



April 13, 2006 -- Draft Agenda

- 7:00 pm Call to order, adopt agenda and approve previous meeting's minutes
Community Comments (*2 minutes each*)
- 7:15 Community Presentation: DC Menu Education and Labeling Act of 2005, Ms. Suzanne Greenfield
- 7:25 Commissioner's Single Member District reports (*2 minutes each*)
- 7:30 **Officer Reports:**
1. Chair (*2 minutes*)
 - A. Update on Ambrose / ANC initiatives
 2. Vice-Chair (*2 minutes*)
 3. Secretary (*2 minutes*)
 4. Treasurer (*3 minutes*)
 - A. Approve monthly treasurer's report and previous month's disbursements.
 - B. Approve \$75 to purchase Commission checks.
 - C. Summary of legal expenses for liquor license issues.
 - D. Approve monthly photocopying expenses.
- 7:45 **Standing Committee Reports:**
1. Alcohol Beverage Licensing (*10 minutes*)
 - A. Geographic limits on protests. Recommend: Send letter to ABRA requesting it consider the pros and cons of limiting the geographic range of residents who sign a protest as referenced in Title 25, Chapter 6, 25-601 (2).
 - B. Amendment to Commission Voluntary Agreement. Recommend: Remove items 9(a) and 9(b) and change the language in 7(a) from "must appear" to "make best effort to appear."
 - C. Accept Committee Report.
 2. Economic Development and Zoning (*35 minutes*)
 - A. BZA 17498 (1116 E. Capitol Street, NE). Recommend: Support.
 - B. Public Space (401 8th Street, NE). Recommend: Support with condition.
 - C. Public Space (Lovejoy Park at 12th & E Streets, NE). Recommend: Support.
 - D. Zoning text amendment for eating establishments: Recommend requesting emergency adoption by Zoning Commission.
 - E. Accept Committee Report.
 3. Community Outreach (*2 minutes*)
 - A. Accept Committee Report.
 4. Public Safety (*2 minutes*)
 - A. Accept Committee Report.
 5. Schools Committee (*5 minutes*)
 - A. Survey of School Staff. Recommendation: ANC conduct a survey of the school administrators and staff to determine what services neighbor-volunteers could provide.
 - B. Accept Committee Report.
 6. Transportation Committee (*3 minutes*)
 - A. Resignation of Dea Varsovczky from committee.
 - B. Approve Omar Mahmud as chair.
 - C. Update / Establish next meeting date and time.
- 8:50 **Unfinished Business**
1. Voluntary Agreement Negotiations (from last meeting). Recommend that the ANC establish a procedure for negotiations of voluntary agreements with individual licensees.
- 8:51 **New Business**
1. Reconsideration of ANC's appeal of the Cluck-U-Chicken certificate of occupancy (Borbely)
 2. Reconsideration of ANC's appeal of Birdland certificate of occupancy (Borbely)
 3. Reconsideration of ANC guidance to NCRC regarding Old Firehouse at 1341 Maryland (Rice)
 4. Consideration of DCPS school utilization data and charter school co-location opportunities (Rice)
- 8:52 Community comments – Round 2 (if time permits)
- 9:00 Adjourn

Note: The ANC meeting may be extended to 9:30 pm to accommodate the items on the agenda. Time limits in parentheses are for planning purposes, to ensure we finish in two hours.



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



**Advisory Neighborhood Commission 6A
Miner Elementary School**

**Draft Minutes
March 9, 2006**

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

Present: Commissioners Alberti, Beatty, Borbely, Fengler, Ibangha, Mack, Marshall and Rice.

I) Approval of agenda

Mr. Rice asked to add one item to the Economic Development and Zoning Committee agenda: a discussion of fast food restaurant definitions. Mr. Borbely requested that Economic Development and Zoning section be moved ahead of the Alcoholic Beverage and Licensing Committee section on the agenda. The agenda as amended was approved without objection.

II) Minutes

The February minutes were moved by Mr. Fengler and approved without objection.

A. Community Comment

Rev. Samuel Tilley spoke in support of Cluck U Chicken, saying that it was providing jobs for local youth. Bryce Suderow spoke of the exciting things happening on H Street, and that Cluck U Chicken is part of the revitalization. He said that three new restaurants were being targeted. Jordan Washington spoke in support of Cluck U.

Richard Luna, one of the two ANC-authorized agents for the appeal, said that the ANC is not trying to shut down Cluck U Chicken; Cluck U operates as a fast food restaurant; its website and other literature calls it a high-volume fast-food restaurant; the ANC is trying to push Cluck U into a special exception process so that there can be community comment on sanitation issues, primarily; nobody is trying to shut down Cluck U Chicken; that's a myth; in the appeal, the ANC specifically asks the Board of Zoning adjustment to initiate the special exception process within 30 days of the final order -- and that's to prevent what happened to Blimpie's, where the BZA waited several months. Nobody's trying to shut down Cluck U. We're trying to make the process fast, to minimize harm to anybody, and so that the residents who live near Cluck U can get the special exception protections that they get through the special exception process; we're just asking the city to follow the law.

Douglas Wallace, a resident of 19th Street, said that he understands that carryouts, check cashing places and other establishments can no longer be opened from 3rd to 13th Street on H Street, since October.

Clarence (???) III, the chef of the H Street Martini Lounge, spoke in support of Cluck U. He said a carryout is a place where you cannot sit down and eat -- where you go in, order your food, and pick it up. A restaurant is a place where you can sit down and have your meal -- brought to you, prepared for you. This Cluck U Chicken is different from other Cluck U Chicken establishments. The owner is working in the community, providing jobs in the community. He said it's four black-owned businesses -- and it at least seems like a witch hunt; H Street Martini Lounge also had problems opening up.



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B. Single Member District Reports

Commissioner Marshall reported that he held his first SMD meeting and 47 people attended, along with Commander Groomes and Captain Brown. He said that next month there would be a clean-up scheduled for his SMD.

Commissioner Fengler reported that he is still working to resolve the issue of illegal construction at 1124 E Street NE where a six-unit condo is being built in a space zoned for three. He said that DPW has taken photos at 710 10th Street, across from Sherwood Rec Center, where there has been an application for a curb cut. He also reported that developers are illegally adding a third floor to a building at 810 F Street, and he is working with DCRA to resolve the issue. He reported that there is a new 60-90 day “honeymoon” with AutoZone to see if the illegal mechanic activity can be abated.

Commissioner Rice reported that the National Park Service is interested in creating a pocket park at 9th Street and Maryland Avenue NE, and there will be a public meeting at the Northeast Library on Wednesday, April 26, at 7 pm, to discuss it.

Commissioner Alberti reported that he recently received a complaint of illegal construction on the 1400 block of Ames Place. He also said that he has been approached by some parents who would like to see additional fencing at the kids’ area in Lincoln Park. He said he may try to see if the entire kids area could be fenced in. He also reported that there will be a tree planting at the triangle park at 15th and Constitution NE and asked that anyone interested in helping should contact him.

Commissioner Beatty reported that there had been an arson in her SMD, and the Fire Marshal came out to talk to the community. She asked anyone who might have information to contact the fire department. She also reported that there have been no new developments on Lovejoy Park, but the Parks Department says it plans to have all permits completed by mid-March.

Commissioner Borbely reported that fencing, cars and a pay phone have been removed from the used car lot at 14th Street and Maryland -- more and more of that public space is being reclaimed. He thanked the Hill Rag for highlighting the issue of the tenants’ whose insecure front door, at 501 12th St NE, has not been repaired for more than a year, and he hoped that this article would finally inspire DCRA to take enforcement action. He said there is an elderly gentleman in his area whose front steps are falling apart, and he asked for volunteers who might be willing to help.

