



District of Columbia Government
Advisory Neighborhood Commission 6A
Agenda for May 10, 2007



7:00 pm **Call to order**, adopt agenda and approve previous meeting's minutes.

7:05 **Community Comments** (2 minutes each)

7:10 **Community Presentation:** Mr. Emeka Moneme, Director DDOT (topics below)

8:10 **Officer Reports:**

Chair (2 minutes)

Vice-Chair (2 minutes)

Secretary (2 minutes)

Letters not sent from last meeting (for informational purposes only):

1. Letter to DPW and DDOT regarding illegal parking at Horace and Dickie's
2. Letter to request party status with BZA regarding parking requirements at the Specialty Hospital of Washington
3. Letter to H Street CDC and Rapport regarding parking on H Street.
4. Letter to DCRA/DDOT regarding Mount Moriah Church sign

Treasurer (2 minutes) - *starts on page 31*

1. Approve treasurer's report and previous month's disbursements.
2. Approve monthly photocopying expenses.
3. Approve 2nd quarterly report

8:20 **Single Member District reports** (2 minutes each)

Standing Committee Reports:

8:35 **Alcohol Beverage Licensing (2 minutes) – starts on page 35**

1. **Recommendation:** The resources of the Community Outreach Committee (COC) should be utilized to maximize the impact of the alcohol licensee recognition program. This issue should be referred to the COC for further study of expenses required and recommendation to the ANC should be developed by the COC.
2. Next meeting: 7:00 p.m., May 22, 2007.
3. Accept Committee Report

8:37 **Economic Development and Zoning (2 minutes) – starts on page 37**

1. Nominations: Harry Stevenson
2. **Recommendation:** Oppose the 3 variances requested in BZA Case No.17620
3. Next meeting: 7:00 p.m., May 22, 2007 (fourth Tuesday).
4. Accept Committee Report

8:43 **Community Outreach (5 minutes) – starts on page 41**

1. **Recommendation:** approve grant application received from Urban Family Development, Inc. in the amount of \$1,500 to purchase math/reading curriculum for summer program.



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2. Next meeting – 7:30 p.m., May 21, 2007 (third Monday)
3. Accept Committee Report.

8:48 **Public Safety (7 minutes) – starts on page 47**

1. **Recommendation:** Submit a letter of support for the MPD/USAO/OAG cooperative effort toward papering reform.
2. **Recommendation:** Submit a letter suggesting changes to the suggested noise code amendment. (**Note: alternate letter proposed by Commissioner Holmes found on page 72.**)
3. **Announcement:** Introduction of public safety tool for concerns.
4. Next meeting – 7:00 p.m., May 16, 2007 (third Wednesday)
5. Accept Committee Report.

8:55 **Transportation and Public Space Committee (10 minutes) – starts on page 59**

1. **Recommendation:** Accept resignation of Claire Rodriguez.
2. **Recommendation:** Send letter to DDOT requesting a operational review of the traffic signals at 9th and 10th streets on Maryland Avenue NE.
3. **Recommendation:** Send letter to DDOT asking for public space violation enforcement at 1319 Constitution Ave NE. The letter will include an inquiry regarding the electrical code to determine if there is a conflict between the electrical and public space codes (i.e. does DC code require developers to install large utility boxes like the ones at this location even though it is difficult to install such boxes on the sides of small residential buildings as is required by the codes governing public space)
4. **Recommendation:** Send letter to DDOT requesting they consider the feasibility of instituting a Parking Increment Financing district along the H Street corridor, with revenues to support the development of a BID, increased parking enforcement and improved infrastructure along the corridor's adjacent streets and alleys.
5. **Recommendation:** Send letter to Pepco, copying DDOT officials and Councilmember Wells' office, regarding a remedy for the loose metal plates installed along H Street.
6. **Recommendation:** Send a letter to DDOT, WMATA, DPW, MPD, and the National Marathon race organizers thanking all for bringing the marathon to our ANC, and expressing various concerns to be considered when planning the event next year.
7. Next meeting – 7:00 p.m., May 28, 2007 (fourth Monday)
8. Accept Committee Report.

9:05 **Unfinished Business**

9:05 **New Business – starts on page 70**

1. **ANC Reform Initiatives (Holmes):** Move that the Commission request that the City Council fund the provision: (1) An attorney within the ANC Office dedicated to assisting ANCs with appearances and appeals before the BZA and the Zoning Commission and (2) Staff within the ANC Office who can advise and assist ANCs on the procedures of the Alcoholic Beverage Control Board, the Department of



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Consumer and Regulatory Affairs, the Department of Public Works, the Department of Transportation, and others.

2. **Joint Task Force Vacant Property** (Schultheiss): Move that ANC 6A support the establishment of a joint task force with ANC6C to combat vacant property within ANC6A and 6C with Charles Elliot appointed to chair the task force (Schultheiss). Copy of proposed task force correspondence and text of task force mission found on page 73.
3. **Bicycle Lanes** (Schultheiss): Move that ANC 6A send a letter to DDOT supporting the installation of bicycle lanes on C Street and North Carolina Avenue. Copy of email text from DDOT found on page 77.
4. **Checkers** (Schultheiss): Move to send letter to Checkers Corporation and Patrick Jenkins, franchise owner of Checkers franchise restaurant located at 1401 Maryland Avenue, requesting their consultation with MPD to determine security improvements needed at the property to protect employees, patrons, and neighbors of the restaurant. It is anticipated that Mr. Patrick Jenkins will be attending the meeting. Draft letter found on page 78.

9:25 **Community comments** – Round 2 (if time permits)

9:30 **Adjourn**



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Topics for Mr. Emeka Moneme, Director DDOT

1. H Street Streetscape:

- a. When will the construction schedule for streetscape improvements along H Street/Benning Road be released?
- b. When will a parking plan for H Street merchants during construction be finalized and made available to our ANC?
- c. Beyond laying streetcar tracks during the streetscape improvement project and securing funds for the purchase of streetcars, what is being done currently to plan for the streetcar system's implementation and maintenance? In particular, we are interested in learning what efforts are being made to ensure a smooth passenger connection at Union Station.
- d. When will the planning process start for the terminal stations for the streetcar?
- e. What effort is DDOT making to implement a transportation management plan along H Street given current and future strains on transportation and parking demands along the corridor?
- f. Regarding our ANC's previous query by letter regarding a distinct bus line along H Street (as opposed to an extension of the X2 service) to mimic the future streetcar line, are any efforts underway to implement such a proposal? If so, could you please provide an update and implementation schedule?

2. Curb Cuts:

- a. What is DDOT's policy regarding curb cuts?
- b. Is there currently a moratorium on curb cuts in the city? If not, what is the current process for approving curb cuts outside a historic district?
- c. What is the status of realigning the responsibility to review all curb-cuts in R-4 zones to the DDOT Public Space Committee?
- d. What is the status of our ANC 6A appeal regarding the curb cut at 701 10th Street, NE ?

3. Public Space Violations:

- a. What is the status of enforcing the public space violation at 1125 G Street - the electrical box in public space for which they were fined but so far have failed to move?
- b. How do citizens and the ANC enhance their ability to ensure public space violations are penalized and remedied, and what steps are being taken to prevent further violations (e.g. parking on sidewalks, improperly installed utility meters, etc)?
- c. Will DDOT support and help implement a change to the web-based service call center that provides a category for public space violations?

4. Traffic Calming Measures:

- a. Regarding alleys, what can be done to ensure regular sweeping, installation of speed bumps without a traffic study and increased funding for prioritization of paving dirt/gravel alleys?
- b. Can the full "toolbox" of traffic calming measures be made available to remedy dangerous conditions along streets in our ANC? In other words, we are interested in seeing other traffic calming measures be utilized in addition to speed bumps.

5. Capitol Hill Transportation Study:

- a. What is the status of the Capitol Hill Transportation Study with respect to priority setting and funded program implementation?
- b. What was programmed for the next budget cycle?
- c. Particularly with regard to: (1) Conversion of one-way to two-way streets, (2) Measures to protect pedestrians, and (3) Fixing damaged sidewalks.



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Advisory Neighborhood Commission 6A Miner Elementary School

Advisory Neighborhood

Commission 6A Miner Elementary School

Minutes
January 11, 2007

The meeting was called to order at 7:00 p.m.

Present: Commissioners Alberti, Fengler, Holmes, Marshall, Nixon, and Schultheiss.
Absent: Commissioner Beatty, Mack

1. Approval of agenda

Several items were added to New Business:

10. Weekend parking
11. Party status for ANC 6A for BZA for Specialty Hospitals of Washington
12. Follow-up letter to DCRA/DDOT on Mt. Moriah sign
13. ANC 6A opposition to upzoning; and Approval of Drew Ronneberg as Commission representative for negotiations
14. Follow-up letter to Zoning Commission on Apple Tree

Also: Annie Donovan of the H Street Community Market added to Community Comments
The additions were approved without objection.

2. Minutes

The minutes for the March meeting were adopted, with minor amendments, without objection

3. Community Comments

Robert Pittman spoke again about need for an ANC office, and offered to help identify potential locations. He also inquired of the Treasurer how much was spent on advertising in the Hill Rag and Voiced of the Hill, which he says, do not fairly report what happens at ANC meetings. Mr. Alberti requested that Mr. Pittman make his request formally in a letter.

Annie Donovan of the H Street Community Market spoke about plans currently moving forward to create a food co-op for the H Street community. She reported that \$30,000 has been raised, and that they have conducted a market study. They plan to build the membership, which will cost \$100 as an up-front fee, to 500, and open by September 2008. They have received a \$10,000 grant from the National Co-op Bank, and can accept contributions from businesses as well as individuals. The co-op will be open by September 2008.

4. Officer Reports

Chair



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Mr. Fengler reported that he is working with Councilmember Wells on the priority list that was presented by the ANC. The Councilmember has held a meeting with the chairs of all the Ward 6 ANC chairs, and once all the items are in, they will be broken out into categories, and they will move forward from there.

Vice Chair

Mr. Holmes reported on the potential demolition of the Florida Avenue Market, and that there will be a hearing on April 24th.

Secretary

Mr. Schultheiss said that there will be discussion on H Street Main Street on April 18th..

Treasurer

Commissioner Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$17,782.78, and that the savings account balance was \$4,165.33. There was a District Allotment for the 1st Quarter of FY07 of \$5,794.43. There was an interest payment to the savings account of \$2.02. There were disbursements of \$127.50 to Roberta Weiner for transcription of minutes; to the Maury School PTA for a grant of \$127.50; and to the Postmaster (USPS) for \$210 for post office box rental, leaving a balance of \$23,189.71 in the checking account, and \$4,167.35 in the savings account. **Motion:** Commissioner Alberti moved to approve the Treasurer's Report. It was seconded by Commissioner Fengler, and approved without objection.

Motion: Mr. Alberti moved that a petty cash account of \$25 be established for the ANC. It was seconded by Ms. Nixon. Mr. Alberti said that it would be used for small and incidental expenses such as postage. The motion was approved without objection.

Mr. Alberti announced that the next ANC allotment has been approved. He also said that the ANC will be the subject of a routine DC audit on May 15th, and that the ANC had requested the audit several months ago.

5. SMD Reports

Mr. Schultheiss reported that he held an SMD meeting on April 14th that was attended by about 30 people. He formally thanked the church where the meeting was held, and reported that MPD was present and had released a sketch of the perpetrator in the sexual assault case that had occurred in the SMD. He said there had been good discussion about public safety and other issues.

Ms. Mack reported that there will be clean-up in her SMD on April 21st, meeting at Peace Baptist Church at Noon. She also said that there is a new Rosedale Coalition working on plans for the new recreation center, with Sondra P. Gilbert, 397-7228, spgilbert01@comcast.net, heading the group.

Ms. Nixon reported on the upcoming Teen Summit to take place on May 5th, as an outgrowth of last month's Crime Summit. It will be open to 100 teens from the entire 1D area. Jahmela Barlow, an Eastern High School student, is the Teen Coordinator for the event.

While complimenting the organizers of the National Marathon for including the Northeast area, he expressed concern that there wasn't advance notice to the community. She said that the Children



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and Family Services Administration (CFSA) is no longer negotiating with the Martin Pollak organization, which has withdrawn its request for a license for the property at 1637 E Street NE. She addressed the current status and community concerns about the sign proposed by Mt. Moriah Church, and said there would be further discussion of the issue at an SMD Roundtable she is sponsoring on May 3rd. She said that MR. Burrell of Mt. Moriah agrees that the church should be subject to the special exception/variance process and that he would follow those regulations. (There was further discussion of the issue later in the meeting). She said she is still waiting to hear from the Office of Planning about a meeting on the PUD for the property at 1705-1719 East Capitol Street. She also reported that Sgt. Newbold of PSA 103 and the PSA are working on remedial measures for C Street NE because of speeding in the morning.

Mr. Fengler reported that alley issues are being immediately addressed on Pickford Place as a first step in a cleanup. He said that he is working on the status of 926 Maryland Avenue NE, which claims to be a B&B, but in fact is a rental. He said that there has been an increase in drug activity in a house in the 600 block of 11h Street, and the owner has agreed to evict the tenants of the building. He said he still has not heard from DDOT on the status of the proposed curb cut at 701 10th Street, across from Sherwood Rec Center. He announced that funding for two street cards has been included in the District's FY08 budget. Finally, he reported that he is working with PEPCO to get the steel plates on H Street welded to eliminate the noise.

Mr. Alberti reported that there had been a great presentation at Maury School of an art project the school is doing with the National Gallery of Art, which is helping the children learn about art, and about jobs at the Gallery. He also reported that parking at RFK on game days is being enforced from the beginning to two hours after the game begins.

Mr. Holmes reported that the problem with Sunday double parking for a church in his SMD has been resolved with the help of Commander Groomes, Lt. Hawkins and Linda O'Brien of Councilmember Wells' staff, resulting in the use of Sherwood Rec Center for Sunday parking. He also said that a hearing has been set for a show cause order why the building at 251 8th Street NE should not be condemned as unsanitary. The building, which has been partially collapsed for several years, is an eyesore, and should have proper doors, windows and fences, and is likely to collapse when the adjacent alley is rebuilt. He reported that all the fire hydrants in his SMD have been checked, and are in working order. Finally, he reported that there will be a community meeting on April 23rd regarding a BZA application for Specialty Hospitals of America to increase the number of beds in the facility without increasing the parking.

Mr. Marshall reported that he sent a letter to DVRA requesting a Stop Work order for 1225 Wylie Place because of problems with applications, permits, etc. (see Economic Development and Zoning Committee report below). He announced a community clean-up in his SMD on May 14th. He also said that here is a petition circulating in the 800 block of 12th Street for traffic calming measures. He said he had invited the owners of Horace & Dickie's to his SMD meeting, but they did not come, and are generally not very good partners to the community. He also commented positively on the Marathon, saying that there was a water station in his neighborhood, and it brought people out.



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6. Committee Reports

Alcoholic Beverage and Licensing

The committee had no recommendations to bring to the Commission. The date of the next meeting was announced.

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's report. It was accepted without objection.

Economic Development and Zoning

1404 Constitution Avenue NE

This is a request for support of an application to BZA for a new basement at 1404 Constitution Avenue NE, to be used as an in-law suite, not a separate unit. **Motion:** Mr. Fengler moved that the ANC accept the Committee's recommendation to send a letter of support to the BZA for a special exception to allow the construction of a basement at 1404 Constitution Avenue NE. It was seconded by Mr. Holmes and passed without objection.

314 12th Street NE

This is a request for support of an application to BZA for construction of a garage behind 314 12th Street NE that will access of the alley. It is similar in height and depth as its neighbors. There was a question of whether it was a special exception because it increases the lot occupancy to more than 60%, but less than 70%. However, the Office of Planning and the BZA are reinterpreting the zoning laws to require instead a variance for detached garages because they are technically not additions. **Motion:** Mr. Fengler made/Mr. Holmes seconded a motion to support the Committee's recommendation that the ANC send a letter of support to the BZA for a special exception or a variance to allow the construction of a garage at 314 12th Street NE. It was suggested that the letter to BZA should say that garages should be special exceptions, not variances. Mr. Alberti asked whether the letter should go to the Office of Planning recommending that there should be a text amendment, since the appropriate action would be to petition the agency making the law, not interpreting it. Mr. Fengler offered a friendly amendment to do both. The amendment was agreed to and the motion passed without objection.

Zoning Text Amendment - Eating Establishment Definitions

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the ANC send a letter of support to the Zoning Commission for the new definitions of a fast food establishment, but that the Commission adopt changes that will eliminate the problem of self-certification for restaurants with service counters and the vagueness of the proposed regulations.

This is the result of a petition in May 2006 to the Zoning Commission to change the definition of a fast food restaurant so that establishment could be determined to be a fast food restaurant by physical characteristics shown on a set of plans. The Committee found that the definitions were vague in certain areas such as the possibility that owners could self-certify that they are restaurants



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rather than fast food establishments, and that they allowed loopholes for microwaved or warmed food.

Mr. Fengler reminded the Commission that Cody Rice had started a detailed study of the issue, including a study of the regulations in this area of 55 jurisdictions. He said he would support the motion, with the provisos that the ambiguities in what's proposed are enumerated. The motion passed without objection.

The Committee's report was accepted without objection.

Community Outreach

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the Commission provide a letter of support to the Office of Emergency Management for the Capitol Hill Classic 10K race to benefit the Capitol Hill Cluster Schools... The motion passed without objection.

Interpretive Services

There was a discussion about who should pay for sign language interpreters for ANC meetings. Ms. Nelson reported that the City's contract for interpreters had expired, but ANCs should not have to pay for these services. An ADA specialist in the audience said that the ANC Office should take responsibility for those services. He said that MPD has a huge budget to pay for these services, and that the District should set up a Deaf Office. Ms. Nelson said that someone in Councilmember Wells' office was working on the issue. Mr. Marshall suggested that the ANC cut its advertising budget to pay for the services. The cost for the interpreter who was present at the meeting was \$195.

