, 93, 96, 97 and B2, D6
 Detours and Delays Info Line: 555-1212 or wmata.com

Door-to-door Canvassing

OFFICIAL RACE ROUTE

SATURDAY, MARCH 29, 2008, 7:30am - 1:30pm

Course Designation Signage



New Business



GOVERNMENT OF THE DISTRICT OF COLUMBIA



Office of the Deputy Mayor for
Planning and Economic Development

December 11, 2008

Joseph Fengler
Chairperson, ANC 6A
815 F St., NE
Washington DC 20002

Dear Sir:

Pursuant to D.C. Official Code § 10-801(f), the District is hereby providing you notice of the final terms and conditions for the planned disposition of 1341 Maryland Avenue, NE, Square 1028, Lot 0830 (Old Engine House 10), and 525 9th Street, NE, Square 936, Lot 808 (a former police station), for your review and comment in accordance with D.C. Official Code § 1-309.10. The terms and conditions for the planned disposition are as indicated in the enclosed proposed resolution.

Please review the final terms and conditions and provide any comments you may have in writing no later than **January 31, 2009**. Advisory Neighborhood Commissions should ensure that their comments are provided in a manner consistent with the procedures required by D.C. Official Code § 1-309.10. Comments should be hand-delivered, mailed, or e-mailed to Joseph Wolfe, Project Manager, Office of the Deputy Mayor for Planning and Economic Development, 2025 M Street, NW, Suite 600, Washington, DC 20036, joseph.wolfe@dc.gov.

The District intends to enter into a disposition agreement to dispose of 1341 Maryland Avenue, NE, and 525 9th Street, NE, no earlier than **February 3, 2009**, but may take such action at an earlier date if authorized by law. If you have any questions, please do not hesitate to contact me at 202-724-9010.

Sincerely,

Joseph Wolfe
Project Manager
Office of the Deputy Mayor for
Planning and Economic Development

Enclosure



New Business



2

Cc:

The Honorable Tommy Wells
Councilmember, Ward 6
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite #408
Washington, DC 20004

William Schultheiss
Commissioner, ANC 6A06
1225 F St., NE
Washington, DC 20002

Office of Advisory Neighborhood Commissions
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Room 8
Washington, DC 20004



New Business



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Chairman Vincent C. Gray
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Vincent C. Gray, at the request of the Mayor, introduced the following proposed resolution, which was referred to the Committee on

_____.

To approve the disposition of District-owned real property located at 525 9th Street, N.E., and 1341 Maryland Avenue, N.E.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That

this resolution may be cited as the “525 9th Street, N.E., and 1341 Maryland Avenue, N.E., Disposition Approval Resolution of 2008”.

Sec. 2. Definitions.

For the purposes of this resolution, the term:

(1) “Affordable unit” means a residential unit made available to a household the income of which is equal to, or less than, the maximum area median income designated for that unit.

(2) (A) “Area median income” has the same meaning as set forth in section 2(1) of the Housing Production Trust Fund Act of 1988, effective March 16, 1989 (D.C. Law 7-202; D.C. Official Code § 42-2801(1)).

(B) Notwithstanding subparagraph (A) of this paragraph, area median income may be calculated in a manner consistent with the regulations promulgated



New Business



1 pursuant to the Inclusionary Zoning Implementation Act of 2006, effective March 14,
2 2007 (D.C. Law 16-275; D.C. Official Code § 6-1041.01 *et seq.*), the Community
3 Development Block Grant program, or the low income housing tax credit program.

4 (3) “CBE Agreement” means an agreement with the District governing certain
5 obligations of purchaser and any developer of the property under the Small, Local, and
6 Disadvantaged Business Enterprise Development and Assistance Act of 2005, as
7 amended (D.C. Law 16-33; D.C. Official Code § 2-218.01 *et seq.*) (“CBE Act”),
8 including the equity and development participation requirements set forth in section
9 2349a of the CBE Act (D.C. Official Code § 2-218.49a).

10 (4) “Certified business enterprise” means a business enterprise or joint
11 venture certified pursuant to the Small, Local and Disadvantaged Business Enterprise
12 Development and Assistance Act of 2005, as amended (D.C. Law 16-33; D.C. Official
13 Code § 2-218.01 *et seq.*).

14 (5) “First Source Agreement” means an agreement with the District governing
15 certain obligations of purchaser and any developer of the property pursuant to section 4
16 of the First Source Employment Agreement Act of 1984, effective June 29, 1984 (D.C.
17 Law 5-93; D.C. Official Code § 2-219.03), and Mayor’s Order 83-265 (November 9,
18 1983) regarding job creation and employment generated as a result of the construction on
19 the Property.

20 (6) “Property” means the real property with a street address 525 9th Street,
21 N.E., designated for purposes of taxation and assessment as Square 936, Lot 808, and
22 1341 Maryland Avenue, N.E., designated for purposes of taxation and assessment as
23 Square 1028, Lot 830.



New Business



1 (7) “Purchase price” means the consideration paid by purchaser for the
2 purchase or lease of the property.

3 (8) “Purchaser” means The Argos Group, its successor, or one of its affiliates
4 or assignees approved by the Mayor.

5 Sec. 3. Approval of disposition.

6 (a) Pursuant to section 1(b) of An Act Authorizing the sale of certain real
7 property in the District of Columbia no longer required for public purposes, approved
8 August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(b), the Mayor transmitted to
9 the Council a request for approval of the proposed disposition of the property pursuant to
10 a negotiated sale.

11 (b) The Mayor’s planned disposition would include the following terms and
12 conditions, in addition to such other terms and conditions as the Mayor deems necessary
13 or appropriate:

14 (1) The property will be disposed of to purchaser.

15 (2) The purchase price will be \$260,000.

16 (3) Purchaser or any developer of the property selected by purchaser
17 will be required to execute a CBE Agreement acceptable to the Mayor. The CBE
18 Agreement will require purchaser or any developer or developers of the property selected
19 by purchaser to contract with certified business enterprises for at least 50% of the
20 contract dollar volume of the project and require at least 25% equity and development
21 participation of local, small, and disadvantaged business enterprises.

22 (4) Purchaser or any developer of the property selected by purchaser
23 will be required to enter into a First Source Agreement with the District.



New Business



1 (5) Purchaser or any developer of the property selected by purchaser
2 will be required to cause not less than 4 residential units developed on the property to be
3 developed as affordable units affordable to households earning 60% or less of the area
4 median income.

5 (6) The property may be disposed of through separate disposition
6 agreements applicable to separate portions of the property.

7 (c) The Council finds that the property is no longer required for public
8 purposes.

9 (d) The Council approves the disposition of the property.

10 Sec. 3. Fiscal impact statement.

11 The Council adopts the attached fiscal impact statement as the fiscal impact
12 statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
13 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

14 Sec. 4. Transmittal of resolution.

15 The Secretary to the Council shall transmit a copy of this resolution, upon its
16 adoption, to the Mayor.

17 Sec. 5. Effective date.

18 This resolution shall take effect immediately.