Commissioner Mack reported that she has met with ACORN about Mr. Gamble’s property. Mr. Gamble went to the BZA on March 6; the BZA did not grant his special exception. He has until the end of March to resubmit. The BZA wants him to include an additional four parking space. The issue will come before BZA again the first week in April, and he was asking for the ANC’s support.

C. Officers Reports

Chair

Mr. Fengler asked for volunteers for an ANC 6A team for the Capitol Hill Classic 10K Race on May 21st. He said that women are particularly needed.

He presented an update on the issues that were discussed with Councilmember Ambrose: the fast food text amendment is still pending; she is working on extending the historic district to protect R-4 zoning; she is aware of the on-going problems with Lovejoy; there has been no



action on the question of a police substation or on the noise ordinance. She voted for the school facilities bill.

He suggested adding DCRA permits for the area, and other city reports, to the ANC 6A website; there was consensus that this was a good idea.

Treasurer

Mr. Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$7,975.18, and that the savings account balance was \$4,149.08.

Motions: Mr. Alberti moved that checks for the following amounts be approved individually: \$3,000 to Capital Community News (Check #1274); Roberta Weiner (for February minutes) \$139.54 (Check #1276); Bode & Grenier, \$452.70; and a bank service charge of \$3. Mr. Alberti said the check to Bode & Grenier, for legal services, was for a meeting where attorney Douglas Fierberg helped the Committee determine which stores on H Street would fall within the ANC's proposed H Street moratorium on the sale of singles. Mr. Alberti said he would prepare a full accounting of expenditures for legal services for the next meeting. The motions were approved without objection, leaving a checking account balance of \$4,379.94, and a saving account balance of \$4,150.49. **Motion:** Mr. Alberti moved to approve the Treasurer's Report. It was seconded by Mr. Fengler and approved without objection.

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

1. Fagon Community Guide

Andrew Lightman, editor of the Hill Rag and the Fagon Community Guide, gave a brief presentation on the Guide and passed out some copies. He said the Guide was being distributed to all ANC 6A residents south of H Street. Commissioners can request a box of guides for any constituents north of H Street. Mr. Marshall asked why the Guides aren't distributed north of H Street. Mr. Lightman said it was an issue of cost, but that next year they will be distributed north of H, too.

1. Committee Reports

Economic Development and Zoning

Text Amendment on Zoning Regulations for Charter Schools

Mr. Rice reviewed the Apple Tree Charter School issue and the need to clarify the zoning regulations that apply to charter schools. A proposed text amendment is going to be considered by the Zoning Commission. Private schools require a special exception in residential areas; this is not currently true of charter schools.

Mr. Alberti said there is wide community support for the proposed text amendment. Mr. Borbely and Mr. Fengler also spoke in support of the proposed text amendment. Ms. Mack said charter schools are great need of space; currently some children are being housed in warehouses. She said she would abstain, as she did not have enough information to support the amendment.



Motion: Mr. Rice moved that the ANC support the Committee's recommendation to send a letter of support for the proposed text amendment to the Zoning Commission, and authorize ANC 6A testimony before the Zoning Commission. It passed 5-0-3.

Zoning Definitions of Fast Food Restaurants

Mr. Rice stated that in C-2-A zones, which is what most of H Street is zoned, the Zoning Code sets out a distinction between restaurants and fast-food restaurants. If you open a restaurant, that's a matter of right -- you can just open it up. For a fast food restaurant, you have to get a special exception; that requirement is there because fast food restaurants are often associated with trash, high volume -- things that may create a problem if that fast food restaurant backs up on your residential property.

Mr. Rice said fast food restaurants are allowed, but only allowed if they get the special exception, and the special exception establishes conditions for their operation.

Mr. Rice said the ANC has been going back and forth with DCRA about the establishments on H Street, because DCRA couldn't find a McDonalds if it tripped over a Burger King on its way to a Kentucky Fried Chicken. None of the establishments on H Street are classified as fast food restaurants. Residents didn't have any opportunity to say they're concerned about where they have their Dumpster, or that there will be a lot of noise outside their restaurant, which should only be allowed to operate certain hours, or other conditions like that.

Part of the problem is that maybe the definition of fast food is too difficult for DCRA to put into effect -- they just can't recognize a fast food restaurant when they see one.

The current rule says

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

He said it seems that DCRA has some problems calculating the floor area requirement, and some of these conditions are operating conditions -- you don't know how much pre-prepared food they have, or the extent to which they're using disposable tableware until after the owner has already invested money and the establishment is operating.

He invited residents to provide input on how "would we know a fast food restaurant when we saw one?" He said he was very pleased to hear a community comment laying out the criteria of a certain amount of sit-down spaces defining a restaurant. That's not what the current definitions say, but that might be something that we incorporate. The number of tables is not currently part of the criteria.



Sandy Bellamy said she was a resident of 6A02 and has volunteered with merchants for the past six years to develop a Strategic Plan and zoning to support it. All along, the plan was not meant to replace them or create a wholesale revitalization of the corridor and leave out the businesses that have supported the corridor for decades. The zoning was not created as a mechanism to get rid of merchants. She said Cluck U Chicken meets the 10% requirement for restaurants, does not use disposable containers -- they changed from disposable to plates and forks. 95% of the items on the menu are made to order -- the sandwiches, the salads, the chicken. It's certainly not clear that Cluck U Chicken is definitely a fast food and needs to go through a whole other process. She said the director of DCRA conducted a thorough review and wrote an e-mail to Mr. Fengler before issuing the certificate of occupancy, saying that after a thorough review, DCRA has concluded that Cluck U Chicken has met all of the criteria for being a restaurant, pursuant to the DC Code. She requested a motion from the ANC to work with Cluck U Chicken prior to the hearing, to see if an amicable solution could be worked out, so the establishment doesn't lose \$300,000 of investment.

Douglas Wallace asked what happens if the establishment meets the criteria for restaurant, but the majority of customers want carryout. Mr. Rice said that two establishments that operate exactly the same can be classified differently -- as a carryout, restaurant or deli -- by DCRA. The key fact is that residents never get to participate in the decision of how that business operates. Vanessa Ruffin, a longtime resident, said that the City has left the burden on the neighborhood to resolve this ambiguous situation.

Anwar Saleem said that the area zoning was never intended to be used to go after smaller stores. He said that instead of creating an unnecessary divide, all of us should be trying to create a way to communicate and solve the problem. He said he tried to get the parties to sit down and talk before going to DCRA. He said he's not saying DCRA is totally right; the ANC isn't totally right; but we are all wrong if we don't sit down and communicate.

Rich Luna invited Mr. Saleem and others to work on a better definition at the Economic Development and Zoning Committee so that everyone will know ahead of time exactly what the criteria are. He said it would be great to support mom and pop operations in the community, but Cluck U Chicken is a franchise and not a mom and pop store.

Mr. Luna said Cluck U has the opportunity and has long had the opportunity to bypass this entire process by just going through the special exception process. They're operating now -- if they would just apply for their special exception, they could keep going until they go their special exception, and it would be a moot point.

A resident said Cluck U is providing jobs to the community -- especially to young people. Don't take away jobs from people who already have them.

Bernard Gibson, the owner of Cluck U Chicken, said that under DCRA guidelines, Cluck U is operating within the definition of restaurant. He said Cluck U is a chain, but he is an individual owner of the franchise. He said he understands that the ANC is trying to clarify the regulations for the future -- but what will the ANC do to make sure the three businesses here today are going to stay open?

Mr. Tate, of Platinum Catering and a member of H Street and a homeowner on 14th Place, asked that there be a community dialogue that produces specific information about what we're looking for. He said business owners should communicate with each other and work together to improve H Street. He said the community does need jobs.