The Committee's report was accepted without objection.

Public Safety

Ms. Nixon mentioned that there is an officer in 1D who is learning sign language to communicate more effectively with the Gallaudet committee.

Nominations

Motion: Ms. Nixon moved/Mr. Holmes seconded a motion to add Annie Earley and Daniel Wolff to the Public Safety Committee. The motion was accepted without objection.

The Committee's report was accepted without objection.

Transportation

Dog Park Resolution

Motion: Mr. Fengler moved/Mr. Holmes seconded a motion that the ANC adopt the Committee's recommendation that a resolution regarding new proposed dog park regulations be sent to the Department of Parks and Recreation.



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Mr. Mahmoud explained that, in keeping with the ANC's recommendation, the comment period for the dog park regulations being promulgated by DPR were extended 90 days. A similar resolution, which was passed by ANC 3C, outlines specific changes to the proposed regulations to mitigate the problems with it. (Resolution attached). The motion passed without objection.

Parking on Sidewalk in front of Horace and Dickies.

Motion: Mr. Fengler moved/Mr. Marshall seconded a motion to accept the Committee's recommendation to send a letter to DPW and DDOT (copying Commander Groomes and Horace & Dickie's) regarding illegal parking on the public space in front of Horace & Dickie's, and requesting city officials to explore changing the parking restrictions nearby to allow parking for commercial vehicles during certain limited hours. The motion passed without objection.

National Marathon

Motion: Mr. Fengler moved/Mr. Marshall seconded a motion to accept the Committee's recommendation to send a letter to DDOT, WMATA, DPW, MPD and the National Marathon race organizers thanking them for bringing the marathon to ANC 6AA, and expressing concerns about improved notice of street closures and interruptions to public transit.

Mr. Marshall said that they had had two meetings and did reach out to the community. It was decided to recommit the resolution to the Committee until the May meeting when the new head of the DDOT would be present at the meeting.

The Committee's report was accepted without objection.

7. New Business

Removal of Mike Seneco from Public Safety Committee

Mr. Fengler moved/M. Nixon seconded a motion to remove Mike Seneco from membership on the Public Safety Committee. The motion passed without objection.

Request for Party Status in the Matter of Specialty Hospitals of America

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to support a request by ANC 6A for party status in the matter of the BZA application by Specialty Hospitals of America (former MedLink) for more beds at its Capitol Hill facility, which is located adjacent to the ANC in 6C. The motion passed without objection.

Community Impact Statement to Judge Rufus King on David Vines

Motion: Mr. Fengler moved/Ms. Nixon seconded a motion to send a letter to Judge Rufus King stating the community impact on the sentencing of David Vines, who has a 30-arrest record and is a hazard to the community. Mr. Fengler reminded the ANC that it had passed a resolution approving such impact statements two years ago. The motion passed without objection.

Use of H Street Parking Lots



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Motion: Mr. Schultheiss moved/Mr. Fengler seconded a motion to send a letter to the H Street CDC requesting their help in negotiating the use of their parking lots at AutoZone and the H Street Connection for shared parking or valet service b\for businesses as long the H Street corridor that operate after tenants' businesses have closed, until such time that these properties are redeveloped.. Mr. Schultheiss said that separate letters should be sent to the CDC and Mr. Rapaport, the property owner. The motion passed without objection.

Support for Bill 17-0102, the Advisory Neighborhood Commissioner Clarification Amendment Act of 2007

Motion: Nr, Fengler moved/Mr. Alberti seconded a motion to send a letter of support to Council Chair Gray in support legislation to clarify that a Commission may provide reimbursement to Commissioners for purchases made with credit cards. The motion passed without objection.

Referrals of Pending Council Legislation to Committee

Several pieces of pending legislation were referred to committees for recommendations:

To the Public Safety Committee: Bill 17-0111, "Hot Spot Loitering Zone Amendment Act of 2007.

To the Economic Development and Zoning Committee: Bill 17-0086, the "Nuisance Properties Abatement Reform and Real Property Classification Amendment Act of 2007."

To the Transportation Committee: Bill 17-0090. the "Bicycle Commuter and Parking Expansion Act of 2007. and Bill17-0091, the "Bicycle Registration Reform Act of 2007."

Mount Moriah Sign

Ms. Nixon suggested that the ANC sent a letter to DDOT clarifying the ANC's position on its support for the proposed sign for Mt. Moriah Church, saying that while it approved a sign on that site, but was silent on the question of whether a special exception or variance process should be implemented, and that a letter should be sent to the Public Space Office stating that. **Motion:** Ms. Nixon moved/Mr. Schultheiss seconded a motion that a letter be sent to the Office of Public Space saying that while the ANC had approved a sign for that site, it did not include any comment on the variance or special exception process. Mr. Schultheiss moved/Mr. Alberti seconded that the letter should acknowledge that the sign will require a special exception. Mr. Alberti said that the following reasons should be included in the request for a special exception process: the sign exceeds the size parameters of the existing regulations; the design of the lighting does not meet the zoning requirements. Ms. Nixon said it was her understanding that one could have up to two colors on a sign in an R-4 zone, and the sign will not be flashing or scrolling. Mr. Alberti said that we know that the sign has amber lettering, and that it will change messages timed with the traffic lights. He quoted from the DC Code about the rules for signs of that sort. Mr. Fengler said that the quotation from the Code should be included in the letter. The motion, as amended passed 4-0-2, with Commissioners Marshall and Holmes abstaining.



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Resolution Against Upzoning in the H Street Corridor

A series of motions was proposed on the issue of the proposed violation of the H Street Zoning Overlay through requests for upzoning of development projects being considered by the Zoning Commission.

Motion: Mr. Fengler moved that ANC 6AS oppose any upzoning that conflicts with the H Street Zoning Overlay. It was passed without objection.

Motion: Mr. Fengler moved that Drew Ronneberg and/or ANC officers be authorized to represent the ANC in these matters.

Motion: Mr. Fengler moved that the ANC approve the use of designated representatives to represent the ANC in negotiations and to write correspondence and file motions on behalf of the current case, involving a project at 2nd and H Streets NE. It passed without objection.

Motion: Ms. Fengler moved that the ANC be authorized to spend a maximum of \$200 per hour for five hours for the service of an attorney, Mr. Marshall commented that the ANC was willing to spend money on ANC 6C issues, but not on an interpreter. Mr. Alberti responded that similar requests will be made in the future if they are not stopped now; Mr. Ronneberg added that the developers of the AutoZone site have already made a request. Mr. Fengler added that this is all in support of the H Street Overlay. The motion passed without objection.

Follow-up on AppleTree School

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion to send a letter to the Zoning Commission, giving them additional information he learned after his original letter to the Commission, asking them to review the decision by the BZA, which is that they did not have an approved school when they applied for their permits.

8. Community Comment

A member of the audience asked that the Commission tread carefully in its dealings with Mt. Moriah church...

Mr. Schultheiss announced a neighborhood walk on April 19th with Commander Groomes and Councilmember Wells.

The meeting was adjourned at 8:55 pm.

May 9, 2007

The Honorable Judge Rufus King
Moultrie Courthouse
500 Indiana Avenue, N.W.
Washington, D.C. 20001

Dear Chief Judge King:

At its regularly scheduled meeting on April 12, 2007, with a quorum present, our Commission voted unanimously to respectfully request that you provide the following statement to all of the judges who might hear criminal cases or sentencing in the District of Columbia.

Case 2006CMD19775 is with regards to Mr. David Vines, an almost 30 time repeat burglar from homes and autos in Metropolitan Police Department's (MPD) First District. Most recently, Mr. Vines was arrested for "tampering with an auto" on Wednesday, March 28, 2007; and then again for Possession of Drug Paraphernalia and Possession of an Open Container of Alcohol on Friday, March 30, 2007.

Mr. Vines is reportedly a repeat probation violator per MPD officers. In addition, Judge Wynn had previously suspended 180 days of Mr. Vines's sentencing with the conditions that required his successful completion of probation. However, when Mr. Vines did not follow these guidelines, as illustrated by the recent re-arrests, it has been reported that Judge Wynn terminated his probation unsuccessfully but did not remand him to jail for the remainder of his sentence.

The community has no confidence that this action will persuade Mr. Vines to discontinue his criminal activities. Accordingly, we respectfully request that Mr. Vines be remanded to jail immediately and that judges reconsider terminating probation in the future when dealing with a repeat offender that has not successfully completed probation.

We respectfully request you give this your full consideration and keep us apprised of the status of this case. If you have any questions, then please contact Commissioner Stephanie Nixon at 202-222-8570 or smnixon6a@prodigy.net.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Councilmember Wells
Councilmember Cheh
Chief Lanier, Metropolitan Police Department
Commander Groomes First District



Approved Letters from April 12, 2007



April 19, 2007

ANC 6A Testimony

Presented by Joseph Fengler, Chair

Case Number: 06-23

Case Name: Text Amendment – Eating Establishment Definitions

Members of the Zoning Commission, on behalf of ANC 6A, let me thank you for the opportunity to offer our community's general support for the text amendment provided by the Office of Planning to revise the definitions of "restaurants" and "fast food restaurants", and to make other amendments intended to better differentiate between the various types of eating establishment uses permitted in the District.

According to the DCMR, "fast food restaurants in the C-2-A commercial zone district are only allowed to open with the approval of the Board of Zoning Adjustment (BZA). Before opening, fast food restaurants must obtain a special exception from BZA addressing potentially objectionable aspects of operation such as trash, traffic, letter, noise, vermin and other spillover effects on residential areas.

Over the past several years, our Commission has sought to protect the rights of residents to provide *public input* on issues that affect the quality of life in residential area, including fast food restaurants.

As a result of our involvement in this issue, it has become clear that the existing eating establishment definitions need to be amended. The current definitions are unnecessarily convoluted, difficult for DCRA to implement and contrary to the expectations of the reasonable layperson. Our Commission spent over six months researching the zoning definitions of restaurants and fast food establishment during the first six months of 2006. During that review we surveyed 47 different cities definitions of restaurant to include: Calistoga, California; San Francisco, California; Berkeley, California; Boulder, Colorado; Miami, Florida; Athens, Georgia; Chicago, IL; Cambridge, MA; Kansas City, MO; Madison, NJ; Woodstock, NY; Arlington, VA; Fairfax, VA

Based on that research, we have reviewed the Office of Planning text amendment, and while we generally support the amendment, we have the following concerns:

1. The self-certification clause by the applicant will continue to allow for abuse
2. The definition of prepared food shop based on the number of seats
3. The lack of definition of "clearly subordinate to the principal use"
4. No explanation or definition of a restaurant

However, we do support the following criteria in the Office of Planning proposed in the text amendment:

1. Customers pay for food before it is consumed – with the key physical criteria of a service counter without seats
2. Food is served on/in anything than non-disposable plates – with the two key indicators based on the lack of a dishwasher and the inclusion of trash receptacles in the public dining area

We believe these physical add the much needed physical characteristics for the Department of Consumer and Regulatory Affairs to evaluate building plan to determine which establishments required a special exception as a fast food establishment and which business are allowed to operate as a matter of right in a C-2-A zoned district.



Approved Letters from April 12, 2007



Accordingly, we submit an *alternative* text amendment for your consideration that encompasses a significant majority of the proposed Office of Planning text amendment while retaining some of the initial key descriptions and components of our Commission's original text amendment proposal.

Once again, on behalf of our Commission, we thank you for your time and consideration on this matter.

ANC 6A Proposed Changes to Eating Establishment Definitions

~~**Restaurant** - a place of business where food, drinks, or refreshments are prepared and sold to customers primarily for consumption on the premises. This term shall include but not be limited to an establishment known as a café, lunch counter, cafeteria, or other similar business, but shall not include a fast food restaurant. In a restaurant, any facilities for carryout shall be clearly subordinate to the principal use providing prepared foods for consumption on the premises.~~

(a) General definition. A "restaurant" is place of business that prepares and serves food or beverages on nondisposable plates and containers with nondisposable eating utensils to seated customers. A restaurant is designed and operated so that its customers consume the food or beverages while seated at tables or counters on the premises. A restaurant shall include but not be limited to an establishment known as a café, lunch counter, or other similar business. A restaurant may provide carryout service as an accessory use without being deemed a fast food restaurant only if its carryout facilities are clearly subordinate to its primary use as a restaurant. A restaurant shall not include a fast food restaurant.

(b) Characteristics. A restaurant will generally have the following characteristics:

- (1) A restaurant employee serves food and beverage items at the same table or counter at which customers order and consume said items;
- (2) The establishment provides an individual printed menu to each customer;
- (3) The establishment does not provide trash receptacles in or around seating or queuing areas for disposal of trash by customers; and
- (4) The establishment requires payment only after consumption.

(c) Exceptions. Notwithstanding other provisions of this definition, a restaurant shall include a cafeteria where food or beverages for consumption on premises are served exclusively on nondisposable plates and containers with nondisposable eating utensils and any carryout facilities are clearly subordinate to its primary use as a restaurant.

~~**Restaurant, fast food** - a place of business devoted to the preparation and retail sale of ready-to-consume food or beverages for consumption on or off the premises. A restaurant will be considered a fast food restaurant if it has a drive-through. A restaurant will be considered a fast food restaurant if the floor space allocated and used for customer queuing for self-service for carry out and on-premises consumption is greater than ten percent (10%) of the total floor space on any one (1) floor that is accessible to the public, and it exhibits one (1) of the two (2) following characteristics:~~

~~—(a) At least sixty percent (60%) of the food items are already prepared or packaged before the customer places an order; and/or~~



Approved Letters from April 12, 2007



~~—(b) The establishment primarily serves its food and beverages in disposable containers and provides disposable tableware.~~

~~(This definition does not include an establishment known as a retail grocery store, convenience store, ice cream parlor, delicatessen, or other business selling food or beverages as an accessory use or for off-premises preparation and consumption.)~~

(a) General definition. A “fast food restaurant” is a place of business devoted to the preparation and retail sale of ready-to-consume or quickly-prepared food or beverages for consumption on or off the premises.

(b) Characteristics. An establishment shall be a fast food restaurant if it has any one or more of the following characteristics:

- (1) Customer orders are taken from a service window or a walk-up service counter that lacks fixed customer seating;
- (2) It presents food or beverages solely on one or more printed signs, placards, posters, or boards that are permanently affixed in conspicuous places in the building;
- (3) It provides one or more trash receptacles within the building for customers to deposit the disposable packaging in which the establishment provides its food or beverages;
- (4) It has a drive-through;
- (5) It customarily serves its food or beverages in disposable containers and provides disposable tableware;
- (5) It does not have a dishwasher to clean non-disposable containers and tableware; and/or
- (6) Facilities for carryout service are not clearly subordinate to facilities for on premises consumption. **Any establishment that derives more than twenty-five percent (25%) of its sales from carryout service will be considered a fast food restaurant in all cases.**

(c) Exclusions. A fast food restaurant shall not include:

- (1) any establishment that sells food or beverages either only as an accessory use or only for preparation and consumption off the premises, such as a retail grocery store, convenience store or delicatessen, **movie theater, and performing arts theater.**
- (2) a coffee shop, delicatessen or ice cream parlor, but only if any other use is clearly subordinate to this primary use.

Delicatessen – a place of business devoted to the retail sale of meats, cheeses, and other food items by weight for off-premises preparation and consumption. A delicatessen may also sell food or beverages for consumption on or off the premises as an accessory use. Any delicatessen that derives more than twenty-five percent (25%) of its sales for consumption of food and beverages off the premises will be considered a fast food restaurant in all cases. A delicatessen is not a restaurant or a fast food restaurant.



Approved Letters from April 12, 2007



Coffee Shop – a place of business devoted to the retail sale of coffee, tea, and other nonalcoholic beverages for consumption on or off the premises, which may also include the sale of a limited number of food items as an accessory use. Any coffee shop that derives more than twenty-five percent (25%) of its sales for consumption of food and beverages off the premises will be considered a fast food restaurant in all cases. A coffee shop is not a restaurant or a fast food restaurant.

Update:

From: "Schellin, Sharon (DCOZ)" <sharon.schellin@dc.gov>
To: Joseph Fengler <fengler6a02@yahoo.com>
Sent: Saturday, April 21, 2007 2:39:39 PM
Subject: Re: Fwd: Fast-food text amendments last night

The record will remain open until 3:00 PM, May 25th, for two submittals: one from ANC 6C and one from OP. It is anticipated this case will be considered for proposed action at the June 11th meeting.



Approved Letters from April 12, 2007



May 9, 2007

Ms. Linda Argo, DCRA Interim Director
Department of Consumer and Regulatory Affairs (DCRA)
941 North Capitol Street NE, Room 9500
Washington, D.C. 20002

Re: Illegal Construction and Lack of Permitting Documentation at 423 18th Street. NE

Ms. Argo:

At our regularly scheduled and properly notice public meeting on April 12, 2007, our Advisory Neighborhood Commission voted 6-0-0 (with 5 Commissioner required for a quorum) to request an investigation of the work permits for 423 18th Street, NE and illegal construction occurring at this address. We would appreciate your immediate assistance regarding 423 18th St. NE in the following areas:

- 1. Documentation of Building Plans.** The ANC requests a copy of all applications, plans and permits for construction/renovations.
- 2. Illegal Work.** Construction continues despite the fact that proper permits have not been issued for this address. We ask that an inspector be sent to the site to issue a stop work order while the permit issue is resolved. In addition, we ask that fines be levied against the owner if work continues in violation of the stop work order.

Finally, we would appreciate a written response by May 30, 2007, explaining why DCRA has so far not been able to produce any valid permits or plans for the property.

We look forward to your response. If there are any questions, please contact Commissioner Stephanie Nixon at smnixon6a@prodigy.net or 202 396-7234.