Another small businessperson said that existing businesses should be grandfathered into the regulations. He said this would keep the community proactively together, and not splitting apart.

Ms. Beatty said that this was a good start in getting community comment, but that the committee needs to put this on its agenda – maybe even twice -- to get a good dialogue going. Mr. Rice said that his committee would probably make a recommendation to the ANC to propose that the Zoning Commission make a text amendment to clarify the regulations.

Mr. Marshall said from what he hears in the community, there is an ugly stench of racism in the air – of people being displaced – and it's not good at all. It seems the problem is with DCRA. If these establishments went through the proper channels and got the proper permits from DCRA, the government, who we're supposed to be able to trust – then why are they going to be penalized? He said just as much time should go into this discussion as the moratorium on singles.

Mr. Borbely said that with the BZA hearing coming up on April 4, and with no more ANC meetings before April 4, if the ANC is to be open to any change, it has to happen today. He said it seems like there are two good reasons for the ANC to appeal: 1) either because the District made a mistake in issuing the c of o, and the ANC wants to be consistent and help the District follow the law; or 2) because there are problems with these restaurants, and neighbors want to have an opportunity to try to have a process that addresses issues of trash, rodents, noise, etc. He said his concern is that the ANC is not fully considering the cost of appealing and other options that may be available. He said community members have conveyed their perceptions that old businesses are being targeted – that's one cost. He said community members have also talked about the jobs that are at stake. He said the ANC should not automatically appeal even if it thinks DCRA may have made a mistake: the ANC should demand enforcement when there's something bad going on -- not just because it's a law. He said that as the committee has said, the definition is ambiguous – and so the definition should be clarified, but this business shouldn't be forced to pay the price. He suggested making a list of all the things neighbors are worried about, and seeing if Cluck U is willing to work with the community on those issues; if not, hit them hard. But if they are, then the ANC should do its best to work with them. He said that as he reads the 10% queuing space definition, Cluck U qualifies as a restaurant under the law. He said he hopes that the ANC considers taking some approach other than just appealing, no matter what.

Mr. Marshall said neighbors should go after DCRA and have DCRA give the businesses their money back.

Mr. Rice said when he first started on the ANC, he heard many complaints from ANC Commissioners about what was going on behind the carryouts: rodents, grease, unbagged trash. So the ANC looked into the zoning code to see if there might be a process that residents would have some control and binding way of making sure that businesses were good neighbors. He said the ANC discovered that if a restaurant is a fast food restaurant, they have to have a public hearing: people get to come out and say, "I love this restaurant" or "I could live with this restaurant if their Dumpster was screened in." So the ANC started appealing fast food restaurants as they came up. The first one was Blimpie. BZA said residents do have a role, and get to have a sense as to how these establishments operate. With Cluck U, DCRA dragged its feet, but then finally said it's a restaurant. So the ANC appealed Cluck U. The ANC is not fighting with Cluck U Chicken – it's fighting with DCRA.



Mr. Rice said there is a way out, immediately, for Cluck U Chicken, for Birdland, and for any other place that's got a fast food model: to apply for a special exception at the Board of Zoning Adjustment. These businesses will continue to operate and a hearing will be scheduled, and residents will be able to come in to that hearing and provide input into whether there should be conditions on grease disposal or rodent control, for example. Establishments that want to open a fast food restaurant on H Street must apply for a special exception so that residents have a chance to weigh in on the proposed establishment.

Mr. Fengler said that the Cluck U franchise application said, "high-volume fast-food restaurant." The ANC alerted DCRA and talked to the owner and said this looks like a fast food restaurant. The ANC has only 60 days to appeal, after the c of o is issued. It can only deal with restaurants that are coming to the corridor and is trying to ensure that all of the zoning code is uniformly enforced for all of the development to come. Cody's committee had two public meetings on this. The ANC filed this appeal almost six months ago. The ANC tried to be as loud as possible, telling everyone that it is protesting these types of establishments – so as not to surprise anyone. He said he believes the ANC has a case. He said he believes this establishment is more a fast-food restaurant than it is a restaurant. Fortunately, the District has BZA, an independent arbiter, to decide which interpretation of the regulations is correct. At one point, a majority of this Commission thought this was a fast food establishment. The BZA process allows the ANC to represent residents who have concerns about how this business is operating – it's so close to their backyard, there is no trash receptacle in the back, it's on the side, there's no alley. In a zone C2A, a fast food place requires an alley access. Mr. Fengler said he is not convinced that the ANC should change its approach at the last minute. If BZA rules that this is a fast food restaurant, then there will be a special exception process, which Mr. Rice talked about, and the public can weigh in.

Motion: Mr. Marshall moved that the ANC meet with the persons involved in the Cluck U Chicken case to try to resolve this issue before the April 4th BZA hearing.

Mr. Alberti said that the ANC's appeal already covers what Mr. Marshall is asking for. He said the Commission has recommended to the BZA that the business owner be allowed to continue to operate while their request for a special exception is reviewed, if they make such a request. If Cluck U Chicken makes a request for a special exception, they will be allowed to continue to operate, and it is during that process, which is legally binding with the city and is monitored by DCRA – it will be during that process that the ANC can sit down and talk with the owner and come to some agreement as to what the community needs from the owner and what the owner needs from the community; to come to an agreement as to how they could operate as a fast food restaurant under that special exception process.

Mr. Borbely said he is in full agreement that a meeting should be held to see if matters can be worked out, and he offered a friendly amendment that three people be appointed to officially represent the ANC, to make sure this is not just a meeting for the sake of meeting, but to make sure something could change as a result of the meeting. Mr. Borbely suggested Commissioners Fengler, Rice and Marshall. Mr. Marshall accepted the amendment but Mr. Alberti objected.

Mr. Alberti said the proposal would mean throwing all the community input aside and allowing three commissioners to determine the fate of the ANC's recommendation. He said the ANC has tried to operate as openly and transparently as possible, and to pull that back and say three people can make a decision would not satisfy the requirements of the sunshine law and the efforts that Commissioners have made.



Ms. Beatty said she has a great deal of sympathy for dropping the appeal, and she has a great deal of sympathy for working with the owner, but she doesn't support even the original suggestion, because the ANC has gone down this path – it's too late to be rethinking everything as to whether the Commission is taking the right steps or not.

Mr. Rice said that if the ANC doesn't act tonight, there will be a hearing, and the BZA will either say the ANC is out of line, or the ANC is correct and this is a fast food restaurant and they should have gone through the special exception process. He said he thinks the ANC should let this process work itself out, so a neutral party can say who's right about this. He said he doesn't think it's right for three commissioners to go behind closed doors and work out some unenforceable side agreement. He said if it goes to BZA for a special exception, those conditions are enforceable – and that's something this neighborhood has lacked for a long time.

Ms. Ruffin asked how, other than going through the appeal, the ANC can fix DCRA. She said she is sympathetic, but rather than fighting with one another, the ANC should look to BZA to determine whether DCRA screwed up or whether the community is being unreasonable.

A resident asked whether the discussion was about all four new establishments or just Cluck U. Mr. Borbely said Cluck U was the only establishment being appealed.

Mr. Borbely said the question was whether the ANC wants to be working with businesses to fix problems, or not. It's easy to say let's just have someone else decide, but it costs thousands of dollars to hire lawyers, and there's a big risk: Blimpie's got shut down. Is that a risk the ANC is willing to take? Only the Zoning Commission can give clarity, by changing the definition. He said he supported the idea of the meeting, to see if something could be resolved. Two of the three commissioners meeting have been adamant about the appeal. Probably nothing would change, but this would give the sense that we're trying to meet, and trying to talk.