On behalf of the Commission,

Joseph Fengler
Advisory Neighborhood Commission 6A

Cc:

Honorable Council Member Tommy Wells, Ward 6
Bill Crews, Zoning Administrator, DCRA



Approved Letters from April 12, 2007



May 9, 2007

Ms. Linda Argo, DCRA Interim Director
Department of Consumer and Regulatory Affairs (DCRA)
941 North Capitol Street NE, Room 9500
Washington, D.C. 20002

Re: Illegal Construction and Lack of Permitting Documentation at 1225 Wylie Street, NE

Ms. Argo:

At our regularly scheduled and properly notice public meeting on April 12, 2007, our Advisory Neighborhood Commission voted unanimously to request an investigation of work permits for 1225 Wylie Street, NE. We would appreciate your immediate assistance regarding 1225 Wylie Street NE in the following areas:

1. **Documentation of Building Plans:** We request a copy of all documents utilized in the process of obtaining permits for the construction/renovations at this residence. This request should include notification letters sent to adjacent property owners by certified mail with proof of their certification.
2. **Illegal Work.** The residents have called both the Metropolitan Police Department as well as Ms. Jones at DCRA (442-STOP) to complain that the contractors continue to work on Sundays.
3. **Trespassing.** The owner of the adjacent property at 1223 Wylie Street, NE and Commissioner Marshall have both reported trespassing on the property at 1223 Wylie Street, NE by the contractor with construction equipment.

Accordingly, the following actions are requested: (1) immediate inspection of the property to ensure that the structure is in compliance with zoning districts and structure requirements, (2) that the stop work order is enforced and (3) that fines be levied against the owner if work continues to take place in violation of the stop work order.

Finally, the Commission would appreciate a written response regarding DCRA's findings of the compliance with zoning regulations and the structural requirement review by May 30, 2007. If your investigation finds that this project was illegally constructed, please notify our Commission of actions DCRA is taking to enforce compliance with DC laws and regulations.

We look forward to your response. If there are any questions, please contact Commissioner Raphael Velento Marshall at rvmps6a@aol.com or 202.256.5335.

On behalf of the Commission,

Joseph Fengler
Advisory Neighborhood Commission 6A

Cc:

Councilmember Tommy Wells, Ward 6
Bill Crews, Zoning Administrator, DCRA



Approved Letters from April 12, 2007



April 20, 2006

Ms. Sharon S. Schellin
Secretary of the Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: ZC Case No. 05-37 (Capitol Place, Station Holdings LLC -- PUD & Related Map Amendment located at Third & H Streets, NE)

Dear Ms. Schellin,

At our regularly scheduled and properly noticed public meeting on April 12, 2007, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to provide this letter to seek party status in ZC case No. 05-37 and oppose the development as currently planned.

Our Commission is seeking party status in this case because it will determine whether Planned Unit Developments along H Street NE will be required to comply with the zoning and architectural requirements contained the H Street Strategic Plan and H Street Neighborhood Commercial Zoning Overlay District.

Our Commission is concerned with the following three issues in ZC Case No. 05-37:

1. The applicant is proposing that a portion of the property be upzoning to C-3-C even though much of the property was upzoned from C-2-A to C-2-B as part of the H Street Zoning Overlay. ANC 6A can think of no compelling reason why the property should be further upzoned -- especially this soon after the original upzoning. In addition, the Commission is concerned that this case could create a precedent for further upzonings along the H Street Corridor that will detract from the historic character of the corridor and foster land speculation that discourages the reoccupation of currently vacant historic structures.
2. The current renderings show an uninspired modernist facade that is inconsistent with the architectural vocabulary of H Street NE. Furthermore, the architectural details violate many of the design requirements and guidelines referenced in the Zoning Overlay. ANC 6A strongly believes that a PUD should be held to a higher standards than a matter-of-right development. However, in this case, the architectural quality is inferior to the matter-of-right development recently approved in BZA Case #17521 along the 600 block of H Street NE.
3. The value of community amenities is meager compared to value of the approximately 175,000 square feet that the developer is seeking from the upzoning and PUD. ANC 6A estimates that the value to the developer is over \$50 million, while the value of the community amenities is under \$500,000. The developer should increase the amenities package by moving the most significant historic buildings that will be razed under the current plan.

Please be advised that Dr. Terres Andrew (Drew) Ronneberg, Mr. Jeff Fletcher and any officer of ANC 6A is authorized to act on behalf of the Commission for the purposes of this case and this authorization



Approved Letters from April 12, 2007



includes the power of the agent or representative to bind the person in this case before the Zoning Commission.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A



Approved Letters from April 12, 2007



April 26, 2007

Ms. Sharon S. Schellin
Secretary of the Zoning Commission
Office of Zoning
One Judiciary Square
441 4th Street NW, Suite 210S
Washington, DC 20001

RE: BZA Decision on AppleTree Charter School Appeal Case #17532

Members of the Zoning Commission:

This letter is a follow-up to our letter of February 12, 2007, in which we asked the Zoning Commission to act sua sponte to preempt the pending decision by the Board of Zoning Adjustment (BZA) to grant the appeal of AppleTree Institute for Education Innovation in BZA case #17532.

We would like to bring to your attention a letter (attached) received by Councilmember Wells from Mr. Thomas Nida, Chair of the Public Charter School Board (PCSB). In it, Mr. Nida responds to Councilmember Wells' request that the PCSB deny AppleTree Institute use of the property that is the subject of BZA case #17532. In his letter, Mr. Nida states that AppleTree Institute for Education Innovation "...is a D.C. non-profit organization and is not a public charter school." He further states that the Public Charter School Board "...has received no petition form the (AppleTree Public) Charter School...to approve an additional campus at this site".

Since the applicant for the permits (AppleTree Institute) was not a public school, and since no public school has been authorized at this site by the chartering authority, our Commission asserts that no valid request for a school "by-right" modification of 138 12th Street, NE is, or ever has been, pending. We consequently assert that the original permit application is void, and the subsequent appeal by the AppleTree Institute of the decision of the Zoning Administrator is moot.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Attachment



Approved Letters from April 12, 2007



ANC 6A RESOLUTION NO. 2007-002

Resolution Regarding the Proposed Amendment to the DC Municipal Regulations Concerning the Establishment of Dog Exercise Areas

WHEREAS the Department of Parks and Recreation (DPR) has published in the DC Register proposed amendments to Chapter 7 of Title 19 (Amusements, Parks and Recreation) (June 2001) of the District of Columbia Municipal Regulations concerning the establishment of Dog Exercise Areas (DEA) pursuant to DC Code § 8-1808.01; and

WHEREAS ANC 6A has previously passed resolutions supporting the legislation authorizing DPR to establish dog parks in District parks; and

WHEREAS fenced DEAs allow greater safety for children, dog owners, and non-dog owners as well as provide needed exercise for dogs and build community relationships among dog owners; and

WHEREAS the proposed rules contain restrictions that would preclude any DEAs from being established in the District:

THEREFORE BE IT RESOLVED that ANC 6A finds that the draft rules do not reflect and are contrary to the intent of the authorizing legislation and would have the effect of frustrating, rather than furthering the goal of creating dog parks; and

BE IT FURTHER RESOLVED that ANC 6A urges DPR to reconsider these rules; and

BE IT FURTHER RESOLVED that ANC 6A requests that the rules and regulations be developed in a manner consistent with the purpose of the law – to provide for the establishment of DEAs, not obstruct them – and should be drafted with input from community members who will be using and maintaining the parks; and

BE IT FURTHER RESOLVED that ANC 6A requests that said revised regulations be published for public comment no later than September 1, 2007; and

BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA must sit at least 200 feet away from residences, businesses, school playgrounds and community gardens, as this provision eliminates the possibility of locating a DEA within ANC 6A; and

BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA shall be not less than ten thousand square feet, as this provision has the effect of eliminating the possible use of the many triangle parks located within ANC 6A to site a DEA; and

BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA shall not exceed twenty-five percent of the total area of an individual park, as this provision has the effect of eliminating the all of the triangle parks located within ANC 6A to site a DEA; and

BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA shall displace or disrupt the established recreational activities or passive space within an existing park, as this provision has the effect of eliminating the all of the parks located within ANC 6A and prohibits the ability to plan park use based on the demand and needs of the citizens of ANC 6A; and



Approved Letters from April 12, 2007



- BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA shall not be located within 100 feet of a surface water, as this provision ignores the fact that Annapolis, Maryland and Arlington County Virginia successfully operate DEA's up to and within adjacent waterways with not demonstrable harm to the environment proven; and
- BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the DEA only be designated with the sponsorship of a 501c3 organization, as this requirements places on unique burden on applicants for a DEA that is not applied to other park uses; and
- BE IT FURTHER RESOLVED that ANC 6A opposes the provision that DPR will not solicit non-DPR owned land for DEA, as this provision eliminates the possibility of locating a DEA on National Park Service and DC Public School's land which is the owner of the majority of open space within ANC 6A; and
- BE IT FURTHER RESOLVED that ANC 6A opposes the provision that the Department of Health must certify the proposed DEA is rat free within a five block radius, as this is a condition not likely to be found within the District of Columbia and that this provision eliminates the possibility of locating a DEA within ANC 6A; and
- BE IT FURTHER RESOLVED that ANC 6A encourages DPR to rewrite the proposed regulations as a set of guidelines instead of prescribing hard rules as this will provide the community with the flexibility to work with neighbors and DPR to properly site a DEA within ANC 6A that has support; and
- BE IT RESOLVED that the Chair, or his designee Commissioner Schultheiss or Commissioner Holmes are authorized to represent ANC 6A on this matter.

Attested by:

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A
Date: April 26, 2007

This resolution was approved by a vote of 6-0 on April 12, 2007 at a public meeting of ANC 6A at which a quorum was present.



Approved Letters from April 12, 2007



LAW OFFICES OF
ANDREA C. FERSTER
1100 SEVENTEENTH STREET, N.W., 10TH FLOOR
WASHINGTON, D.C. 20036

(202) 974-5142
(202) 331-9680 (fax)
www.AndreaFersterlaw.com

May 9, 2007

Joseph Fengler
ANC 6A
Box 75115
Washington, D.C. 20013

Dear Mr. Fengler:

I am pleased to confirm that Advisory Neighborhood Commission (ANC) 6A has retained my legal services for advice and representation in connection with the petition to the Zoning Commission for an emergency text amendment to the H Street N..E. Commercial Zone Overlay District and other related matters. My representation of ANC 6A will be subject to the following terms and conditions:

1. Services to be Provided. I agree to provide such legal services as you may request in connection with the matter described above. You understand that my ability to provide sound legal advice depends on the accuracy and completeness of information that you provide to me, and that I am not responsible for any liability that may result from errors or omissions in the information that you supply to me.
2. Compensation and Expenses. I will provide my time and legal services in connection with this matter for an hourly rate of \$200.00. You agree to reimburse me for expenses reasonably incurred in connection with this matter, including photo-copying, postage, transportation, and delivery services. Payment is expected within 30 days of receipt of an itemized invoice. I will not incur fees and expenses in excess \$1,000 without your prior authorization.
3. Settlement. All settlement offers received by me shall be transmitted promptly to you. No settlement will be made without specific authorization from you

If these terms are satisfactory, please indicate your agreement by signing this letter and returning it to me. I look forward to working with you on this matter.

Sincerely, Andrea C. Ferster

Agreed to and accepted:

//original signed//
Joseph Fengler

April 24, 2007
Date



Approved Letters from April 12, 2007



April 30, 2007

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 17611 (314 12th St. NE)

At a regularly scheduled and properly noticed meeting on April 12, 2007, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the above referenced application as a special exception.

Ms. Fowler, the agent for the case, presented plans to the ANC 6A Economic Development and Zoning Committee for a garage behind 312 12th St NE that has access off the alley. The addition of the garage will bring the lot occupancy of the site above 60% required for a special exception but below the 70% threshold normally required for a variance.

The owners plan to construct a garage similar in height and depth to the garages of the adjacent neighbors. In addition, the garage will be a replacement for a garage that was demolished on the same site.

Ms. Fowler presented a letters of support from both of the adjacent property owners. As the garage would neither affect the air or light of the neighboring properties and is a replacement for a demolished garage on the same site, the Commission was satisfied that this project meets the conditions for a special exception.

Our Commission understands that the Board of Zoning Adjustment (BZA) has reinterpreted the zoning regulations and no longer considers a garage as an addition, but rather as a new structure requiring a variance. Our Commission believes that these types of cases should not be handled as variances and that the BZA should return its previous interpretation that garages are additions.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A



Approved Letters from April 12, 2007



April 30, 2007

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 17610 (1404 Constitution Ave NE)

At a regularly scheduled and properly noticed meeting on April 12, 2007, our Commission voted 6-0-0 (with 5 Commissioners required for a quorum) to support the above referenced application.

Ms. Fowler, the agent for the case, presented plans to the ANC 6A Economic Development and Zoning (ED&Z) Committee for excavating a full basement at 1404 Constitution Ave NE. Constructing a basement at this property requires a special exception because the house is a non-conforming structure that occupies more than 60% of the lot.

Ms. Fowler told the ED&Z Committee that the basement would be used as an in-law suite and not as a separate unit. In addition, she presented letters of support for the application from both adjacent neighbors.

As the basement would neither affect the air or light of the neighboring properties and won't be visible from the street grade, the Commission was satisfied that this project meets the conditions for a special exception.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A



Approved Letters from April 12, 2007



April 23, 2007

Don Montuori
2007 Race Chair
The Capitol Hill Classic 10K
602 North Carolina Ave. SE
Washington DC 20003
Telephone: (202) 544-4452
Electronic mail: dmontuori@marketresearch.com

Dear Mr. Montuori,

At our regularly scheduled Commission meeting on April 12, 2007, we voted unanimously to support the 2007 Capitol Hill Classic 10K scheduled for May 20, 2007.

We know that this event provides vital financial assistance to an important neighborhood public school. We are aware that this event has been appreciated by the community for more than twenty-five years as an opportunity to showcase our neighborhood. We wish you much success with your event this year.

On behalf of the Commission,

Joseph Fengler, Chair
ANC 6A
fengler6a02@yahoo.com
(202) 423-8868



Approved Letters from April 12, 2007



May 9, 2007

Derrick Hardy, Ward 6 Engineer
Department of Transportation
Traffic Services Administration
2000 14th Street, NW
Washington, DC 20009
(202) 671-2303

Re: Missing One-Way Signage at 13th Street and Tennessee Avenue, NE

Mr. Hardy:

At our regularly scheduled public meeting on January 11, 2007, our Commission voted to request an inspection of regulatory signage at the intersection of Tennessee Avenue with 13th Street (See Figure 1 attached). Please accept my personal apology for not getting this letter to you sooner – it simply was misplaced in my electronic mail box.

The current arrangement of traffic control regulatory signs is not in compliance with the Manual of Uniform Traffic Control Devices (MUTCD) which requires one way streets to be signed with One-Way signs and Do Not Enter signs. The intersection is currently missing *One Way* signs at the southbound split of Tennessee Avenue and at the intersection of the Tennessee southbound approach to 13th Street. *Do Not Enter Signs* are also missing at these same intersections. Please refer to Figure 1 for the intersection geometry. Photographs of the intersection from each approach are also attached for your use and consideration (Figures 2, 3 and 4).

During a field inspection of the site, we also noted that the existing sign post directing motorist to 13th Street is not sufficiently anchored into the ground and is likely to fall over soon if not reinstalled. Accordingly, we are requesting that DDOT perform a field inspection of the existing signs and replace any missing signs as soon as possible. If you have any questions, please contact ANC 6A Transportation Committee Chair Omar Mahmud at (202) 546-1520 or via email at familymahmud@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Omar Mahmud, Chair, ANC Transportation Committee
Bill Schultheiss, PE, ANC Transportation Committee, ANC Commissioner 6A06
Nick Alberti, ANC Commissioner 6A04
Christopher Delfs, DDOT Ward 6 Planner



Approved Letters from April 12, 2007



Attachments

Figure 1 - Location Map



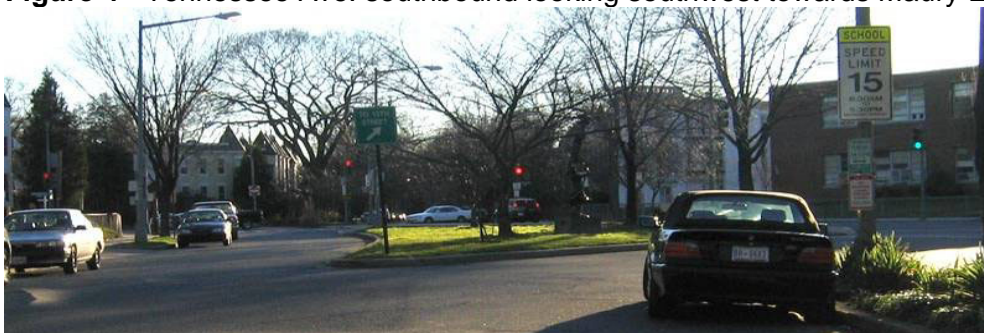
Figure 2 - 13th Street southbound looking towards Constitution



Figure 3 - Tennessee Avenue looking east from Maury Elementary School



Figure 4 - Tennessee Ave. southbound looking southwest towards Maury Elementary School





Commission Officer Reports Treasurer's Report



ANC 6A Treasurer's Report April 2007

Period Covered: 04/01/07 - 04/30/07

Checking Account:

Balance Forwarded		\$	23,189.71
Receipts:			
District Allotments 2nd Quarter FY07 DC Allotment		\$	5,794.43
Interest Income		\$	-
Transfers from Saving Account		\$	-
Total Receipts		\$	5,794.43
Total Funds Available		\$	28,984.14
Disbursements:			
FedEx Kinko's Feb. 07 Photocopying	Ck #1307	\$	1,030.25
The Current Newspaper/Voice (Joint ANC Ad April 07 - 1/2 cost)	Ck #1308	\$	240.43
Roberta Weiner (Mar. 07 Minutes)	Ck #1309	\$	135.00
Awards Unlimited (Grant - PTSA of Health&Medical Sci. Academy - Esatern HS)	Ck #1310	\$	884.81
Total Disbursements		\$	2,290.49
Ending Balance		\$	26,693.65