Mr. Marshall said he just wanted another opportunity for the ANC to talk to the businesses – not any backroom negotiations. These aren't numbers and statistics; these are people's livelihoods; they're in our community. The government told them they were fine, and they opened up. Why not exhaust every opportunity to have discussion before going to this hearing?

The amendment failed on a 4-4 vote, with Commissioners Alberti, Beatty, Fengler and Rice voting against. Mr. Borbely said it almost made no sense to have a meeting that couldn't change the ANC's position. Mr. Rice said he didn't know what would be discussed at such a meeting, because Cluck U Chicken seems to be very resistant to the idea that there should be a public meeting that has binding consequences and residents should have an opportunity to set conditions for their operation. They would go before a neutral panel and residents and the ANC.

The original motion failed by a vote of 3-4, with Commissioners Borbely, Ibangha and Marshall voting in support and Commissioner Mack abstaining.

Motion: Mr. Rice moved acceptance of the Committee's report. It was approved without objection.

Community Outreach

Motion: Mr. Fengler asked for support of the committee recommendation for the ANC to support the Capitol Hill Classic 10K Race on May 21st. It was approved without objection.



Motion: Mr. Fengler asked for support of the committee recommendation for the ANC to support the National Marathon on March 25th. It was approved without objection.

Motion: Mr. Fengler moved that the Community Outreach Committee report be accepted. It was accepted without objection.

Public Safety Committee

Joe Bellino reported that the Committee was still looking into the question of a police substation on H Street, and the use of night court, and will meet with MPD. He also reported that there had been a discussion of the “papering” process.

Motion: Mr. Fengler moved the Committee's recommendation that a letter be sent to Sharon Ambrose supporting modification of the noise ordinance. Mr. Alberti said that he is in support of this in general, but the ANC has no details on the recommendation. Mr. Fengler said it would be a letter that would say we need Councilmember Ambrose to work on a text amendment to solve the problem, without dictating how to solve that problem. Mr. Borbely said he supported a letter that says this is a problem we would like you to address, as long as it doesn't say here's what we think the answer is. Mr. Fengler said the letter will not specify a solution. The motion passed without objection.

Motion: Mr. Fengler moved that the report of the Public Safety Committee be accepted. It was accepted without objection.

Mr. Fengler moved discussion of the letter supporting the MPD budget from New Business to the Public Safety Committee. **Motion:** Mr. Alberti moved to send the Public Safety Committee-drafted letter supporting the MPD budget, with 14 items, with particular emphasis on the night court recommendation. The letter should be sent to the Councilmember Mendelson, cc'ing the Mayor, Chief Ramsey and the District Attorney. The motion passed without objection.

Schools and Libraries Committee

Mr. Borbely reported that it was reported at a community forum in January that Eastern High School was not receiving the tutoring assistance mandated by the No Child Left Behind Act.

Motion: Mr. Borbely moved that the ANC send a letter to DCPS Superintendent Janey to find out why the tutoring services are not being provided. The motion passed without objection.

Motion: Mr. Borbely moved that the ANC send a letter to Dr. Janey to find out what the process is for including schools in the school modernization schedule, asking why Eastern is not included as one of seven schools on the current schedule, and saying the ANC looks forward to learning more about the Boston Latin proposal for Eastern. The motion passed without objection.

Motion: Mr. Fengler moved to accept the Committee report. It was accepted without objection.

Transportation Committee

Omar Mahmoud reported that the committee had held its first meeting, and would meet again during the first week in May. **Motion:** Commissioner Fengler nominated Victor McCoy to be a member of the committee. The nomination was accepted without objection.

Motion: Mr. Fengler moved to accept the Committee report. It was accepted without objection.



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Alcoholic Beverage and Licensing

Ms. Beatty reported that agreements had been reached with China House and Park Market.

Motion: Ms. Beatty moved acceptance of the ABL Committee's goals. They were accepted without objection.

Motion: Ms. Beatty moved acceptance of her committee report, which was done without objection.

2. New Business

Payphone Application

Motion: Mr. Marshall asked the ANC to oppose the installation of a payphone in the 700 block of H Street NE. The motion passed without objection.

Approval of ANC Goals for 2006

Motion: Mr. Fengler moved the acceptance of the ANC's goals for 2006. They were approved without objection.

The meeting adjourned at 9:10 pm.



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March 29, 2006

Donna Hanousek
Public Space Permitting Division
District Department of Transportation, Room 2104
941 North Capitol Street, NE
Washington, DC 20002

Re Payphone Application for the 700 Block of H Street

Dear Ms. Hanouesk:

At our regularly scheduled, public Commission meeting on March 9, 2006, our Commission unanimously to rejected the application for the public pay phone proposed for 700 Block of H Street, NE. We believe the addition of a public payphone would create unreasonable interference with our health, safety, and peace.

The proposed location is a focal point for criminal activity. Metropolitan Police Department records reveal that in the past twelve months, police were called at least once a day for various disturbances. In addition, records from the Department of Public Works reveal numerous complaints from residents referring to excessive trash from individuals loitering in this location. In fact, police assigned to this Patrol Service Area have identified this location as a source of 'continued blight' in the community.

The addition of a public payphone at this location will invite increased criminal activity. Currently, suspected drug dealers and users loiter at or near the 700 block of H Street, NE. In the evenings, suspected car thieves congregate and conduct their illicit business. The drug activity, stolen car ring, and resulting loitering generate substantial noise. This activity has also resulted in trash both on the street and in adjacent properties. This trash generates a strong odor and has attracted rodents, endangering the health of neighborhood residents.

In close, we strongly recommend that the Public Space Commission reject the payphone application.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

Cc: First District Commander Diane Grooms, Metropolitan Police Department
Mr. David Klavitter, PSA 102 Co-Coordinator



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March 15, 2006

Dr. Clifford B. Janey, Superintendent
District of Columbia Public Schools
825 North Capitol Street, NE
Washington, D.C., 20002

Dr. Janey:

On March 9, 2006, at our regularly scheduled monthly meeting, our Commission voted unanimously to request from your office the following information:

- (1) Details on the school modernization order and priorities.
- (2) Specifics on the public participation process regarding the Facilities Master Plan.
- (3) Update on the establishment of Boston Latin at Eastern Senior High School.

With the recent passage of the School Modernization Financing Act of 2006, which will provide DCPS a \$200 million annual capital budget, we seek to understand the process that determined which of the schools will be modernized, and in what order. We note that in the recently approved capital improvement plan, Eastern Senior High School -- located in our ANC -- was not among the schools scheduled to be modernized during the next six years despite significant capital needs at the school. During a community forum in January, we heard from teachers and students a clear desire that the building be modernized -- and some sense that the school was overlooked during the planning processes that determined the modernization schedules.

With the new funds just approved, we understand that DCPS, in dialogue with the community, will be adjusting its plans, scheduling many more modernizations each year. We understand that DCPS plans to engage the public in dialogue about the facilities master plan, due to be released in May. How can our Commission can best participate in this public process?

We read with great interest the proposal to establish a version of Boston Latin at Eastern beginning with the 2007-2008 school year. We look forward to learning more about this proposal -- what it would entail; how it would affect current students; and how DCPS will be engaging parents, students and neighbors in any planning processes.

In close, if you could respond to this request by April 10, 2006, it would be greatly appreciated.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, District 3 School Board Member



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



March 15, 2006

Dr. Clifford B. Janey, Superintendent
District of Columbia Public Schools
825 North Capitol Street, NE
Washington, D.C., 20002

Dr. Janey:

On March 9, 2006, at our regularly scheduled monthly meeting, our Commission voted unanimously to request an update on the tutoring services at Eastern Senior High School.