Savings Account:

Balance Forwarded		\$	4,167.35
Receipts:			
Interest (3/30/07)		\$	1.06
Transfers from Checking Account		\$	-
Total Receipts		\$	1.06
Total Funds Available		\$	4,168.41
Disbursements:			
Total Disbursements		\$	-
Ending Balance		\$	4,168.41



Commission Officer Reports Treasurer's Report



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 2nd Quarter FY07

Quarterly Report Period Covered 01/01/07 - 03/31/07

ANC 6A

Summary of Receipts and Disbursements: Checking Account

Balance Forwarded \$ 23,987.30

Receipts:

District Allotments 1st FY07 Quarter Allotment	\$ 5,794.43
Interest Income	\$ -
Other Deposits	\$ -
Transfers from Saving Accounts	\$ -

Total Receipts \$ 5,794.43

Total Funds Available \$ 29,781.73

Disbursements:

1. Net Salary and Wages	\$ -
2. Workers Compensation	\$ -
3. Insurance:	
4. A. Health	\$ -
5. B. Casualty/Property	\$ -
6. Total Federal Wages Taxes	\$ -
7. Tax Penalties	\$ -
8. Local Transportation	\$ -
9. Office Rent	\$ -
10. Telephone Services	\$ -
11. Postage and Delivery	\$ 218.77
12. Utilities	\$ -
13. Printing and Copying	\$ 680.47
14. Flyer Distribution	\$ -
15. Purchase of Service	\$ 3,855.00
16. Office Supplies	\$ -
17. Office Equipment	
A. Rental	\$ -
B. Purchase	\$ -
18. Grants	\$ 1,812.78
19. Training	\$ -
20. Petty Cash Reimbursement	\$ -
21. Transfers to Saving Account	\$ -
22. Bank Charges	\$ -
23. Other	\$ 25.00

Total Disbursements \$ 6,592.02

Ending Balance: \$ 23,189.71

Approval by Commission: _____

_____ Treasurer	_____ Chairperson	_____ Secretary
--------------------	----------------------	--------------------

Secretary Certification _____ Date _____

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



Commission Officer Reports Treasurer's Report



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY 2nd Quarter FY07

Summary of Receipts and Disbursements: Savings Account

Balance Forwarded			\$ 4,165.33
Receipts:			
Transfers From Checking Account	\$	-	
Other (Interest Earnings, etc.)	\$	3.08	
Total Receipts			\$ 3.08
Total Funds Available			\$ 4,168.41
Disbursements:			
Transfers to Checking Account	\$	-	
Other	\$	-	
Total Disbursements			\$ -
Ending Balance:			\$ 4,168.41

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
	\$ 5,794.43	1st Quarter Allotment
Total	\$ 5,794.43	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
01/13/07	\$ 1.06	Interest
02/28/07	\$ 0.96	Interest
03/30/07	\$ 1.06	Interest
Total	\$ 3.08	



Commission Officer Reports Treasurer's Report



ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY Listing of Checks Issued 2nd Quarter FY07

Check #	Date	Payee	Amount	Expense Category	Purpose of Expenditure	Date Approved (1)
1295	01/11/07	ANC Security Fund	\$ 25.00	23	ANC Security Fund	01/11/07
1296	01/11/07	Capital Community News Inc.	\$ 3,437.00	15	Monthly Ads Hil Rag Newspaper 12/06 - 11/07	11/09/07
1297	01/11/07	Roberta Weiner	\$ 127.50	15	Recording/Transcription of Minutes (Dec. 06)	10/12/06
1298	01/11/07	Omar Mahmud	\$ 8.77	11	Postage	01/11/07
1299	01/18/07	Fedex Kinko's	\$ 115.95	13	Photocopying - Dec. 06 Statement	11/09/06
1300	01/20/07	Ram Uppuluri	\$ 28.00	15	Legal Services	09/14/06
1301	01/20/07	Pocket Nurse	\$ 1,762.78	18	PTSA of Health & Medical Sci. Academy - Eastern HS	01/11/07
1302	02/08/07	Roberta Weiner	\$ 135.00	15	Recording/Transcription of Minutes (Jan. 07)	10/12/06
1303	02/22/07	Fedex Kinko's	\$ 564.52	13	Photocopying - Jan. 07 Statement	12/14/06 & 01/11/07
1304	03/04/07	Maury PTSA	\$ 50.00	18	Grant Maury ES PTSA	11/09/07
1305	03/08/07	Roberta Weiner	\$ 127.50	15	Recording/Transcription of Minutes (Feb. 07)	10/12/06
1306	03/16/07	Post Master	\$ 210.00	11	PO Box Rental 1 yr	03/08/07
Total			\$ 6,592.02			



Committee Reports

Alcohol Beverage and Licensing (ABL)



REPORT OF THE ANC 6A ABL COMMITTEE

April 17, 2007

Minutes

No Quorum

Meeting called to order at 7:10 pm.

Committee members present: Mary Beatty; Michael Herman; Mary Koszinski

Committee members absent: Malcolm Ross; Tish Olshefski, Jeremy Marcus

Others present: ABRA Chairman Chuck Burger

I. a. Welcome/Introductions - Committee members introduced themselves.

b. Agenda - Motion to accept the agenda. No objections.

c. Minutes - Motion to accept minutes of March meeting. No objections.

II. Community Comment

No community comment.

III. Updates

A. Par Bar VA

Committee Chair Beatty indicated that she had received a signed standard VA from Joe Englert. She submitted the VA to Joe Fengler for signature and submission to ABRA.

B. H Street Moratorium-Review Period

Chair Beatty reported that Fred Moosaly, General Counsel of ABRA indicated that the H Street Moratorium rulemaking was still being reviewed by the Office of the Attorney General. The 30 day public comment period and 90 day Council review will not begin until the OAG have completed their review and published the rule in the DC Register.

C. Discussion of moratorium on # of CT licenses along H Street

ABRA Chairman Burger provided extensive background regarding current moratoriums across the city. There was a discussion of regulatory standards for creating a moratorium zone, and a more specific discussion of the current environment along H Street that would warrant a moratorium. There was consensus among Committee members that the committee should host a meeting in the summer to better gauge community sentiment on this topic.

IV. New Business

A. Legislation authorizing ABRA to order moratorium on the sale of singles for individual licensees

Chair Beatty provided a brief background on this issue-that is, that ANC6A had voted to legislatively pursue a Ward-wide moratorium on the sale of singles, but that Councilmember Wells preferred a legislative solution that would provide ABRA with the authority to make a decision on the sale of singles license by license. That is, that ABRA could amend the terms of a license to ban the sale of singles if a convincing case were brought by protestants that the sale of singles negatively impacted the "peace order and quiet" of neighboring residents.

Chairman Burger confirmed that ABRA currently has the power to do this. He indicated that generally this approach is used after a violation of a VA or terms of a license resulting in a Show Cause hearing. He indicated that the standard to have the terms of a license altered is higher than that used for a protest (negative impact on "peace order and quiet") and stated that the licensee's activity normally poses a "threat" to the community. He later stated that if a strong case is presented which demonstrates that it is the sale of singles which negatively impacts the "peace order and quiet" and not other aspects of the licensee's operation that the Board could act to amend the license in a protest hearing.



Committee Reports

Alcohol Beverage and Licensing (ABL)



With regard to codification of the existing power to amend a license, Chairman Burger explained that the Board would be asked by the Council to review any such legislation. They generally do not testify whether the proposed law is needed or advisable, only whether it is enforceable or if it is duplicative of existing law.

Before leaving the meeting, Chairman Burger indicated that Ward 6 should carefully review ABRA Board nominees and should consider recommendation of a nominee from the Ward.

B. Initiate public awareness campaign of liquor laws/benefits of calls to MPD and initiate recognition program of licensees who sign VA's.

This item is one of the Committee's 2007 goals, which was initially discussed at the March ABL Committee meeting. At the March meeting (from March minutes):

Everyone agreed that the best way to recognize licensee's who are working with the community would be to have a sticker or placard that could be used in the store window. The design would be our ANC6A logo with words in a circle above and below stating "I'm Working with My Community". Mary Kosinski felt that we should pilot this program with the Mayor's office in order to cover expenses and provide greater coverage. She volunteered to get a rough estimate of printing costs for the stickers.

Ms. Kosinski had gotten a couple of estimates over the course of the month. Committee members again stated strong support for creating a sticker citing benefits of branding for the ANC, creating awareness of the work of the ANC, and providing a "competition" among licensees to earn the community sticker. After this brief discussion it was decided that the ANC6A Community Outreach Committee was probably a more appropriate venue for moving this item forward. Therefore the following recommendation was made and received unanimous approval (no quorum):

RECOMMENDATION: That the resources of the Community Outreach Committee (COC) be utilized to maximize the impact of a alcohol licensee recognition program and therefore this issue be referred to the COC for further study of expenses required and recommendation to the ANC.

V. Adjourn. Move to adjourn 8:40 pm. Next meeting: May 15, 2007. (Mary Beatty will be out of town on this date, if there is no new business to consider in May, the meeting will not be held.)



Committee Reports

Economic Development and Zoning (ED&Z)



REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A April 24, 2007

Present: Citizen Members: Drew Ronneberg, Vanessa Ruffin, Rich Luna, Jeff Fletcher, Heather Scott,
Linda Whitted
Commissioners: David Holmes, Stephanie Nixon, Bill Schultheiss

Drew Ronneberg chaired the meeting.

Discussion about Historic District Expansion/Creation

The first hour was devoted to a joint meeting with ANC 6C's Planning, Zoning and the Environment Committee where the expansion of the existing Capitol Hill Historic District or the creation of a new historic district was discussed. The speakers included Nancy Metzger of CHRS, Pat Lally of the National Trust for Historic Preservation and Kim Williams of the Historic Preservation Office. Special thanks go to Donna Hanousek who developed the agenda and invited the speakers. Topics covered in the presentations included:

Nancy Metzger:

4. What a homeowner can and cannot do in a historic district.
5. The process of obtaining a permit from the Historic Preservation Office
6. Examples of rows and streetscapes that are intended to be preserved in a Historic District
7. Examples of construction that is incompatible with the surrounding architecture and that could not to be built in a historic district.

Highlights: While all building permits require HPO signoff, they are most interested in preserving the building's front façade. Interior work is only of interest to HPO when it alters the front façade (e.g. when a floor is raised which makes the door shorter). Most permits can be issued by HPO staff in the same day. HPO does not regulate paint color. Larger changes require a 5 day administrative review and the most extensive changes require a hearing in front of the full Historic Preservation Review Board. Several people commented that the HPO is a model of efficiency when compared to other DC agencies. Several photographs from the neighborhood were shown of intact rows of rowhouse and examples of 3rd floor additions where building materials and styles are incongruous with historic facades. If a homeowner has vinyl windows when the building enters a historic district, the owner does not need to replace them with wood windows.

Pat Lally:

1. How zoning differs from historic preservation in neighborhood protection
2. Downtown is marching East into our neighborhood
3. Historic preservation is neighborhood stabilization

Highlights: Mr. Lally stated that he believes zoning will not save our neighborhood from downtown expansion because when development pressures occur, properties are upzoned and existing rowhouses are razed (e.g. the proposed 200H development). Mr. Lally showed a map of our neighborhood and the location of existing and proposed PUDs which allow heights and densities significantly greater than those allowed as matter-of-right. Mr. Lally talked about the Cohen development PUD that was approved on 3rd and K NE more than 10 years ago, but which hasn't yet



Committee Reports

Economic Development and Zoning (ED&Z)



been built. The existing houses were purchased and allowed to sit vacant, which contributed to problems in the neighborhood. Recently, the vacant rowhouses on the Cohen site were razed and the land currently is an empty lot. Still, the PUD has not been built, and when it is built, it will greatly change the character of the neighborhood. Mr. Lally also said that downtown is looking to grow and that it is expanding eastwards into our neighborhood. Historic Preservation laws which protect 2-3 story rowhouses from being razed are the only thing which stands in the way of the piecemeal destruction of the neighborhood.

Kim Williams

1. Process of Creating a Historic District/Expanding a Historic District
2. The need to survey properties, get records of building permits, and census records to understand the context in which the neighborhood developed.
3. The Existence of a Grant Program to help people with modest incomes to pay the incremental cost of more expensive materials.

Highlights: Several things have to occur before a neighborhood can become part of a historic district. A survey of all buildings must be conducted with photographs. Each property must also be classified according to building style and other information like the year of construction acquired from old building permit records. This is a labor intensive process, but grants to help conduct the survey are available from HPO. In addition, historic maps must be analyzed to help understand the architectural evolution of the area. Census work, researching old business directories and biographical research also must be conducted to understand the social context in which the neighborhood developed. Ms. Williams said that the boundaries of the historic district and whether there should be a new historic district designation or an expansion of an existing historic district naturally emerges from this research. She thought the neighborhood should concentrate on the survey before trying to define the boundaries of the district. Once the survey has been completed, an application is filed with HPRB. HPRB must be satisfied that there is strong support within the community for expansion or creation of a historic district. It does not require a referendum, but support of the ANCs and community groups helps. Ms. Williams also talked about the possibility of preparing a document which describes the social and architectural context of the whole neighborhood and then nominating smaller groups of properties to join a historic district in a multiple property nomination. The value of this approach is that large areas would not need to join the historic district all at once, but if and when an area decided to, most of the necessary work would already be prepared. This strategy has worked very well in other portions of the city. The whole process of creating/expanding a historic district takes at least 2 years from start to finish. Ms. Williams also said that there was a Grant program for the existing historic districts to help moderate income homeowners pay the incremental cost of materials required to meet the requirements of a historic district.

Community Comments

David Holmes said that there had been at a condemnation hearing for the property at 251 8th St. NE. The building had collapsed several years ago and was partially rebuilt. Mr. Holmes was worried that the building would collapse again when alley work started and wanted it to be sold to another owner who would finish the restoration.

Status Reports

H Street Upzoning Moratorium. Drew Ronneberg reported that ANC 6A's petition for an upzoning moratorium for H Street NE was rejected by the Zoning Commission because it felt that every property



Committee Reports

Economic Development and Zoning (ED&Z)



owner had a right to request an upzoning and that the community should contest upzoning requests on a case-by-case basis.

200H (Dreyfus Development). Drew Ronneberg reported that ANC 6A, 6C, SPNA and CHRS had all voted to oppose the PUD request and associated upzoning. The Capitol Place PUD hearing was scheduled in front of the Zoning Commission for May 7th. (After the meeting it was learned that Dreyfus asked that the ZC postpone the case until September and seek mediation with the community groups.)

Vacant Properties. Heather Scott reported that a group tentatively called the “H Street NE Nuisance Property Taskforce” was recently formed and that one of the objectives of the group was to get vacant properties taxed at the Class III rate to incentivize the owner to sell the property or reoccupy it. The group has cataloged over 70 properties in ANC 6A and ANC 6C. Ms. Scott said that many properties on the ANC 6A list were not on the Nuisance Property Taskforce list. She also said that she photographed all vacant properties reported to ANC 6A and found that some of them were indeed occupied. Ms. Scott thought it was important for the ANC to verify that no one lived at the property to maintain ANC 6A’s credibility with DCRA. Vacant properties in ANC 6A can be reported to vacantproperty6a@comcast.com.

ZC 05-37 (200H Station Holdings LLC)

Sean Cahill and Bob Brauhler from Station Holdings LLC (Dreyfus) presented plans to build a 403,000 sq. ft. building on the square bounded by 2nd and 3rd and F St. and H St. NE. The developer can build a 226,000 sq. ft. building as a matter-of-right and is requesting an additional 103,000 sq. ft. from the planned unit development (PUD) process and 69,000 sq. ft. by upzoning a portion of the lot from C-2-A (max. height in a PUD 65 feet, max FAR in a PUD 3.0) and C-2-B (max. height in a PUD 90 feet, max FAR in a PUD 6.0) to C-3-C (max. height in a PUD 130 feet, max FAR in a PUD 10.0). The proposed building will have a maximum height of 110 feet at the corner of 2nd and H Streets, NE, stepping down to the south and east sides of the project. As this PUD application will serve as precedent for future development in ANC 6A’s portion of the Overlay, the committee asked Dreyfus to discuss the rationale for the upzoning request, the design of the H Street façade and the community amenities.

Upzoning: The applicant told the committee that the C-3-C upzoning in the NW corner was proposed after the community expressed concerns about the initial plan to upzone the C-2-A portion of the property to C-2-B in the first PUD proposal. The community felt that having 90 ft. buildings on the 2nd Street side would overwhelm the rowhouses on the square. Dreyfus was asked why they were proposing a second upzoning for the property (to C-3-C) after the northern portion of the property was upzoned from C-2-A to C-2-B just over 1 year ago as part of the H Street NE NC Zoning Overlay. The developer stated that the additional height and FAR was justified because the proximity to overpass, the Abdo development and the SEC building. Dr. Ronneberg expressed concerns that granting other upzoning request would set the precedent for future upzoning in the ANC 6A portion of H Street NE and asked the developer if they would build a smaller building on the site if the upzoning request was denied. Mr. Bronholder said that Dreyfus was optimistic that the upzoning request would be granted. Mr. Rich Luna expressed concerns that the upzoning would incentivize other land owners on H Street to wait for their vacant and unimproved properties to be upzoned so that it would be more profitable to tear down the existing buildings rather than to invest money in fixing them up and reoccupying them.

Design of the H Street Façade: Mr. Cahill and Mr. Brauhler claimed that the 36 Section 67 of the Code of Federal Regulations required that new construction be of a style reflective of the current time and place (*i.e.* they felt that the Secretary’s Standards required a modernist design). Mr. Luna pointed



Committee Reports

Economic Development and Zoning (ED&Z)



out that 36 CFR Section 67 is the Secretary's Standards for Rehabilitation (of existing structures) and does not apply to new construction. Several people at the meeting thought that the design did not fit into the architectural context of H Street where brick is the dominant building material. Mr. Cahill thought that the Abdo development at Senate Square (just north of the proposed development), which uses extensive brick was "ugly." Dr. Ronneberg said that the Comprehensive Plan and the H Street Strategic Development Plan directed new development to be built within the architectural context of H Street and the surrounding neighborhood and thought that the proposed building was more appropriate for downtown. Mr. Cahill and Mr. Braunohler thought that architecture was just a matter of taste and didn't share the community's view that their building needed to fit into the architectural context of the surrounding buildings.

Community Amenities: Mr. Braunohler felt that Dr. Ronneberg's calculations which showed the dollar value of the community amenities being less than 1% of the value of the additional density from the PUD and upzoning (\$53 million in benefits for the developer with less than \$250,000 in benefits to the community) was inaccurate (these calculations were included in the agenda package) and claimed that the dollar value of the additional density was \$16 million while that of the community amenities was \$12 million. However, no calculations were provided by Dreyfus to substantiate this claim. Many questions were asked about the LEED certification. Ms. Ruffin asked about the additional water runoff into the sewer system and was told that runoff from the building would not flow into the sewer system. Other people thought that some of the offered amenities, such as fixing sidewalks, were the city's responsibility and should not be done by Dreyfus.

BZA 17620 (1383-85 H St NE)

No one representing the applicant was in attendance. Dr. Ronneberg told the committee that he had talked with Mr. Ed Nunley twice about the hearing and requested that Mr. Nunley provide the Statement of Burden of Proof and enlarged renderings of the façade. Dr. Ronneberg said that he also had informed Mr. Nunley of the hearing by email.

The applicant requested 3 variances to construct a 3 story infill building at 1383-85 H Street NE. The first variance was to increase the lot occupancy from 75% permitted in a C-3-A zone to 99.5%. The second variance was to waive the rear yard requirement of 12.5 feet. The third variance was to wave the on-site parking requirement of 5 spaces (1 residential; 4 other).

The committee has strong reservations about supporting the variances and felt that the ANC should oppose them until the applicant answers questions from the community.

Recommendation: The committee unanimously recommends that the ANC oppose the 3 variances requested in BZA Case No. 17620.

Next Scheduled ED&Z Committee Meeting:
Tuesday, May 22, 2007
7-9 PM
900 G Street, NE
Community Room of the Capitol Hill Towers



Committee Reports

Community Outreach Committee (COC)



REPORT OF THE ANC 6A COMMUNITY OUTREACH COMMITTEE

Wednesday, March 19, 2007 at 7:30 pm

Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE.

Quorum

Attending COC members: Louis Barbash, Kenneth Wicks, Rose Williams, Barbara Anderson, Maurice Cook, Elizabeth Nelson (chair)

Absent COC members: Rich Carlson, Jesse Rauch

Community members: Annisteen Wicks, Coy Nesbitt, Urban Family Development Inc.

I. Feedback from April ANC meeting:

1. Letter of support for the Capitol Hill Classic was approved.
2. Interpreters were hired for the March meeting of the Economic Development and Zoning (ED&Z) Committee and the April ANC meeting.
 - Several deaf or hard of hearing people attended each of the meetings, in addition to the person having business before the ED&Z and ANC.
 - As Ms. Nelson, who made the arrangements, is not qualified to assess the qualifications of the interpreters, she asked the deaf attendees for feedback after the meeting. The interpreters received "mixed reviews". This information has been shared with the agency, Partners in Sign. Suggestions were also made as to the positioning of the interpreters, the number of interpreters (two would be better for the ANC meeting) and preparation of interpreters (reading agenda in advance might be helpful). If interpreters are requested frequently, it may be helpful to use the same person as (s)he would become familiar with the topics and "buzz words".
 - A local resident who works as a free-lance interpreter has been referred to the COC and has expressed some interest in future work. That possibility is being investigated.
 - At this time ANC 6A remains responsible for arranging and funding interpretive services.

II. Alternate photocopy service

The owner/manager of Anointed Visions on H St. has agreed to send the paperwork necessary to establish a corporate account but it has not yet been received.

III. Grant application from Urban Family Development, Inc.

1. Coy Nesbitt of Urban Family Development Inc. (UFD) presented his organization's grant application. They are requesting \$1,500 to purchase the math/reading curriculum for their summer youth program which operates at [need address and dates here].
2. Some committee members were already familiar with the program due to outreach efforts at Miner and Maury Elementary Schools. The program also recruits from Ludlow Taylor.
3. Ms. Anderson is personally familiar with the program as a young friend has participated in it extensively. She attested to the positive effects of the program.
4. The program has been in operation for many years and enjoys a good reputation with other grant making organizations.
5. Committee members agreed that :
 - Programs like this are needed to prevent knowledge loss while school is out and that it is important to keep children well-occupied during the summer months.
 - UFD faculty/staff have appropriate credentials.



Committee Reports

Community Outreach Committee (COC)



- The curriculum and materials are suitable for the program and of benefit to the children.
- Funds are well spent and the organization is well run.
- The grant application meets all funding guidelines.

Committee recommendation (unanimous): that ANC 6A approve grant application received from UFD in the amount of \$1,500 to purchase math/reading curriculum for summer program.

IV. Outreach to Grant Applicants

Committee members discussed exploring new areas of grant making opportunities. Attempts will be made to identify and contact groups

- Rosedale Recreation Center. Funds cannot be given directly to Rosedale but could be given to a “friends of “ group or another organization willing to run programs at that site.
- Tree Plantings. “Street trees” can’t be purchased because the City is making a credible effort to do that and it would thus duplicate a government service. However, providing trees and/or shrubs on the property of schools, libraries, recreation centers or “pocket parks” would be permissible.
- Programs for adults, including fitness eg. GI Jane that operates in Lincoln Park.
- The COC will consider developing program ideas and then soliciting for groups that might be willing to implement them.

V. ANC 6A Semi-annual report – AKA Newsletter.

Commissioner Holmes remains willing to copyedit the report but has suggested that the articles in it be provided by others, perhaps the commissioners or committee chairs. If the commissioners have suggestions for topics that are “activities of ANC 6A that are relevant to the entire ANC and are not time-sensitive or duplicative of other publications” (guidelines as approved by ANC in March), they can submit them either to Commissioner Holmes or to the COC.

VI. Video/audio capture of ANC meetings

Two of the committee members researching this topic were absent and time ran out before this topic could be discussed. It will appear again on the May agenda.

The meeting adjourned 9 pm.

Next meeting is May 21, 2007.

Respectfully submitted,

Elizabeth Nelson



Advisory Neighborhood Commission (ANC) 6A Grant Request Application Form

1. DATE OF APPLICATION

04/01/2007 /

2. DATE OF PROJECT OR ACTIVITY

July 2 – August 17, 2007

3. APPLICANT ORGANIZATION NAME AND ADDRESS

Urban Family Development, Inc

907 Maryland Avenue, NE Washington, DC 20002

4. CONTACT NAME

Julie Campbell

5. TITLE

Executive Director

6. ADDRESS (IF DIFFERENT FROM ABOVE)

Same as above

7. TELEPHONE

(202)543 -7030

8. FAX

(202)543 -7015

9. E-MAIL ADDRESS

jc@urbanfamilydevelopment.org

10. BRIEF DESCRIPTION OF PROPOSED PROJECT/ACTIVITY

Urban Family Development is seeking financial support as The Neighborhood Learning Center hosts its Summer Adventure camp for the 24th year which will include intensive academic remediation in reading and math in the mornings along with various enrichment activities in the afternoons.

11. PROJECTED TOTAL COST

\$50,000

12. AMOUNT REQUESTED

\$1,500

13. OTHER SOURCES OF FUNDING (BE SPECIFIC, PROVIDE NAMES)

Pending requests to: Public Welfare Foundation, DC Sports & Entertainment Commission, Ford Motor Company Fund, Verizon Foundation and Replogle Foundation

Additional Funding: Capitol Hill Community Foundation, Washington Community Fellowship, Strong Foundation, Commonweal Foundation. Earned Income from program fees.

14. STATEMENT OF BENEFIT (DETAILED DESCRIPTION OF PROJECT OR ACTIVITY, WHO WILL BENEFIT AND IN WHAT WAY)

Urban Family Development's Neighborhood Learning Center is located in ANC 6A. For more than 20 years we have provided a summer program for the benefit of students in the community. This year we have enhanced our Summer Adventure Program to include an intensive academic component in reading and math. In our efforts to better understand the needs of our community, we have found that because students are not academically engaged during the summer, there is a learning loss that occurs. The most acute loss occurs with low-income students and especially in reading. Thus, teachers spend valuable at the beginning of the year re-teaching skills and concepts from the prior year. We are working with schools in our immediate area (Maury, Cornerstone Community School, Miner, Ludlow Taylor) to reach out to students in the community who suffer the most summer learning loss.



Advisory Neighborhood Commission (ANC) 6A Grant Request Application Form

Organizational Background:

For more than 20 years Urban Family Development's Neighborhood Learning Center has served the academic and social needs of at-risk youth in the Capitol Hill community. What began as an outreach ministry of Washington Community Fellowship has blossomed into an independent, faith-based 501(c)(3) organization with deep roots in the community. We have served more than 600 youths who have gone on to graduate from high school and become contributing members of their communities. The Neighborhood Learning center operates before school, after school, tutoring, mentoring, youth leadership and summer programs for the benefit of youth who are on the fringes of the community. We currently average 44 students per day, according to monthly figures we submit to the After School Snacks Program through the DC SEA-Nutrition Services Office.

Statement of need:

Research reports that 43% of surveyed parents want their children to have fun during the summer. Except for required summer school attendance, summer is traditionally a time when children take a break from the rigors of school work to relax and enjoy family and friends. For many students in our community when the school doors close in June, they do not expect to be engaged academically until the school doors open at the end of August. Any kind of school work is the lowest priority for a child on summer break, as they are wholly focused on having fun.

Urban Family Development is seeking financial support from the Advisory Neighborhood Commission 6A as The Neighborhood Learning Center hosts its Summer Adventure Program for the 24th year. The summer program will include an intensive academic component in reading/writing and math, as well as enrichment activities (art, choir, computer training, field trips and community service) for youth in the Capitol Hill community. While we have traditionally enrolled between 75 and 100 students for the summer program we are hoping that we can secure the necessary financial resources to support as many students as possible.

Project description:

We have developed a summer program that is curriculum based in reading and math. The reading curriculum includes 36 steps in reading, writing, comprehension and spelling. These are all areas where summer loss is most significant. The math curriculum is an innovative 40-step approach that re-introduces students to basic math skills to bring their performance up to grade level. Each student is required to master each step (for reading and math) before proceeding to the next step.

In addition to the content of the curriculums, we also administer pre- and post-assessments. The pre-assessment allows us to pinpoint the areas where students are weakest and then tailor lessons in those areas to re-enforce learning. The post- assessment is extremely beneficial because it allows us to chart progress. Not only can teachers see a student's progress, but there is also a feeling of accomplishment on the part of students as they master the content.

For the reading and math content we will hire teachers from the DC area to teach each grade level (grades one through eight). Teachers will provide instruction between 9:00 am and 12:00pm. Using the morning hours for instruction when students are most alert will give the teachers the best possible opportunity for success.



Advisory Neighborhood Commission (ANC) 6A Grant Request Application Form

In the afternoons students will engage in various activities such as: art, music, science/geography, community service, and field trips. There will also be a camp experience for students to get out of the City and enjoy a different environment.

Schedule:	9:00 – 12:00	Reading and Math classes
	12:15 – 1:15	Lunch
	1:30 – 4:00	Enrichment activities
	4:00	Dismissal

Outcomes:

Our most significant contribution to long-term change is helping student retain knowledge from year-to-year. The benefits in the long-term are as follows:

- 95% of student gain understanding of the need for summer learning;
- 80% demonstrate an increased desire to read during the summer;
- 80% of students demonstrate increased confidence at the beginning of each year because they are at or beyond grade level in reading and math;
- 85% of students are at or beyond grade level in reading and math at the beginning of the 2007/2008 school year;
- improved self-esteem for low-income students who do not have access to resources during the summer;
- teachers will save time at the beginning of each school year;
- closer community partnerships between schools and support organizations.

By providing financial support for the Summer Adventure Program, you are helping to alleviate the strain on teachers' schedules, school resources and student achievement. We believe that students can retain the necessary skills in reading and math while enjoying their summer break.



Advisory Neighborhood Commission (ANC) 6A Grant Request Application Form

Budget Narrative

The funds received from the ANC 6A grant will be used to purchase the reading and math curriculum and support material. The updated curriculum is needed as students have reached the point where they have out-performed the content and need more challenging materials. According to current UFD policies, the curriculum will remain in the possession of the Neighborhood Learning Center.

Urban Family Development has charged an extremely nominal fee to families whose children attend the Summer Adventure Program. Our budget for the Summer Adventure Program is \$50,000. The fees have traditionally ranged between \$15 and \$25 a week per child. We have found that charging this nominal fee motivates parents to ensure their child's participation in the program so that they receive maximum benefits. No child has been denied participation in the Summer Adventure Program because of a family's inability to pay.

EXPENSES

Salaries	
Teachers	16,500
Executive Director	\$5,824
Deputy Executive Director	\$2,688
Summer Assistants (part-time)	\$5,915
Consultant/Prof fees	
Evaluation	\$1,400
Travel	
Equipment	\$1,550
Supplies	\$2,100
Printing and Copying	\$0
Telephone and Fax	\$148
Camp	\$7,000
Utilities	\$325
Reading/Math curriculums	\$1,500
Contract/maintenance	\$350
In-kind expenses	
Rent	\$4,700
Other	

Total Expense	\$50,000
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Committee Reports Public Safety



REPORT OF THE PUBLIC SAFETY COMMITTEE OF ANC 6A Wednesday, April 18, 2007 at 7:00 pm

Quorum

Please review notes from past meetings for details about ongoing committee research (e.g., loitering, papering).

Committee Members: Stephanie Nixon (Chair/Commissioner 6A08), Joe Bellino, Laura Brown, Annie Earley, Daniel Wolff (Quorum Achieved)

Committee Members Absent: Mark Laisch (notified ahead of time and submitted suggestions)

DC Agencies: Assistant Chief Peter Newsham (ROC-North), Inspector Kevin Keegan (MPD, 1D), Tracey Lanker (Supervising Assistant US Attorney), Kenneth Behle (AUSA; 1D Community Prosecutor), Carolyn Crank (Community Liaison for the AUSA)

Commissioners: Gladys Mack (6A07), Stephanie Nixon (6A08)

Community Members: 3

Ms. Nixon called the meeting to order at 7:10 pm.

Action items:

1. Submit a letter of support for the MPD/USAO/OAG cooperative effort toward papering reform.
2. Submit a letter suggesting changes to the suggested noise code amendment.

Committee note to be presented:

3. Introduce public safety tool for concerns.

Introductions

Community members were present from various areas in Advisory Neighborhood Commission 6A.

Papering in DC: Guest Assistant Chief Peter Newsham

Assistant Chief Peter Newsham is heading an MPD committee that is striving to reduce the time in the papering process. He has been working with US Attorney Jeffrey Taylor as well as the AUSAs and the Office of the Attorney General on an interagency approach to papering reform. The ANC6A Public Safety Committee has been looking into the process of papering for over one year. We were pleased to see significant progress.

Below is a paraphrasing of Assistant Chief Newsham's presentation on the papering reform process.

The District of Columbia has a unique process for papering. After an officer makes an arrest the officer actually does the *papering*. That is the officer, brings the case to court for USAO or OAG review of the case to determine whether the case has prosecutorial merit.

These are the basics and please know they can vary depending on the case:

1. The officer completes the paperwork – the number varies with the situation.
2. The prisoner goes to central cell block and receives a lock-up number.



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3. The officer picks up the paperwork from the Court Liaison and then proceeds to the AUSA or OAG. (Some of the paperwork is transmitted electronically but not to both Court Liaison and USAO.)
4. The officer typically creates the jacket – which includes making copies of all paperwork.
5. The officer waits in line at the appropriate office for the first available screener.
6. The screener/attorney evaluates the case and determines what charges, if any, will be brought, and if there are any pending issues related to the defendant and their release.

Papering is associated with significant cost for the Metropolitan Police Department (MPD). The most affected shifts include evening shift (usu. 2:30 p – 11 p) or power shift (usu. 7:30 p – 4:30 a). Some say that the papering process is a dis-incentive for making arrests. (e.g., See the letter that Mr. Adam Clampitt is presenting the Citizens Advisory Councils across the District.) Many of the officers complain about the process but still complete it; however, papering does negatively impact officer morale. MPD Chief Cathy Lanier has adjusted the reporting time for officers on the evening and power shifts to allow potentially more convenient reporting times. The officer now chooses between 8 am, 10 am, or noon.

It used to be that papering was the first court appearance and was counted as compensatory time which could be used as future leave. This has changed since 2005, and now the papering time is potentially overtime.

In 2001 (3D) and 2003 (6D and 7D) conducted a trial of night shifts of attorneys for the papering process. There are many criticisms about these pilots and for more information go to www.courtexcellence.org and see the report entitled *Roadmap to a Better Criminal Justice System*. This report made 27 recommendations for MPD. Only a few of these recommendations are listed below:

1. Improve quality and timeliness of police reports. Until recently, the quality of reports was questioned. Part of the problem might have included the hiring of officers with only a high school education. However, now, some amount of education beyond high school is required. If the quality of reports can be increased enough, then the hope is that just the report can be sent to USAO/OAG and not have to have a face-to-face on this issue.
2. Develop live-scan technology in all of the police districts: This has been completed, identify all arrested in the districts
3. Amount of time from arrest to presentation of case (6-8 hrs for MPD): Created a lot of time
4. Improve information technology: Electronic delivery of forms between MPD and USAO/OAG. At this time, the officers complete a number of forms for a possession/drug arrest (about 10). These are hand carried from court liaison to USAO/OAG, and then the USAO/OAG makes the decision and then the police officer makes copies of the forms. Since June 2006 Police Officer Reporting Tool (PORT) can transmit reports electronically. It is not transmitting electronically to both court liaison and USAO/OAG.
5. Expand DC/MPD use of citation release: Many jurisdictions have **street citation release**. In DC, officers physically take the person in for each arrest. Basically to do this, an officer would confirm that the person is not wanted and is who they say they are. Then they can just ticket, but in DC the officer has to paper. A number of arrests would be minor traffic offenses and disorderly arrests (Attorney General cases). This would decrease the volume of people coming through the stations.
6. Institutional inefficiencies in the system as a whole: Cases are scheduled for trial and officers are served with Court Appearance Notification System Notice (CANS) but in



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most cases the officer really is not needed because only 5% of cases need officer testimony. When the officer is in court, he/she is not on the street and in the case of midnight (10:30 pm – 7 am), evening (2:30 pm – 11 pm), and power (7:30 pm – 4 am – generally) shifts, the officer could be working a day off or possibly an extra shift.