During a recent community forum on the future of Eastern Senior High School, located in our Commission and serving roughly one-third of the high school students in our area, teachers and administrators reported that extra tutoring services called for by No Child Left Behind are not being offered to students attending Eastern.

We were told that students had returned registration forms for the tutoring services at the beginning of the school year, but that no services have been provided. We would be grateful if your staff could respond to our inquiry by April 13, 2006.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Tommy Wells, District 3 School Board Member



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



March 16, 2006

Councilmember Jim Graham, Chair
Committee on Consumer and Regulatory Affairs
1350 Pennsylvania Avenue, NW, Suite 105
Washington, DC 20004

Chairman Graham:

At our regularly scheduled, monthly meeting on March 9, 2006, our Commission unanimously voted to formally request that the District of Columbia Council consider amending the "Georgetown Project and Noise Control Amendment Act of 2004" in order to modify an exception currently contained in the noise ordinance that permits amplified free speech on our public streets. The attached letter from the Office of the Attorney General clearly states that the now amended Noise Control Act of 1977 exempts the following: "A sound shall not be considered a noise disturbance if made during noncommercial public speaking during the daytime." This allows the use of an amplifier on any residential street in our city.

Currently, members of the Israelite Church of God and Jesus Christ, Inc. gather on Saturdays at the corner of Eighth and H Streets, NE to exercise their right of free speech. This group often uses an amplifier to deliver their religious message. The use of the amplifier projects the sound to the surrounding streets in all directions disturbing the peace, order and quiet of our neighborhood. Please see attached article that recently appeared in the *Voice of the Hill* newspaper.

We have no objection to the group or their religious speech. Our objection is the use of the powered amplifier. Over the last year, we have been working with the residents, Metropolitan Police Department, Department of Consumer and Regulatory Affairs and the Office of the Attorney General to try to resolve this issue. We appear to be at a bureaucratic / legislative stand-off – the agencies state they can not act due to the law and the Council has yet to consider modifying the noise ordinance. In the meantime, the residents continue to suffer.

In close, we are appealing to the Council sense of propriety to adopt an amendment by March 31, 2006, to solve this problem. The continued silence of Council perpetuates the bureaucratic vacuum of indecision that denies residents the peace and quiet they are entitled to in a residential community.

On behalf of the Commission,

Joseph Fengler,
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Chair Linda Cropp
Councilmember Sharon Ambrose, Ward 6
Councilmember Jack Evans
Councilmember Kwame R. Brown, Committee on Consumer and Regulatory Affairs Member
Councilmember David Catania, Committee on Consumer and Regulatory Affairs Member
Councilmember Adrian Fenty, Committee on Consumer and Regulatory Affairs Member
ANC Commissioner Rivera (ANC 6C)
ANC Commissioner Sherman (ANC 6C)
Mr. David Klavitter, PSA 102 Co-Coordinator
Mr. David M. Rubenstein, Deputy Attorney General, Office of the Attorney General



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



March 17, 2006

Christopher Browne, Director
Sports Initiatives & Business Development
Greater Washington Sports Alliance
1725 I St. NW Suite 200
Washington DC 20006
Telephone: 202-857-59986
Electronic mail: cbrowne@gwsportsalliance.com

Dear Mr. Browne,

At our regularly scheduled Commission meeting on March 9, 2006, we voted unanimously to support the 2006 National Marathon scheduled for March 25, 2006.

We appreciate your efforts to encourage community participation and wish you much success with your event this year.

On behalf of the Commission,

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



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



March 17, 2006

Howard Crystal
2006 Race Co-chair
The Capitol Hill Classic 10K
813 A St. NE
Washington DC 20002
Telephone: 202-588-5206
Electronic mail: howardcrystal@meyerglitz.com

Dear Mr. Crystal,

At our regularly scheduled Commission meeting on March 9, 2006, we voted unanimously to support the 2006 Capitol Hill Classic 10K scheduled for May 21, 2006.

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 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
Advisory Neighborhood Commission 6A
fengler6a02@yahoo.com
(202) 423-8868



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



Monday, April 10, 2006

The Honorable Phil Mendelson
Chair, Judiciary Committee
Council of the District of Columbia
1350 Pennsylvania Avenue, NW, Suite 402
Washington, DC 20004

Dear Councilmember Mendelson:

At its regularly scheduled meeting on March 9, 2006 with a quorum present, our Commission voted unanimously to support the need to increase the 2007 Metropolitan Police Department (MPD) Budget.

First, the Commission supports the need for more police officers in Police Service Areas (PSA) 102 and 103, particularly with the increased commercial and residential growth along H Street Northeast. There are several ways to increase the number of officers on patrol every day:

- (1) Provide one new police officer in these PSAs per every 1,000 residents. As emergency call volume increases, this ensures residents have access to police officers 24 hours each day.
- (2) Expand Chief Ramsey's civilianization effort by putting the police officers on the streets and filling desk jobs with civilians.
- (3) Request that the Federal Marshall Service transport and monitor prisoners who go to the hospital. At this time two MPD officers are pulled from the PSAs to monitor the prisoners.
- (4) Implement web-based, on-line reporting system so that police officers do not have to go to the scenes such as broken windows, lost purses, lost Identification Cards, etc.

Second, the Commission also supports the need for increasing the number of narcotics investigators in the narcotics unit. Most of the crimes in our general area are narcotics-related. If the number of narcotics arrests increase, then it might be possible to decrease homicides in all of our neighborhoods.

Third, there is a need for an increased budget for crime scene analysis with a modern crime lab with increased Crime Scene Officers/Investigators. With the attractive offers from the private sector, it is difficult to entice people to stay in the public sector. Without enough people, civilians or officers, to handle the crime scenes, crimes go unsolved or unsuccessfully prosecuted.

In close, we ask that you strongly consider our community's request. The enclosure provides a complete list of issues our Commission supports for the pending budget deliberations. If you have any questions, please contact ANC 6A Public Safety Chair, Stephanie Nixon, at (412) 612-8881.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Deputy Mayor Edward Reiskin, Public Safety & Justice
Chief Charles Ramsey, Metropolitan Police Department
Councilmember Sharon Ambrose, Ward 6



Enclosure

The following items were supported unanimously at the regularly scheduled meeting on March 9, 2006 with a quorum present:

1. With the commercial and residential growth along H Street Northeast, there is a need for more officers in Police Service Areas 102 and 103:
 - a. The requested increase is 1 officer for 1,000-5,000 residents. In addition, the increase should account for visitors to the new spots on H Street Northeast. In addition, please consider a provision that states officers in Police Service Areas 102 and 103 will be increased proportionate to increases in emergency call volumes to ensure that residents have access to Police Officers 24 hours per day.
 - b. After the Nationals stadium is constructed in Police Service Area 105, it is necessary to maintain the number of police officers available to residents in Police Service Areas 102 and 103. Please consider adding the appropriate number of officers to Police Service Area 105 to cover the expected growth.
 - c. Continue to civilianize the police force. Police officers should be put on patrols and not behind desks. This has been shown to decrease crime and increase efficiency.
 - d. On-line reporting system: Have a system that allows citizens to go on-line and report crimes/occurrences that require police reports. (e.g., identification card loss, stolen/lost purses, broken windows, etc.)
 - e. Assistance is needed for transporting and monitoring prisoners. At any time that prisoners need hospital services, two police officers are required to sit with the prisoners at all times. This removes police officers from necessary patrols. It would be helpful to either increase the number of officers for transportation and monitoring or determine whether the Federal Marshall Service can assist.
2. As most of the crimes are narcotics-related and the District of Columbia is a large metropolitan area, there is need for **more narcotics investigators and a larger narcotics unit**. It is hoped that increasing narcotics arrests and lock-ups will decrease narcotics-related homicides.
3. **Increase the funding for the Crime-Scene Analysis Unit**. There should be more Crime Scene Officers/Investigators and more funding for equipment.
4. **Night Court**. To have night court available for at least holding/papering should be very helpful and reduce costs related to police officer overtime. This could reduce sick leave secondary to exhaustion from staying up all day meeting with attorneys as well.

Fines for False Alarm calls: False alarms in buildings or Automatic Teller Machines that require police officers to respond when doors are left open or something manages to trigger the alarm. Officers spend much time shutting off the alarm that takes away from their patrols. Fining the businesses that had the false alarm would encourage the businesses to improve alarms or make security guards capable of shutting off the alarms.



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



ANC Treasurer's Report
March 2006

Period Covered: 03/01/05 - 03/31/05

Checking Account:

Balance Forwarded		\$	4,379.94
Receipts:			
District Allotments		\$	-
Interest Income		\$	-
Transfers from Saving Account		\$	-
Total Receipts		\$	-
Total Funds Available		\$	4,379.94
Disbursements:			
Bank Service Charge 02/28/06		\$	3.00
Roberta Weiner (Minutes Feb. ANC Meeting)	Ck #1278	\$	110.00
Department of Family Medicine (Ohio State Univ.)			
Grant to Eastern SHS PTSA	Ck #1279	\$	124.00
Postmaster (Semi-annual PO Box rental)	Ck #1280	\$	105.00
Total Disbursements		\$	342.00
Ending Balance		\$	4,037.94

Savings Account:

Balance Forwarded		\$	4,150.49
Receipts:			
Interest 02/28/06		\$	1.27
Transfers from Checking Account		\$	-
Total Receipts		\$	1.27
Total Funds Available		\$	4,151.76
Disbursements:			
Total Disbursements		\$	-
Ending Balance		\$	4,151.76



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



**SUMMARY OF LEGAL EXPENSES RELATED TO
 ALCOHOL BEVERAGE LICENSING**

3/26/06

Approved Funds: Total = 20,000
 10,000 Approved 08/12/04
 10,000 Approved 10/14/04

Remaining Balance = 4,671.86

Summary of Expenditures by Purpose:

<u>Purpose</u>	<u>Amount</u>
Total Expenditures	15,328.14
General issues including review of ANC standard voluntary agreement	1,042.00
Excello's license renewal protest	2,850.00
Negotiations for alcohol license voluntary agreements with seven H St establishments:	9,695.99
Friends Liquors	
Northeast Beverage	
Family Liquors	
Sun & Moon Grocery	
Me & My Supermarket	
Jumbo Liquors	
1101 Convenience Mart	
ABC Hearing to Finalize S&T Supermarket's Voluntary Agreement	1,287.45
H St. Single Moratorium	452.70

Summary of Expenditures by Date of Payment:

<u>Date</u>	<u>Amount</u>
08/14/04	2,500.00
09/09/04	1,459.99
10/14/04	4,844.50
11/13/04	1,121.50
12/12/04	1,050.00
01/24/05	840.00
03/09/05	540.00
02/21/05	1,232.00
06/20/05	1,287.45
02/18/06	452.70
Total	15,328.14



Minutes from March 21, 2006 ANC 6A ABL Meeting

Meeting called to order at 7:06 pm.

Present: Mary Beatty; Tish Olshefski; Lyndon Bonaparte; Tim Carney; Michael Herman; Tolu Tolu

Absent: Malcolm Ross

ANC: Marc Borbley; Raphael Marshall

- I. Agenda accepted. No objections.
- II. Minutes of February meeting accepted. No objections.
- III. Community comment – none. Committee discussion on various issues follows.
 - A. Barring orders. At the February meeting Lyndon Bonaparte volunteered to research this issue. A barring order is similar to a restraining order – it could be viewed as a “commercial” restraining order. A business can take out a barring order against an individual they have deemed to be a nuisance with respect to their business. Notification of the issuance of a barring order can happen two ways – get the individual to sit down with the police and be told of the order; or the business owner can provide evidence to the police that he/she has formally notified the target of the order. It is the easiest way for a business owner to prevent someone from disturbing their business. It is good for 12 months. Barring order is a civil matter and not a criminal matter.
 - B. Geographic location or limitation for that group of five. Tish Olshefski volunteered to check the regulations. The language can be interpreted to mean that a group of any 5 citizens of DC can protest a renewal, they do not have to LIVE in the geographic vicinity of the establishment. Discussion ensued. Tim Carney moved:

The ANC send a letter to ABRA requesting it consider the pros and cons of limiting the geographic range of residents who sign a protest as referenced in Title 25, Chapter 6, 25-601 (2).

Seconded by Tolu Tolu. Vote 5 to 1.

- IV. Update on Committee related activities from the February 2006 ANC meeting.
 - A. ABL Recommendation regarding VA negotiation process. The ANC did not have time to consider the recommendation that the Committee modify the process for negotiating and seeking approval of Voluntary Agreements. At the next ANC meeting, if the recommendation is accepted we will have a three person committee made up of Mary Beatty as Committee Chair; the ANC Commissioner from the area in which the establishment sits and a member of the ABL Committee. The ABL committee will use a rotation process for determining the order for serving on the VA negotiation committee.

- V. New Business



A. Filing of H Street Singles Moratorium

- a. The Committee had previously decided that we would try to get this moratorium petition ready to submit by the end of March. Committee members reported on various activities related to businesses, churches, schools, MPD
 - i. MPD – have received verbal support
 - ii. Businesses – we will circulate a draft letter to business owners seeking signatures.
 1. concerns with the word “loitering” in the letter but decision made to keep the wording.
 - iii. Michael Hermann will make some adjustments to the petition and get a new version out to us on email.
- b. Committee Chair, Mary Beatty related a conversation with ANC Attorney Doug Fierberg. He is recommending that we not use him to write and file the petition (he will review the document though). Seems that in another moratorium effort (Dupont Circle) the business owner’s attorney successful made the case that the hearing was a “rulemaking” and the community’s attorney was not allowed to cross examine the “witnesses.” At Mary’s request, several committee members volunteered their assistance in compiling the document.

B. Amendments to Class A & B ANC6a standard VA The committee discussed several small changes to the VA and made the following motions:

- a. Mary moved that the following changes be made to the voluntary agreement.

The Committee recommend to the ANC that we remove items 9/a and 9/b and change the language in 7/a from “must appear” to “make best effort to appear.”

Seconded b Tim Carney. Unanimous vote to approve.

- b. Tish Olshefski moved that we table discussion of the 6/C loitering language to the April meeting. Seconded by Tim Carney. Unanimous approval.

C. Consideration of H Street Moratorium on new CR/CT licenses

- a. ANC Commission Mark Borbely raised the issue with the ANC that we begin discussion on a possible moratorium to limit the number of the various types of licenses that are approved for H Street (similar to the moratorium in the Dupont Circle east area). He considers this a planning tool for a neighborhood to monitor growth. General comments from the Committee are that it may be too early in the process of the H Street renovation to made any decisions about this type of moratorium; question raised about why concerns like this weren’t brought up by the community during the development of the H Street plan; we might consider limiting certain types of licenses (taverns specifically mentioned); we could consider using our voluntary agreement for better control and atmosphere.

Adjourn at 9:00 pm

Next meeting is April 18.