The ultimate goal is to eliminate papering. This will cost a lot of money in the short term, but MPD is making strides.

- 3,500 Tough Books are on order for the officers.
- They are working with the USAO to have cooperative computer systems that would facilitate electronic transmission of reports.
- The Attorney General has selected a number of cases that are so similar (e.g., POCA) where the face-to-face will not be as helpful.
- USAO and Attorney general have now agreed that the officers shouldn't have to create jackets – doesn't make sense to have officers creating jackets on their salary. Having to create these jackets is actually a morale issue.
- Street citation release allow this for other cases
- Expand papering reform to all cases

In long term the only thing that officer in field should have to prepare is the narrative for the 163 – a report – and prepare in scout car. This would be sent on and then *civilian personnel* will process the prisoner allowing the officer to remain in the field. This would be a better utilization of what we have.

MPD, USAO, and OAG would like a centralized booking facility, similar to what is in other jurisdictions – an all-in-one center for processing. At this facility there should be a doctor to monitor prisoners who complain about injuries – from minor cuts and scrapes on up. At this time, officers lose time on hospital details. Each time a prisoner complains about a cut (even minor), he/she must be taken to the hospital and monitored by two police officers from the District. Having a doctor on staff would save time from transport back and forth and might cost money in the short term, but would save a lot in the long term.

Rather than rush this through Council, it would be helpful to give MPD, OAG, and the USAO to work on the process cooperatively – something that is occurring at this time. There is no need to rush this because MPD has Council's support for papering reform. Although there is ample Council support for papering reform, MPD, USAO, and OAG would prefer to make the procedural changes that are necessary to fully reform and turn to Council for help on an as needed basis.

Mr. Bellino asked why the District does not use a system similar to that in Prince George's County where a commissioner determines bond or no bond and officers only deal with court issues. In addition, Mr. Bellino mentioned that PG County electronically transmits the cases. Ms. Lanker from the AUSA noted that other jurisdictions do not have the same volume as DC. (This would be compared with the District Attorneys for other jurisdictions.) Ms. Lanker pointed out that in the District after papering, you might not see the case again and that the attorneys are looking for legally sufficient charging decisions. The Prosecutor has to be careful and request all holds appropriate to "hold" a prisoner until trial. The Prosecutor uses the intake process to do most of this and often might ask for blood order and/or clothing order. Ms. Lanker also noted that they use the screening to gather information from the officers. However, the USAO is working with MPD to determine a category of cases that such detail may be unnecessary.



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In response to the question about midnight papering Assistant Chief Newsham noted that you have to pay judges and the attorneys placed on the midnight shift. It was further noted that we can reduce the number of officers we send into the papering process. Mr. Bellino asked about the cost of 1 prosecutor vs. the cost of 300 officers. Ms. Lanker and Assistant Chief Newsham pointed out that electronic papering will alleviate the time.

AUSA Kenneth Behle mentioned that this process varies with each jurisdiction. Most areas have magistrates who make probable cause hearings. However, having judges and prosecutors available 24 hours/day probably will not help. However, Ms. Lanker pointed out that the AUSAs are usually available via phone 24/7, and that they are open every day that the Courts are open which is every day except Sundays. In fact, Ms. Lanker mentioned that police officers often call with questions in the middle of the night. Mr. Behle pointed out that at some point the prosecutor should communicate directly with the guy making the arrest.

Ms. Laura Brown pointed out that first major step is filing the case electronically and that we should move forward from there. Both the USAO representatives and MPD representatives agreed that there are two separate computer systems, but that the two agencies are getting their Information Technology people together. Mr. Wolff asked whether this was a problem interfacing the District and Federal systems and if it would help to have a “local” district attorney. It seems that papering is not necessarily driven by that and the cooperation will help.

Ms. Lanker mentioned that for preparation interviews in the USAO special assistant USAOs are often used. In addition, the USAO has 4-5 screeners on a given day and then about 2-3 or 5-6 attorneys.

Along these lines, the committee was presented with the letter by a Mr. Adam Clampitt. This letter has been taken around the Citizen Advisory Councils for various districts. They are hoping to have these sent forward to US Attorney Jeffrey Taylor. Mr. Clampitt asked if ANC6A would support the letter. **After listening to the presentation by Assistant Chief Newsham, Ms. Nixon made a motion that the committee not support the letter as it was contrary to the cooperative plan described by Assistant Chief Newsham and that the committee submit a letter to US Attorney Jeffrey Taylor and Council supporting the cooperative MPD/USAO/OAG effort, particularly given progress. The vote, including Commissioner Mack was 4 in favor, 0 against, and 1 abstaining.**

Assistant Chief Newsham agreed to present updates to the committee and the committee appreciated his consideration.



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The following letter was submitted to us by Mr. Adam Clampitt. The letter was **not** approved by the ANC6A Public Safety Committee.

Dear US Attorney Taylor,

At the _____ meeting of the _____, we discussed problems with arrests made during the evening and weekend hours. Officers have been frustrated by the unavailability of Attorneys and Magistrates during evenings and weekends, which requires that they report back to work during their off hours, or even their off days.

We would like to request that attorneys be made available at all hours (24/7) to receive arrest paperwork from MPD Officers. Officers working the weekend, evening and midnight shifts may be deterred from making arrests when they know they will have to report the next day for papering. For some who do not live near their station, this may require them to sleep in their cars in order to be available during the Magistrate's hours. For others, it requires them to report on their days off. During the crime initiative, when officers were working six day shifts, this meant coming in on their seventh day, their only day off. If you asked most people on the street if they knew that attorneys and magistrates were not available to process arrests twenty-four hours a day, most would not be aware of this situation, but would consider it an indication of a lack of commitment to public safety.

We understand that there is a problem with computerization of arrest material at MPD, and there are no links between your two systems, thereby contributing to the officers' frustration, but even with those two systems up and running, officers still would have to report during the limited hours available to them to present their arrests.

It would be a burden on the attorneys to have to give up their weekends and evening hours to process arrests, but, just like the officers, there are some who would welcome working the evening and weekend shifts. We do not expect all attorneys to work these hours on a rotation basis, and understand that could be disruptive to their lives. It is the community's view, however, that it is not too much to ask that at least one attorney stationed somewhere in the city be available 24/7 who officers can contact during these non-weekday hours.

We welcome your comments on this request. Please respond to me at _____, and I will share your response with the CAC membership. Thank you for taking the time to address this matter.

Sincerely,



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Sentencing and Maintenance of Repeat Offenders

This issue has been mentioned to Public Safety Committee members on multiple occasions. In the District about 2,500 individuals are released from jail each year and of these about 2,000 are returned to jail within the following 3 years. This is about an 80% recidivism rate. One example is the 30 time repeat offender, David Vines.

Holding hearings and sentencing hearings are not the same. In addition, both are subject to what is appropriate under the law. Pre-trial release is when a defendant is released pending trial. Probation is lieu of jail – you are given the opportunity to avoid jail as long as you behave. Parole is provided when a prisoner actually has served time in jail and released based upon their behavior in jail and continued good behavior out of jail.

Assistant Chief Newsham pointed out that there is a problem with prisoner housing in DC. That is, the Department of Corrections is legally bound to only have a certain number of prisoners in his jail at any given moment.

The committee agreed to continue examining these issues and formulate a motion in the future. In the interim, we will work with police and community members to submit community impact statements to judges on offenders and try to track sentencing.

Noise Control Protection Amendment Act of 2007:

The committee reviewed the *Noise Control Protection Amendment Act of 2007* at the request of the Commission. We reviewed comments from PSA 102 Coordinator David Klavviter along with other residents near 8th St NE and H St NE and we have incorporated some of their suggestions into the following commentary. Although this is a good first step, it is insufficient in the current form and requires further revision:

1. Legislative language concerns with corrections:
 - a. The ideal legislative fix would strike the exemption language added in 2004.
 - b. By measuring, it implies that a type of decibel meter will be used. The current code uses dB(A), or A-weighted sound level. However, the terminology must be consistent throughout the code and should be consistently noted as dB(A) which is weighted to account for differences in perception by the ear. (See <http://www.phys.unsw.edu.au/jw/dB.html> for more information.)
 - c. Based on information from DCRA and MPD, DCRA has the only noise control meters in the DC Government and use of these (i.e., measurement) requires training. However, per conversation with Mr. Mandoza Lowery (DCRA) at the February 2007 Crime Summit, people can be trained to perceive loudness ranges. Accordingly, the measurement requirement may be unnecessary when the perceived loudness is disturbing neighbors/under specific conditions.
 - d. Under the equal opportunity housing act residents are entitled to “quiet enjoyment” of their property; although this Act appears to pertain to tenants, it also seems that it should apply to homeowners. Although freedom of speech is a constitutional right, it would seem that freedom of speech could still be granted by limiting loudness to a tolerable level that does not inhibit a resident’s quiet enjoyment of his/her home.
2. Distance concerns:
 - a. The “50 foot” provision for measuring sound at 70 dB is not enough protection particularly those in the radius of the source. EPA says that normal speech is 60-65 dB. e.g., An H St NE café would have conversation drowned with noise.



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- b. Distance does not account for the dampening that would occur by walls. That is, 50 feet with walls present should not be counted the same as 50 feet in open air.
 - c. If 50 feet requires entering a building, how will this be accounted for if the building is closed.
 - d. Most noises other than non-commercial speech, D.C. municipal code specifies maximum daytime sound levels measured at the source or property line, which is 60 dB for residential areas (55 dB night) and 65 dB for commercial areas (60 dB night).
3. Safety concerns:
- a. U.S. EPA and World Health Organizations say hearing loss can happen after exposure of 85 dB of sound for 45 minutes (<http://www.nonoise.org/hearing/exposure/standardschart.htm>)
 - b. EPA identifies levels of 55 dB outdoors and 45 dB indoors as preventing activity interference and annoyance. These levels of noise will permit spoken conversation and other activities such as sleeping, working, and recreation, and are part of daily life. (<http://www.nonoise.org/hearing/exposure/standardschart.htm>)
 - c. Studies in California and other locations have shown that noise negatively affects health and leads to hearing loss, stress, high blood pressure, sleep loss, distraction, and productivity.

Motion. Submit a letter noting inadequacy of the amendment to the noise code and suggesting that the Amendment be further revised. Three committee members were in favor, Commissioner Mack voted against the motion, and two committee members abstained secondary to novelty.

Office of the Attorney General Court Reports, Corporation Counsel, (Bellino, 5 mins) – Tabled until next month

Drug nuisance properties letter:

The committee reviewed the drafted form letter for drug/crime/hazardous nuisance properties (see end example) and approved it for modification with properties that arise. MPD and the AUSAs were present for the discussion of the letter. The committee agreed that corroboration for concerns would be necessary so as not to engage in neighborhood vendettas that might be occurring. Therefore, two sources would be needed including complaints from community members, government entities, picture support, along with multiple reports. (See the form letter at the end.)

Teen summit: LIVE and activities to reduce crime:

The event is on May 5, 2007. The community room at 1D Main Station (415 4th St SW) will be open to teens and youth all summer. In addition, youth can call 1-800-IMBORED to find out about activities in the vicinity.

The meeting adjourned at 8:45 pm.

Respectfully submitted by Stephanie Nixon.



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DRAFT PAPERING LETTER
[INSERT DATE HERE]

Jeffrey A. Taylor
United States Attorney for the District of Columbia
United States Attorney's Office
555 4th St., N.W.
Washington, D.C. 20530

Dear Mr. Taylor and Councilmembers:

At its regularly scheduled meeting on May 10, 2007 with a quorum present, our Commission voted **[INSERT VOTE INFORMATION]** to support the joint efforts of the Metropolitan Police Department (MPD), the U.S. Attorney's Office (USAO), and the District of Columbia Office of the Attorney General (OAG) with regards to "papering" reform.

The Area Neighborhood Commission 6A ("ANC6A"), and its Public Safety Committee take the "papering" issue very seriously – we consider it to be one of the most important issues affecting safety throughout the city. The excessive time, including rampant overtime, that police officers have historically had to spend filling out arrest paperwork is unacceptable – it takes officers off the streets or requires them to report on their days off, which in turn decreases the time officers spend patrolling and being visible in the community, lowers officer morale, and increases the taxpayer expense. Without a doubt, public safety is the big loser.

However, at the April 18, 2007 ANC6A Public Safety Committee meeting a presentation by Assistant Chief Peter Newsham and commentary by AUSA Tracey Lanker as well as AUSA Kenneth Behle indicated that positive changes have been in process and that these changes should permanently alleviate the papering burden. Both MPD and AUSA's assured the ANC6A Public Safety Committee that both offices, as well as the OAG, are acting in concert to address the papering problem. In particular, these officials indicated that systemic changes have begun that will, among other things, make it possible for MPD officers to transmit their arrest paperwork to the USAO and OAG intake attorneys electronically, a process which will significantly cut down on the number of matters requiring the officer to appear in person at the intake office (as we understand it, for most crimes not involving moral turpitude or other aggravating factors, a phone call to discuss the matter would suffice). These are positive developments and we fully support their implementation and understand that such implementation must be done with care.

We are aware of a draft letter circulating that calls for USAO and OAG intake attorneys to be made available 24 hours a day, seven days a week, to help alleviate the problem of a papering backlog that develops with evening and weekend arrests. We are also aware that those respective offices do not believe such a system would be feasible or, ultimately, helpful. While we share the concerns expressed by those who advocate "24/7" attorney availability, we are satisfied at the current time that USAO, OAG, and MPD are taking the positive, corrective actions discussed above, and we therefore find no need to endorse the 24/7 proposal. We do intend, however, to continue to follow this issue closely; in fact, Assistant Chief Newsham volunteered to return and update the ANC6A Public Safety Committee on progress in eliminating papering. In the meantime, we respectfully commend these offices for working together on an amenable plan and request your continued support.

Thank you for your attention to this very important issue.



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On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

CC: Tommy Wells, Councilmember Ward 6
Cathy Lanier, Chief MPD
Jeffrey Taylor, U.S. Attorney's Office
Lisa Marie Singer, Director Office of the Attorney General



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DRAFT NOISE LETTER
[INSERT DATE HERE]

The Honorable Councilmember Tommy Wells
United States Attorney for the District of Columbia
United States Attorney's Office
555 4th St., N.W.
Washington, D.C. 20530

Dear Councilmember Wells

At its regularly scheduled meeting on May 10, 2007 with a quorum present, our Commission voted **[INSERT VOTE INFORMATION]** to recommend amendments to the *Noise Control Protection Amendment Act of 2007*.

After review of the *Noise Control Protection Amendment Act of 2007*, we noticed several issues that need to be amended in order to protect the residents and visitors of our Advisory Neighborhood Commission, and we believe that these amendments will maintain a person's right to free speech. We respectfully request that you and the other councilmembers consider and respond to the following suggestions.

There are several concerns that exist with the original Noise Act including the requirement that noise must be measured with a Decibel Meter (i.e., Sound Pressure Level Meter). As the District of Columbia uses a cut-point for noise, it is possible to train those who will enforce the law to naturally perceive the differences and the cut-point that is louder than permitted under the code. As the only Decibel meters are owned by DCRA and there are only a few of these, it will inhibit enforcement on weekends when employees of DCRA are available for enforcement. Beyond that, it is necessary to make these meters available to the Metropolitan Police Department (MPD) as their officers are provided with enforcement power in the original noise code.

Although freedom of speech is a constitutional right, it would seem that freedom of speech could still be granted by limiting loudness to a tolerable level that does not inhibit residents' quiet enjoyment of their homes. For example, the 50 foot provision for measuring sound at 70 dB(A) is not enough protection, particularly for those who live in the radius of the source. The Environmental Protection Agency says that normal speech is 60-65dB(A). Based on this, conversation at any outdoor café that located at 8th St NE and H St NE would be inaudible. For those who live within 50 feet of noise, the Act must account for the natural sound dampening that occurs when sound passes through walls. This should not be measured in the same manner as sound passing through 50 feet of open air.

It is hoped that the code can be amended to account research by the EPA and World Health Organization which indicates that hearing loss can happen after exposure to 85 dB(A) for 45 minutes. In fact, the EPA identifies 55 dB(A) outdoors and 45 dB(A) indoors as levels that will permit spoken conversation and activities of daily living.

We appreciate your consideration of these suggested modifications.

On behalf of the Commission,



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Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

CC: Councilmember Mary Cheh
At-large Councilmember Kwame Brown
Cathy Lanier, Chief MPD
Lisa Marie Singer, Director Office of the Attorney General
Mandoza Lowery, DCRA



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Example of letter re: community and police or other government agency concerns about public safety on, at, or around the property.

[INSERT DATE HERE]

Dear [NAME OF PROPERTY OWNER],

We would like to work with you and residents of your property at [INSERT ADDRESS[ES] HERE] to increase the safety of the neighborhood.