Respectfully submitted by Tish Olshefski



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



**REPORT OF THE
ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A
March 28, 2006**

Present: Commissioners Nick Alberti, Raphael Marshall and Cody Rice; Resident Members Jeff Fletcher, Rich Luna, Drew Ronneberg, and Vanessa Ruffin-Colbert.

Commissioner Rice chaired the meeting.

BZA 17498 (1116 E. Capitol Street, NE)

The committee discussed an application for a variance and special exceptions to allow a 3'6" deep, semicircular one-story addition to an existing rear porch and a rear parking space. The variance is required to allow an off-street parking space that is shorter than the required length. The special exceptions are required to allow a rear addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), rear yard requirements (section 404), and open court requirements (section 406) in the R-4 District.

The following paragraph describes the required zoning relief. Off-street parking spaces are required to be 19 feet, but the addition would only leave 17.9 feet at the shallowest point. The existing lot occupancy is 67%, and the addition would increase lot occupancy to 68% (60% is allowed by right, with up to 70% as a special exception). The existing rear yard is 21.4 feet, and the addition would decrease the rear yard from the edge of the bump-out to the rear property line to 17.9 feet (20 feet is required without a special exception). There is an existing nonconforming open court (dog leg) that is 5.5 wide feet that would be extended by the addition (6 feet wide is required without a special exception). The committee discussed how this zoning relief would provide minor variations from the zoning requirements that would allow a small rear addition, and attractive rear yard redesign, and provide an additional off-street parking space.

Most of the committee discussion concerned an automatic swing gate that would allow access to the rear yard. This gate will swing out into a 10-foot wide public alley. The public alley has limited vehicular access from Walter Houp Court NE and no cross traffic from 11th and 12th Streets. The alley runs straight south toward the rear of the subject property from Walter Houp Ct, then branches into dead ends toward the east and west. The applicant said that they would be able to see over the gate from their back porch to see if anything is blocking the gate, and that the gate would swing very slowly. They also noted the letters of support from the two adjoining property owners.

The applicant provided letters of support from the two adjoining property owners.

Recommendation: That the ANC send BZA a letter of support for this application.



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Public Space: 401 8th Street, NE

The committee discussed an application for an unenclosed sidewalk café at Jacob’s Coffee at 8th and D Streets NE. The committee reviewed the application which shows 4 round tables and 8 chairs on an existing fenced brick patio. The committee discussed the hours of operations and conditions at 8th & D Street NE with respect to neighboring properties.

Recommendation: That the ANC send a letter of support to DDOT for this application recommending that tables and chairs be removed from public space when the establishment is closed.

Public Space: Lovejoy Park at 12th & E Streets, NE

The committee discussed an application for installation of special pavers, fencing, bollards, signage, and drinking fountain at Lovejoy Park. These features and their placement has been previously negotiated between Friends of Lovejoy Park and the Department of Parks and Recreation. The committee did not find any objectionable aspects to the proposed features.

Recommendation: That the ANC send a letter of support for this application to DDOT.

Zoning text amendment for eating establishments

The committee discussed possible revisions to the zoning definitions for various eating establishments, including “fast food restaurants.” The committee discussed whether the definitions should include specific criteria for both restaurant and fast food restaurant designations, or whether this might result in some eating establishments not meeting either definition. The consensus was that a definition for restaurant with general characteristics and a definition for fast food restaurants with specific criteria would work better. The ability to evaluate the fast food restaurant criteria from submitted plans prior to construction was seen as an improvement over current rules which cannot be fully evaluated until after an eating establishment opens. The committee discussed whether the number of pending BZA appeals and planned eating establishments on H Street NE would be an adequate justification for asking the Zoning Commission to act on an emergency basis as it did for charter schools.

Recommendation: That the ANC petition the Zoning Commission to adopt the attached definitions of “restaurant,” “fast food restaurant,” “delicatessen,” and “coffee shop” on a emergency basis.

Next Scheduled ED&Z Committee Meeting:

Tuesday, April 25, 2006

7-9 PM

900 G Street, NE

Community Room of the Capitol Hill Towers



Existing 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.

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
- (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.)

Food delivery service - a restaurant, delicatessen, or fast food restaurant in which the principal use is delivery of prepared food by motor vehicle to customers located off the business premises. Seating and tables for customers may or may not be provided for on premises consumption, but if present are clearly subordinate to the principal use of delivering prepared food to off-site customers. Any establishment that derives more than seventy-five percent (75%) of its sales from delivery orders will be considered a food delivery service in all cases. This definition does not include catering establishments.

Undefined types of eating establishments that appear in the H Street Overlay as preferred uses in various sections: delicatessen, ice cream parlor, bakery, café, lunch counter, coffee shop.



Proposed Definitions

Restaurant –

(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) 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 offers customers food or beverages 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 requires payment prior to the consumption of food or beverages;

(6) It customarily serves its food or beverages in disposable containers and provides disposable tableware; and/or

(7) Facilities for carryout service are not clearly subordinate to facilities for on premises consumption.

(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.

(2) a coffee shop 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. A delicatessen is not a restaurant or a fast food restaurant.

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. A coffee shop is not a restaurant or a fast food restaurant.



District of Columbia Government
Advisory Neighborhood Commission 6A
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Community Outreach Committee Minutes for March 20, 2006

The Committee convened at 7:15 PM, at the Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE.

Attending COC members: (quorum)

- Louis Barbash
- Elizabeth Nelson (chair)
- Marissa Irwin
- Rose Williams

Absent:

- Barbara Anderson

I. Discussion of advertising and ANC flyer

With the change in commissioners and the addition of the Transportation Committee to the ANC 6A committee line-up changes will need to be made to the advertisements in *The Hill Rag* and *The Voice of the Hill* as well as to the ANC 6A information flyers. The committee decided that once the meeting day, time, and location for the Transportation Committee is known, Marissa Irwin make changes to the flyer. It will then be possible to make new copies for distribution. We expect to have this information shortly after confirmation of a new Transportation Committee Chair.

II. Discussion of Marine Corps Marathon

The spokespersons for the Marine Corps Marathon called to cancel their attendance a few hours before the meeting. No reason was given. It was noted by COC members that the race course does not extend into ANC 6A.

III. Enhancements to the website as requested by the Commission

At the March ANC meeting, the Commission asked that the website include an “archive” for reports made by

- PSA 102 & 103
- Department of Consumer and Regulatory Affairs (DCRA)
- Department of Transportation (dDOT)

Stephanie Nixon, Chair of the Public Safety Committee has begun providing the PSA reports. Cody Rice, Chair of the Economic Development and Zoning Committee has begun providing a Ward 6-only version of the DCRA reports. All these reports are currently being posted on the website. The dDOT reports need to be edited to include just Ward 6 before they will be a suitable size for posting. It is hoped that this will be done by the Transportation Committee once the new Chair is approved. The most recent report is being saved pending editing.

The meeting adjourned at 8:45 pm.
Next meeting is April 17.

Respectfully submitted,
Marissa Irwin



District of Columbia Government
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REPORT OF THE PUBLIC SAFETY COMMITTEE
March 15, 2006 at Sherwood Recreation Center

Meeting Attendees:

Commissioners: Mary Beatty (6a05)

Chair: Stephanie Nixon

Committee Members Present: NONE

Committee Members Absent: Mike Seneco (notified of absence), Mark Laisch, Raphael Marshall, Joe Bellino

Residents: NONE

Guests: Alphonso Coles (Community Outreach, MPD)

Stephanie Nixon opened the meeting at 7:10 pm.

As there were no committee members present except the chair, the committee did not have quorum. Topics originally on the agenda were limited to those of which Ms. Nixon had some knowledge.