Concerns have been expressed about public safety at and around [INSERT ADDRESS(ES) HERE] by community members as well as police [AND OTHER GOVERNMENT AGENCY IF APPROPRIATE HERE]. [IF APPROPRIATE IDENTIFY CONCERNS HERE – E.G., PROPERTY IS DILAPIDATED, NOISE, ETC.].

There are several ways you can work with the community to enhance public safety including, working with the Metropolitan Police Department (Patrol Service Area [INSERT NUMBER HERE]), your Advisory Neighborhood Commissioner for Single Member District [INSERT HERE] ([INSERT NAME HERE]), and establishing a point of contact with your immediate neighbors.

To facilitate communication, we have included contact information for your Patrol Service Area [INSERT] and Advisory Neighborhood Commissioner, along with meeting dates below:

[SELECT 1] Patrol Service Area 102, Lieutenant Barbara Hawkins (Barbaram.Hawkins@dc.gov), Volunteer Community Coordinator David Klavviter (email) Patrol Service Area 103, A/Lieutenant Mark Saunders (Mark.Saunders@dc.gov) 698-0068, Volunteer Co-Community Coordinator Brenda Artis (bfartis14@yahoo.com) and Stephanie Nixon (smnixon6a@prodiqy.net)
Advisory Neighborhood Commissioner [INSERT NAME HERE AND CONTACT]
Ward 6 Neighborhood Services Coordinator Hiram Brewton (Hiram.Brewton@dc.gov)

We look forward to working with you.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

enc: ANC6A flier, PSA boundaries handout

CC: Hiram Brewton, NSC Ward 6
1st District Commander Diane Grooms
[INSERT LT NAME HERE]
[IF OTHER AGENCY RELATED, INSERT HERE – Carolyn Crank, DCRA, DPW]



Committee Reports

Transportation and Public Space



REPORT OF THE TRANSPORTATION AND PUBLIC SPACE COMMITTEE OF ANC 6A Monday, April 23, 2007 at 7:00 pm

- I. Chairman Mahmud called the meeting to order at 7:10 PM.
 - a. Committee members present: Victor McKoy, Lance Brown, DeLania Hardy, Sean Lovitt, Warner Sterling and Omar Mahmud (Chair)
 - b. Committee members absent: Jennifer Flather, Diane Hoover, Claire Rodriguez and Marlon Smoker
 - c. Also in attendance were ANC 6A Commissioners Stephanie Nixon and Bill Schultheiss.

- II. New Business
 - a. Designate New Minutes Keeper for Committee
 - i. Chairman Mahmud informed the committee Claire Rodriguez has decided to move from ANC 6A. Therefore, she has resigned from the committee and we will need to designate a new minutes keeper.
 - ii. DeLania Hardy offered to help Chairman Mahmud with the minutes for this meeting but no one came forward to assume this responsibility on a permanent basis.

 - b. Director Moneme (DDOT) to Attend May ANC Meeting
 - i. The committee discussed a draft set of questions provided by Chairman Mahmud to ask Director Moneme at the May ANC 6A meeting. Mr. Mahmud suggested the questions be sent to the ANC commissioners so they could decide which to send Director Moneme ahead of the May meeting.
 - ii. Commissioner Schultheiss raised the point that letters were sent by the committee on both the streetcar and a construction schedule. The group agreed that it would be wise to re-send the letters as the Mayor recently appointed Director Moneme and he might not have received them.
 - iii. The committee discussed various general questions regarding the Capitol Hill Transportation Study and proposed merging some of the questions on the draft list under this general heading. Mr. Lovitt asked that traffic calming not get lost in the merger of the questions, as this issue is critically important to him and his neighbors.
 - iv. Commissioner Nixon raised a concern regarding designation of future funds to maintain the streetcars once the line is implemented, as this issue has arisen in other budgeted projects in the city (i.e. new facilities with no funds earmarked for maintenance).
 - v. **Action:** Commissioner Schultheiss moved to strike item 4 on the list, "blocking bike lanes." Sean Lovitt seconded the motion. The motion passed without objection.
 - vi. The committee continued discussion. Commissioner Nixon raised the need to discuss sidewalk marking. Chairman Mahmud agreed to add to our committee agenda for May.
 - vii. **Action:** Commissioner Schultheiss moved to add a question regarding additional bus service on H Street to encourage access in advance of the streetcars, as a



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Transportation and Public Space



follow up to the committee's earlier letter to DDOT regarding same. DeLania Hardy seconded the motion. The motion passed without objection.

- viii. After discussion concluded, Chairman Mahmud reviewed the modified question list (these questions are not ordered according to importance):
1. Beyond laying streetcar tracks during the streetscape improvement project and securing funds for the purchase of streetcars, what is being done currently to plan for the streetcar system's implementation and maintenance. In particular, we are interested in learning what efforts are being made to ensure a smooth passenger connection at Union Station.
 2. What is DDOT's policy regarding curb cuts? More specifically, is there currently a moratorium on curb cuts in the city? If not, what is the public process for approving curb cuts?
 3. How do citizens and the ANC enhance their ability to ensure public space violations are penalized and remedied, and what steps are being taken to prevent further violations (e.g. parking on sidewalks, improperly installed utility meters, etc)?
 4. Regarding alleys in our ANC, what can be done to ensure regular sweeping, installation of speed bumps without a traffic study and increased funding for prioritization of paving dirt/gravel alleys?
 5. Can the full "toolbox" of traffic calming measures be made available to remedy dangerous conditions along streets in our ANC? In other words, we are interested in seeing other traffic calming measures be utilized in addition to speed bumps.
 6. When will the construction schedule for streetscape improvements along H Street/Benning Road and a parking plan for H Street merchants during construction be finalized and made available to our ANC? [*Note: our committee suspects Director Moneme will likely come ready to discuss this question already so we may not want to "waste" a question on this topic*]
 7. What effort is DDOT making to implement a transportation management plan along H Street given current and future strains on transportation and parking demands along the corridor?
 8. Regarding our ANC's previous query by letter regarding a distinct bus line along H Street (as opposed to an extension of the X2 service) to mimic the future streetcar line, are any efforts underway to implement such a proposal? If so, could you please provide an update and implementation schedule?
 9. What is the status of the Capitol Hill Transportation Study with respect to priority setting and funded program implementation? What was programmed for the next budget cycle? Particularly with regard to:
 - a) Conversion of one-way to two-way streets
 - b) Measures to protect pedestrians
 - c) Fixing damaged sidewalks
- ix. **Action:** Chairman Mahmud moved to approve the list for submission to the ANC in anticipation of Director Moneme's appearance at the May ANC meeting. Sean Lovitt seconded the motion. The motion passed without objection. Mr. Mahmud agreed to prepare a finalized list for submission to the ANC and to insert said list into the final committee minutes.



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Transportation and Public Space



- c. Church Double Parking
 - i. Chairman Mahmud informed the committee of the positive efforts lead by Commissioner David Holmes and Councilmember Wells' office to assist Way of the Cross Church and the surrounding community with double parking issues. Concerns about double parking were resolved by negotiating with Sherwood Recreation Center and others for overflow parking.
 - ii. Chairman Mahmud informed the committee he has learned Brown Memorial Church and the surrounding community are experiencing similar issues and asked the committee if there were other churches with double parking problems.
 - iii. Ms. Hardy said the church at 8th and F parked on the sidewalk and said she would follow-up with the name and contact information.
 - iv. Mr. Mahmud hopes to invite area churches to the negotiating table to come up with a workable solution for all parties, ala Way of the Cross.

- d. Traffic Signal on Maryland Ave. NE between 9th and 10th
 - i. Commissioner Schultheiss discussed the signals at 9th and 10th streets on Maryland Avenue noting the intersection's problems with signal timing. He has drafted a letter suggesting that DDOT modify the signal timing or remove one of the redundant signals.
 - ii. **Action:** Commissioner Schultheiss moved to approve sending his letter. Ms. Hardy seconded the motion. The motion passed without objection.

- e. Investigate Rules Governing Trash Collection for Mixed-Use Buildings
 - i. Chairman Mahmud discussed a citizen email regarding commercial/residential building trash collection. He noted he did not have the full details of the complaint regarding trash collection since the complainant refused to provide additional details. In particular, the citizen was unwilling to provide the building's address.
 - ii. Mr. Mahmud asked if anyone was interested in researching this question in general even though we lack certain details.
 - iii. **Action:** Ms. Hardy moved to table this issue pending more information form the citizen. Sean Lovitt seconded the motion. The motion passed without objection and the item was tabled.

- f. Public Space Violations at 1319 Constitution Ave. NE
 - i. Chairman Mahmud distributed a picture of the property showing a large utility meter installed on public space. Mr. Mahmud pointed out that this same issue was recently considered by our committee at a different location.
 - ii. **Action:** Chairman Mahmud moved that our committee recommend the ANC submit a letter to DDOT asking for public space violation enforcement at this location. The motion was amended by Commissioner Schultheiss to include an inquiry on the electrical code to determine if there is a conflict between the electrical and public space codes (i.e. does DC code require developers to install large utility boxes like the ones pictured even though it is difficult to install such boxes on the sides of buildings as is required by the codes governing public space usage?). Ms. Hardy seconded the amendment and the original motion. The motion passed as amended without objection. Mr. Mahmud agreed to draft the letter.

- g. Parking Meter Funding Project



Committee Reports

Transportation and Public Space



- i. Commissioner Schultheiss distributed an article to the committee highlighting projects that utilized parking meter revenue to support specific BIDs and/or infrastructure improvements within a commercial corridor like H Street. He also informed the committee legislation may need to be brought before city council to go forward with such a project on H Street.
 - ii. **Action:** Commissioner Schultheiss moved to submit a letter to DDOT supporting this concept for metering from G to I Streets, NE and from 8th to 15th Streets, NE with revenues to support the development of a BID and improve infrastructure along the corridor's adjacent streets and alleys. DeLania Hardy seconded the motion. Sean Lovitt amended the motion to include increase parking enforcement. Warner Sterling seconded the amendment. The motion passed as amended without objection. Mr. Schultheiss agreed to provide the committee with a draft of this letter.
- h. Improperly Installed Metal Plates along H Street
- i. Chairman Mahmud discussed his efforts to have Pepco and DDOT remedy the unstable plates used to cover road and utility work on H Street during construction. As currently installed, many of the plates rattle loudly all day and night as motorists pass over them. Other residents have also complained about this problem.
 - ii. **Action:** Chairman Mahmud moved that our committee recommend ANC 6A send a letter to Pepco, copying DDOT officials and Councilmember Wells' office, regarding a remedy for the loose metal plates installed along H Street. Commissioner Schultheiss seconded the motion. The motion passed without objection. Mr. Mahmud agreed to draft the letter.

III. Updates

- a. H Street Transportation Management
 - i. Commissioner Schultheiss updated the committee on recent efforts to implement such a plan for the H Street corridor. Mr. Schultheiss expressed particular interest in implementing the Pace Car Program as a pilot project in our ANC. Under this program, drivers put a bumper sticker on their cars identifying themselves as Pace Car Program participants and pledge to follow all traffic laws, serving as a model driver to others in the community. Mr. Schultheiss informed the committee Ward 3 has signed on to this program and he is interested in getting Ward 6 signed on as well.
 - ii. **Action:** Commissioner Schultheiss moved that our committee recommend the ANC send a letter supporting implementation of the Pace Car project in ANC 6A. During discussion, Mr. Mahmud asked if it would be wiser to coordinate with other Ward 6 ANCs so that could request implementation of this program across all of Ward 6. Mr. Schultheiss agreed with this approach and withdrew his motion. Mr. Schultheiss agreed to follow up with other ANCs in Ward 6 to gauge interest in implementing the program across our ward.
 - iii. Commissioner Schultheiss also updated the committee on his recent meetings with DDOT officials, H Street proprietors, including Joe Englert, and others regarding shared parking agreements and improved transportation options for the corridor. According to Mr. Schultheiss, DDOT is exploring the elimination of parking restrictions on parts of Florida Ave. NE to alleviate parking concerns.



Committee Reports

Transportation and Public Space



Also, the “quasi-BID” currently pursued by some of the H Street merchants is exploring valet parking options and a possible taxi stand to deal with transportation management issues along the corridor.

- b. ANC Approved Letter re: National Marathon
 - i. Chairman Mahmud informed the committee ANC 6A has approved the idea of sending a letter regarding marathon planning in principal (discussed at March committee meeting). However, since our committee’s efforts to get ANC 6C to join our letter have not been fruitful, we will now submit a letter from ANC 6A alone.
 - ii. Mr. Lovitt agreed to draft a copy of the letter and submit it to the ANC for consideration at its May meeting.

- c. SMD Captains
 - i. Mr. Mahmud updated the committee on his efforts to create a tracking spreadsheet for all public service requests submitted by the SMD Captains. The spreadsheet template was passed around and reviewed by the committee.
 - ii. Mr. Mahmud also proposed a solution to the concern raised last meeting regarding the process for reporting certain violations by residents. He proposes the ANC only focus its efforts, for purposes of the SMD Captains program, on reporting conditions the city can remedy in public space.
 - iii. Mr. Brown agreed to send the list of reportable conditions around to the committee so it could be commented on by the members. Mr. Mahmud agreed to make further edits in redline so the list could be considered and finalized at the committee’s next meeting.

IV. Adjourn meeting at 8:50 pm.



Committee Reports

Transportation and Public Space



May ____, 2007

[Pepco Contact to come from Joann Barber of DDOT]

Re: Metal Plates Installed on H Street NE

Dear _____:

At our regularly scheduled public meeting on May 10, 2007, our Commission voted [unanimously] to request Pepco repair and more diligently maintain the metal plates it has installed along the H Street NE corridor. On top of being very unsettling for nearby residents due to the loud banging of these plates all night long, the condition also appears to be quite unsafe for motorists. At some sections of the street, the plates are sagging and bouncing up and down as vehicles drive over them. Although it appears efforts have been made to address this problem in the past, unfortunately not enough is being done to monitor the condition of the plates after repairs have been made.

Therefore, we request Pepco immediately inspect all metal plates it has installed along H Street NE and take action to ensure all are properly welded or otherwise secured. More importantly, we also request that Pepco regularly inspect these metal plates (at least twice a week) to ensure any plates that have come loose or lost their structural integrity due to the rigors of heavy traffic are repaired.

Since this condition poses a threat to the safety of motorists and creates a nuisance for nearby residents, we are eager to see a solution to this problem implemented as soon as possible. Therefore, we would appreciate any effort to detail and communicate to our ANC a solution proposal once it becomes available. If you have any questions about this matter, please contact Omar Mahmud, Chair of our Transportation and Public Space Committee, at (202) 546-1520 or by electronic mail at familymahmud@yahoo.com..

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Joann Barber, DDOT
Karina Ricks, DDOT
Christopher Delfs, DDOT



Committee Reports

Transportation and Public Space



May ____, 2007

Denise L. Wiktor, Manager
Public Space Permitting Division
District of Columbia Department of Transportation (Room 2104)
941 North Capitol Street, NE
Washington, DC 20002

José L. Colón, Lead Civil Engineering Technician
Public Space Permits and Records Branch
District of Columbia Department of Transportation (Room 2104)
941 North Capitol Street, NE
Washington, DC 20002

Re: 1319 Constitution Avenue NE electrical box

Ms. Wiktor and Mr. Colón,

At our regularly scheduled public meeting on May 10, 2007, our Commission voted [unanimously] to request that the District of Columbia Department of Transportation (DDOT) investigate a potential public space violation at 1319 Constitution Avenue NE. Similar to 29 15th Street NE, a case we brought to your attention in early March of this year, it appears that electrical wiring and a very large electrical utility box have been installed in public space without a permit (photo attached). To our knowledge, there is no public space permit for the electrical box and no “Application to Install Electrical Wiring in Public Space” has been submitted by the property owner.

Accordingly, our commission requests that DDOT investigate this case and respond in writing to the following questions:

1. Does the owner have a proper public space permit for the electrical box on public space?
2. What actions will be taken to bring the property into compliance with public space regulations?
3. How long after the notification of a violation will the owner be able to obtain a permit?
4. If the property owner fails to obtain a permit, will an order be issued for its removal?
5. What mechanisms will be used (e.g. fines) to insure compliance with public space requirements?
6. Do current regulations require installation of such large utility boxes on the sides of small residential buildings in the District, possibly forcing contractors to install such boxes on public space as an alternative?

We look forward to the results of the investigation and subsequent answers by [June ____], 2007, so we can continue to work together to protect our city’s public spaces. If you have any questions regarding this matter, please contact Omar Mahmud, Chair of our Transportation and Public Space Committee, at (202) 546-1520 or by electronic mail at familymahmud@yahoo.com.



Committee Reports
Transportation and Public Space



On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Christopher Delfs, Ward Six Transportation Coordinator

**ELECTRICAL BOX INSTALLED ON PUBLIC SPACE AT
1319 CONSTITUTION AVE NE**





Committee Reports

Transportation and Public Space



May 9, 2007

Department of Transportation
Traffic Services Administration
2000 14th Street, NW
Washington, DC 20009
(202) 671-2303

Attn: Chris Delfs, Ward 6 Planner
Derrick Hardy, Ward 6 Engineer

Re: Midblock Traffic Signal on Maryland Avenue between 9th and 10th Streets, NE

Mr. Delfs and Mr. Hardy:

This letter is to request that the existing midblock traffic signal, located on Maryland Avenue, between 9th and 10th Streets, Northeast, be assessed by DDOT for improvements. There have been a number of reported observations of eastbound Maryland Avenue motorists running the red light located 9th Street by residents and ANC Commissioners. See exhibit A for an aerial graphic of the intersection.

It appears that the midblock signal head directed towards eastbound motorists traveling on Maryland Avenue is unnecessary and is causing confusion for motorists. The signal is currently spaced less than 100 feet from the signal located at 9th Street, NE. The midblock signal is currently timed to provide a green light for right turning traffic from 9th onto Maryland Avenue, while the Maryland Avenue traffic stopped at 9th is given a red light. See exhibit B for a picture of the conflicting red/green light sequence.

The observations of the red light running occur when the motorists waiting at 9th (red signal) sees the midblock signal turn green (again, see exhibit A). A similar condition seems to exist for the other traffic movements in addition to this movement.

We are requesting that DDOT perform a field inspection of the existing signal timing and signal placement and report back to ANC 6A with a plan for improvements to this dangerous intersection. It appears this issue can be simply solved by removing the duplicative signals which are causing this confusion. To illustrate this point, if a motorist is turning right from 9th to Maryland, they don't need to see a signal to proceed straight. This signal should be removed. The signal facing the eastbound traffic (located on the same pole) for E Street traffic can remain and be phased for red which would be out of the view of the eastbound Maryland Avenue traffic.

We look forward to your response. If you have any questions, please contact ANC 6A Commissioner William Schultheiss at (202) 257-9994 or via email at schlthss@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: Omar Mahmud, Chair, ANC Transportation Committee
The Honorable Council Member Tommy Wells, Ward 6



Committee Reports

Transportation and Public Space



Attachments

Exhibit A - Location Map



Exhibit B – Conflicting Signals on Maryland Avenue– Midblock signal (second signal) is located too close to signal at 9th and poorly coordinated inducing Maryland Avenue Traffic to run red light at 9th.



May ____, 2007



Committee Reports

Transportation and Public Space



Karina Ricks, Great Streets Manager
District of Columbia Department of Transportation
2000 14th Street, NW
7th Floor
Washington, DC 20009

Re: H Street Parking Increment Financing District

Ms. Ricks,

At our regularly scheduled public meeting on May 10, 2007, our Commission voted [unanimously] to request that the District of Columbia Department of Transportation (DDOT) investigate the possibility of implementing a parking increment financing district along H Street on a trial basis during the reconstruction of H Street.

The concept of utilizing fees collected from parking meters within business districts has proven to be highly successful in Pasadena and San Diego, California to raise funds for such neighborhood physical amenities such as sidewalks, alleys, streets, lighting, pedestrian benches and bus shelters, street plantings in addition to enhanced services such as street cleaning, trash pickup, and police protection. These jurisdictions allow the revenue captured to be returned to the source neighborhood instead of placing money back into the general fund.

These cities have successfully utilized market forces to determine the correct pricing for curbside parking. With the installation of multi-meters within the corridor during the reconstruction of H, we believe this is an ideal time to institute a pilot project program to determine if this is a strategy that can work in Washington, D.C.

Presently, there is no funding for improvements to the side streets and alleyways along the corridor. It is our view that the success and image of the corridor is affected by the conditions of the surrounding blocks. The results of the progress made in the cities that have utilized this concept are impressive. They have quickened the pace of improvements which has increased the level of commercial activity while simultaneously the program has encouraged alternative modes of transportation without hurting the businesses.

We look forward to continuing to explore opportunities to improve our community and the H Street Corridor with you. If you have any questions regarding this matter, please contact Omar Mahmud, Chair of our Transportation and Public Space Committee, at (202) 546-1520 or by electronic mail at familymahmud@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Christopher Delfs, Ward Six Transportation Coordinator
Councilmember Tommy Wells, Ward 6
Anwar Saleem, H Street Main Street



Committee Reports

Transportation and Public Space



May ____, 2007

Wirefly National Marathon
Address

Re: National Marathon

Please accept this letter of thanks for bringing the 2007 Wirefly National Marathon to our neighborhood, including the rapidly revitalizing H Street corridor. The marathon exposed the runners, volunteers, and other participants to our beautiful neighborhood, and all that it has to offer and will have to offer in the near future. We would specifically like to thank all of you for working to make the race safe and successful while minimizing negative impacts on the residents.

We are enthusiastic about the marathon returning to our neighborhood in 2008. Accordingly, we would like to offer our support for planning next year's event and suggest a few ideas for making the event an even greater success. These include:

1. One week or more prior to the race, WMATA or race organizers posting information at impacted bus stops listing which routes at that stop will be impacted and what alternatives are available;
2. Police officers monitoring intersections during the race being provided with information sheets or maps describing routes for motorists to enter and exit impacted neighborhoods;
3. Delivery of flyers to individual residents and businesses in neighborhoods along the race route alerting them to race day disruptions of transportation services; and
4. Creation of a plan to ensure that medical and emergency services are not impacted. The ANC has received reports from residents of restricted or delayed access to dialysis centers in the District due to the race route street closures.

Again, we welcome the opportunity to serve as hosts for next year's National Marathon and look forward to working with you in planning for 2008. If you have any questions regarding this matter, please contact Omar Mahmud, Chair of our Transportation and Public Space Committee, at (202) 546-1520 or by electronic mail at familymahmud@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

CC: Mayor Adrian Fenty
Councilmember Tommy Wells
Chris Delfs, DDOT Ward 6 Transportation Planner
Commander Diane Groomes, MPD
Darrel Darnell, Director DC Emergency Management Agency
TBD, DC DPW
TBD, WMATA



New Business



1. **ANC Reform Initiatives** (Holmes): Move that the Commission request that the City Council fund the provision: (1) An attorney within the ANC Office dedicated to assisting ANCs with appearances and appeals before the BZA and the Zoning Commission and (2) Staff within the ANC Office who can advise and assist ANCs on the procedures of the Alcoholic Beverage Control Board, the Department of Consumer and Regulatory Affairs, the Department of Public Works, the Department of Transportation, and others.
2. **Joint Task Force Vacant Property** (Schultheiss): Move that ANC 6A support the establishment of a joint task force with ANC6C to combat vacant property within ANC6A and 6C with Charles Elliot appointed to chair the task force (Schultheiss)
3. **Bicycle Lanes** (Schultheiss): Move that ANC 6A send a letter to DDOT supporting the installation of bicycle lanes on C Street and North Carolina Avenue.
4. **H Street Cab Zone and Florida Avenue Parking** (Schultheiss): Move that ANC 6A send a letter to DDOT requesting the creation of a taxi-cab zone within the arts and entertainment district of H Street and to request that they allow parking on Florida Avenue in the evenings to calm traffic and to increase the parking supply.
5. **Checkers** (Schultheiss): Move to send letter to Checkers Corporation and Patrick Jenkins, franchise owner of Checkers franchise restaurant located at 1401 Maryland Avenue, requesting their consultation with MPD to determine security improvements needed at the property to protect employees, patrons, and neighbors of the restaurant. It is anticipated that Mr. Patrick Jenkins will be attending the meeting. Draft letter found on page x.



New Business



May __, 2007

Councilmember Mary Cheh
Chairperson, Committee on Public Services and Consumer Affairs
1350 Pennsylvania Avenue NW, Suite 108
Washington, DC 20004

Councilmember Tommy Wells
1350 Pennsylvania Avenue NW, Suite 408
Washington, DC 20004

Councilmember Kwame Brown
1350 Pennsylvania Avenue NW, Suite 506
Washington, DC 20004

Dear Councilmembers:

Advisory Neighborhood Commission 6A is grateful for your introduction of the Noise Control Protection Amendment Act of 2007. This bill will provide remedies for a long-term problem for our community, one that threatens neighborhood health, and the financial viability of those H Street shops and their employees currently afflicted by excessive, even dangerous, sound levels. We urge you, Chairperson Cheh, to hold hearings on this matter as soon as possible.

After review of the Noise Control Protection Amendment Act of 2007, we noticed several issues that should be amended in order to better protect our residents and visitors. We believe that these amendments will protect the right to free speech. We respectfully request that the Council consider the following suggestions adopted by a vote of [INSERT VOTE INFORMATION] at the regularly scheduled meeting of ANC6A on May 10, 2007 with a quorum present.

- 1) We ask that the City Council limit loudness to a level that does not inhibit residents' quiet enjoyment of their homes. The 50 foot provision for measuring sound at 70 dB(A) is simply not enough protection. **Sound level measurements should be taken at either 1). 50 feet from the source of the sound or, 2). in the yard or balcony of the closest occupied dwelling.**
- 2) The level the EPA sets as a maximum for outdoor activity interference and annoyance is 55 dB(A) outdoors and 45 dB(A) indoors. These are the maximum levels that still permit spoken conversation and comfort in the activities of daily living. A permitted level greater than 55 dB(A) would be actively harmful to the hearing of our residents and, particularly, of our children. Why should we be required to confine our children and our family activities to the inside of our homes? **We strongly urge the Council to permit a maximum sound pressure level no higher than 55 dB(A) at the appropriate distance.**
- 3) Currently the only sound level meters are owned by DCRA, and there are few of these. **Additional meters and all necessary training should be provided to DCRA inspectors, law enforcement personnel, and other City employees** (possibly DDoT and the Neighborhood Services Coordinators).
- 4) **The Code should be amended to provide enforcement powers to the authorized personnel and agencies.**

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A



New Business



Joint ANC 6C/6A Vacant Property Task Force

Mission & Strategy Statement:

- (1) Identify vacant properties.
- (2) Fast-tracking with DCRA to get properties listed as vacant and taxed at the higher Class 3 property tax rate.
- (3) Working with ANC 6C, ANC 6A and Councilmember Wells to come up with a way to systematically contact the owners (and property management companies, if applicable).
- (4) Help craft and then work to support sensible legislative fixes being considered by Councilmember Wells.
- (5) Communicate information to the wider community.
- (6) Bring concerns from the wider community to the attention of the Task Force.

Proposed Mandate:

We would propose an initial one year authorization with the option to be extended further on annual basis.

Projected Costs:

- (1) Postage: Based on 200 properties at 39 cents per letter sending three letters (AVG.) per property: \$234
- (2) Certified Mail: As we progress some letters may need to be sent registered mail (EST. 50 pieces of mail at \$2.40 each. This could increase depending upon response): \$120
- (3) Envelopes & Paper: Based on \$20 per box of 500 envelopes and \$30 per box of 2500 sheet paper: \$70
- (4) PO Box: Based on the smallest PO BOX at \$37 per six month period: \$74
- (5) Miscellaneous Costs: Based on various office supplies as needed: \$52.

Total Estimated Annual Costs (split evenly between ANC 6C & 6A): \$550

JOINT ANC 6C / 6A VACANT PROPERTY TASK FORCE

PO BOX UNK – Washington, DC – 20002 – 202 555 1234 – HSTNuisance@yahoo.com

May 9, 2007

Absent Landlord

5300 Vacant Street

Town, State 10001

RE: 1000 Nuisance Street, NE

Dear Absent Property Owner:

We are the H Street Nuisance Property Task Force, a group of citizens and property owners in Northeast Washington, DC who are concerned about vacant or abandoned properties in our neighborhood. We are working in partnership with the District of Columbia Police Department, the District of Columbia Department of Consumer and Regulatory Affairs (DCRA), our local Advisory Neighborhood Commissioners and our Ward 6 Councilmember Tommy Wells. We write to you regarding 1000 Nuisance St., NE.

It has come to our attention that your property is vacant and abandoned. Your immediate neighbors and others in the neighborhood are concerned that this is causing safety issues in the immediate area. Some of the problems associated with vacant and abandoned properties include pest infestation, drug using and dealing, graffiti, loitering, prostitution, and other criminal activities. In addition, you are not residing there and we see no signs of imminent development. If you were living next door to 1000 Nuisance St NE you would no doubt share our concerns.

You should know that DCRA, working with our group and government leaders, has launched a program to be much more aggressive in getting properties listed as vacant and abandoned—and taxed at the higher DC property tax rate of \$5.00, rather than the standard rate of \$1.85. As you can imagine, this will result in a significantly higher property tax bill for your property.

We would like to know your plans for 1000 Nuisance Street. Hopefully you are in the process of getting the permits necessary to rehabilitate your property for residential or commercial use. If you are having difficulty with permitting issues we can point you in the right direction. If you are not in the process of procuring permits, when do you intend to begin rehabilitation of this property?

Additionally, if you need assistance on business operations and other related issues, we can also direct you to available resources that can provide assistance on these issues. Sometimes, owners are interested in rehabilitating their vacant and abandoned properties, but do not have the business knowledge or experience to be able to proceed.

If you have no such plans we ask that you either sell your property to someone willing to make it habitable once more or sell it to the District of Columbia government.

JOINT ANC 6C / 6A VACANT PROPERTY TASK FORCE

PO BOX UNK – Washington, DC – 20002 – 202 555 1234 – HSTNuisance@yahoo.com

For your reference, enclosed is a document that includes current pictures of the run-down condition of your property, tax and ownership information. If you are no longer the owner of the property, please let us know the name and contact information for the person or company that purchased this property.

We look forward to your response. Thank you.

Sincerely,

Joint 6C / 6A Vacant Property Task Force

Charles Elliott, Chair

Cc: Alan Kimber, Commissioner, ANC 6C05

Cc: Bill Schultheiss, ANC 6A06

Cc: Tommy Wells, Councilmember, Ward 6

Cc: Allen Smith, Manager of the Office of Vacant Property, DCRA

Cc: Metropolitan Police Department



New Business



May ____, 2007

Karina Ricks, Great Streets Manager
District of Columbia Department of Transportation
2000 14th Street, NW
7th Floor
Washington, DC 20009

Re: H Street Transportation Management

Ms. Ricks,

At our regularly scheduled public meeting on May 10, 2007, our Commission voted [unanimously] to request that the District of Columbia Department of Transportation (DDOT) investigate the possibility of allowing parking on Florida Avenue and the designation of a taxi cab zone within the entertainment district.

It is our view that parking could be allowed on Florida Avenue during non-rush hour periods of the day to calm traffic and to increase the parking supply. With the upcoming reconstruction of H Street and the required loss of on street parking, we feel that it would greatly benefit the community if parking could be allowed during the evenings and on Saturday. This can help to maintain the parking supply for the businesses along H and to reduce the parking demands on the residents adjacent to H.

We also encourage DDOT to consider creating a dedicated taxi-cab zone somewhere within the entertainment district and to actively reach out to the DC taxicab companies to encourage them to utilize the zone. It is currently extremely difficult to hail a cab while standing on H. Many residents have experiences of cab drivers ignoring them as they drive by. Discussions with individual cab drivers have found that a perception of H Street as being unsafe permeates the cab community.

For H Street to succeed, the businesses must succeed. To prevent the neighborhood from being overwhelmed by business patron parking, we need to do all we can to encourage alternative modes of transportation.

We look forward to continuing to explore opportunities to improve our community and the H Street Corridor with you. If you have any questions regarding this matter, please contact Omar Mahmud, Chair of our Transportation and Public Space Committee, at (202) 546-1520 or by electronic mail at familymahmud@yahoo.com.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Christopher Delfs, Ward Six Transportation Coordinator
Councilmember Tommy Wells, Ward 6
Anwar Saleem, H Street Main Street



New Business



Email Received From DDOT:

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A
P.O. Box 75115
Washington, D.C. 20013

**Re: Installation of Bicycle Lanes on C Street, NE and North Carolina Avenue, NE
Notice # 07-42-07**

Dear Mr. Fengler:

Pursuant to the “Administrative Procedure Amendment Act of 2000” D.C. LAW 13-249 (48 DCR 3491 April 20, 2001), the District Department of Transportation (DDOT) is required to give written notice of our intent to modify traffic and/or parking requirements. This letter is being forwarded to you for the purpose of notification and solicitation of comments on our intent to implement the following in your jurisdiction.

Bicycle lanes are scheduled to be installed on C Street, NE from 16th Street to 21st Street, and North Carolina Avenue from Constitution Avenue to C Street in Ward 6.

These new lanes will consist of two white lines with bicycle symbols and directional arrows in between. They will be similar to the existing bicycle lanes on C Street and will make bicycle travel safer and more convenient. Existing parking and travel lanes will not be affected.

All comments on this subject matter must be filed in writing, not later than thirty business days after the date of this notice, with the District Department of Transportation, Traffic Services Administration, 2000 14th Street, N.W., 7th Floor, Washington, D.C. 20009.

Very truly yours,

Soumya S. Dey, P.E.
Interim Associate Director

CC: Sharlene Reed, Ward 5 Neighborhood Transportation Planner, DDOT
Derege Seifu, TSA Team Leader, DDOT



New Business



May ____, 2007

Patrick Jenkins
Checkers Franchise Owner
Checkers Restaurant
1401 Maryland Avenue, NE
Washington, DC 20002

Dear Jenkins,

Two recent incidents connected to the Checkers Restaurant at 1401 Maryland, NE have created grave concern within the ANC6A community. The first, as you are aware, was the rape of a woman while her child was held by an accomplice. The rapist reportedly followed the victim and her child from the Checkers restaurant. The second, more recent incident occurred within the lobby of the restaurant, as several young people attacked two patrons of the restaurant in an apparent hate crime.

During the latter incident, Checkers staff reportedly stood by and watched the assault without calling police. The police were called only after the assailants had left and at the request of the victims.

Our ANC recognizes that these crimes are a result of the acts of individuals and not the restaurant. However, it is our view that the restaurant bears responsibility for all activity that occurs on the premises. Further it is our view that these crimes are indicators of serious shortcomings in the security of the establishment and the ability of staff to respond to security incidents.

These issues are serious and need to be dealt with by the management and employees of this restaurant in a comprehensive manner. The neighborhoods view of the restaurant grows more negative with each event which is resulting in a growing view by neighbors that the restaurant is a nuisance property within the neighborhood.

ANC6A invites you to partner with the community, the police department, and any other agencies necessary to improve the security of the property, the employees, patrons, and adjacent residents. The ANC has an established forum for partnering with the police department and neighbors at our PSA and ANC public safety meetings. We invite your participation at our May 16th ANC public safety committee meeting or at the June 13th PSA 103 meeting to develop a strategy for improving the property and for partnering with the police and the community to secure the property.

Please contact Commissioner Stephanie Nixon (202 396-7234) or William Schultheiss (202 257-9994) to confirm your attendance at either of these future meetings. We look forward to working with you.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

CC: Mr. Adam Noyes, Executive Vice President of Company Operations and Services
Commander Diane Groomes, Metropolitan Police Department, 1st District
Councilmember Tommy Wells, Ward 6