Papering:

Commander Groomes and the Central Crime Analysis Unit provided an Arrest Count for 1D from 9/1/2005 through 12/31/2005. To match the statistics with those from US District Attorneys office, Ms. Nixon requested statistics for PSAs 102 and 103. Ms. Nixon will post them when she has them. Per information from Mr. Bellino, DC is the only city that still requires officers to appear before the Attorneys for papering. In DC, papering requires the officer to go stand in a line with other officers to present the written report to the Attorney after arresting a criminal. After this, the attorney tells the officer whether the criminal will be tried. Usually, the information given to the attorney is written on the arrest report. The differences between DC and other jurisdiction papering systems need exploration. Mrs. Beatty suggested determining whether this method was regulatory or legislative. Mr. Bellino and Ms. Nixon to follow-up on the papering issues.

8th St NE and H St NE:

There have been complaints about Metro Transit Authority Police Department not patrolling the bus stops. It is necessary to have a better understanding of responsibilities for different areas of the city. Mr. Coles mentioned the importance of this intersection including the 2 ATMs. Volunteers are needed to tackle this topic. Ms. Nixon volunteered to contact Mr. Klavviter, PSA 102 Co-Community Coordinator.

Anti-Loitering Law:

Those present discussed the usefulness of the Baltimore Anti-loitering law in DC (contact Ms. Nixon for a copy). Ms. Nixon and Mr. Bellino are to look into modifications of this law and using it effectively in DC. Mrs. Beatty mentioned the usefulness of this law for ABL Committee. Mr. Bellino was suggested as a representative from the Public Safety Committee to the ABL Committee.

H Street Substation:

The debate about an H Street Substation was discussed. Mike Seneco and Joe Bellino were assigned to investigate the issue. In addition, the committee is to discuss the pros and cons with MPD.

Request for Action by the ANC:

Approve the notes.

Respectfully submitted by Stephanie Nixon.



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ANC6a Public Safety Committee Meeting
DRAFT AGENDA
Sherwood Recreation Center
Wednesday, April 19, 2006 at 7 pm

1. Call to order
2. Introductions
3. Focus topic: Recommendation for increasing H Street NE Police presence (Mike Seneco and Joe Bellino)
 - a. H Street Substation
 - b. 8th Street NE and H Street NE
 - c. ROC Central
4. Updates:
 - a. Arrests between 9/05-1/06 in PSAs 102, 103, papering issues (Stephanie Nixon and Joe Bellino)
 - b. Metropolitan Transit Authority PD and 8th and H Street NE (Stephanie Nixon with information from David Klavviter)
 - c. Noise Ordinance Issue at 8th and H Street NE (Mark Laisch and David Klavviter)
 - d. Anti-loitering legislation (Stephanie Nixon, Joe Bellino, & Commissioner Mary Beatty)
 - e. ROC Central
 - f. Maury Elementary School
 - g. Linden Place Cameras
5. Community Concerns
6. Tasks to be performed by next meeting
7. Adjourn



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Schools & Libraries Committee Report

April 5, 2006

7 pm, Miner Elementary School

Present

Committee Members: André Taylor (6A03); Richard Carlson (6A04); Tony Hurst (6A05); Marc Borbely (6A06); Audra LeBlanc (6A06); Brenda Artis (6A07); Mfon Ibangha (6A08)

Other Residents: LaVerne Law (6A06)

Absent

Mark Williams (6A04)

RL Christian Library

Mr. Borbely presented communications from Eric Lerum, counsel to the City Council Committee on Education, Libraries and Recreation, indicating that the Council passed the Neighborhood Investment Act Spending Plan for FY 2006 Approval Resolution of 2006 (PR 16-682) on April 4. This spending plan, introduced by Chairman Cropp on behalf of the mayor, calls for \$510,000 to be spent for the RL Christian Library project, to “develop design and construction documents for proposed mixed-use facility, including expanded RL Christian library. Also, facility costs for a temporary facility for the Library on H Street during the mixed-use development.”

Tutoring Services at Eastern

Mr. Borbely reported that he had spoken with the director of a nonprofit that provides tutoring services to DCPS schools that qualify for “supplemental educational services” under No Child Left Behind. DCPS doesn’t budget enough money for the tutoring services to provide tutoring services to all eligible children. Every child in a school In Need of Improvement qualifies either to transfer to a school doing better, or to receive free tutoring. According to the draft Master Education Plan published by DCPS, 30,000 students at 80 schools are eligible to receive supplemental services; only 6,000 signed up this year, of whom 4,445 were placed with tutoring services.

School Reports

- Eliot JHS: Ms. LeBlanc reported that there would be a parent-teacher event on April 7.
- Gibbs ES: Ms. Taylor reported that Gibbs also recently lost its principal, who was transferred/promoted to a position in central administration, downtown.
- Maury ES: Mr. Borbely said Maury’s principal, Mr. Wilson, had reported that Maury recently had a second open house; Maury will have a “spring fling” in May; there will be an end-of-year celebration in June; there will be one or two assemblies, one featuring “The Adventures of Ned the Yo-Yo Man,” and the other featuring a storyteller. Mr. Hurst agreed to serve as committee liaison to Maury, going forward.
- Miner ES: Ms. Artis reported that testing was scheduled for April 24-28; there will be a career day in May; Miner is working with KidPower; the school is still adjusting from having lost longtime principal Angela Tilghman, who resigned on November 3.



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Eastern Senior High School PTA's Fundraising Efforts

Mr. Rich reported on efforts to help the Eastern SHS PTA receive the required permits to use Eastern's parking lot for fundraising purposes, during Nationals events. He has been in touch with Department of Consumer and Regulatory Affairs and has received communication from the Department of Transportation indicating that the lot does belong to the school system (and is not public space). He will continue trying to seek assistance from DCRA.

School Needs / Neighbor Involvement Survey

Ms. LeBlanc presented a draft survey of school staff, designed to provide data on what services neighbors could provide to be helpful to their schools. There was some discussion on how best to distribute the surveys to maximize completion rates. Mr. Ibangha recommended coding the surveys using survey software, to facilitate the processing of data. Ms. LeBlanc said she would investigate this. She said she hoped the survey would help inform efforts to recruit neighborhood volunteers. She said she had spoken with Kris Benjamin, the DCPS Volunteer Coordinator, about volunteer requirements: all volunteers must pass background checks and take TB tests.

The committee recommended, without objection, that the ANC distribute the "School Needs" survey to staff (administrators and teachers) at the five schools in the ANC 6A area, to identify ways in which neighbor-volunteers could be of most help to the schools.

The DCPS School Rightsizing Process

The committee discussed budget documents released by DCPS in March that indicate that one of the possible school consolidations being considered is bringing Hamilton Education Center students to Ludlow-Taylor. Mr. Hurst reported that teachers at Ludlow-Taylor are opposed to this plan.

General Library System Challenges

Mr. Hurst, the children's librarian at the Northeast Branch library, provided a brief overview of some of the challenges facing the DC Public Library System: high book loss rates, lack of popular materials, and trouble providing technology.



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ANC 6A Transportation Committee 2006 Goals

1. Provide a forum for the ANC 6A community to discuss and recommend solutions to transportation-related issues impacting ANC 6A.
2. Provide the ANC 6A Commission with timely, well-informed recommendations regarding transportation-related issues so that it may weigh in on city decisions affecting ANC 6A, including streetscape improvements for the H Street corridor and implementation of the streetcar line serving the H Street/Benning Road corridor.
3. Track progress of streetscape improvements for the H Street corridor and implementation of the streetcar line serving the H Street/Benning Road corridor and report to the ANC 6A Commission.
4. Work with the District Department of Transportation, Deputy Mayor for Planning and Urban Development and/or other city agencies to implement the proposals contained in the H Street Corridor and Capitol Hill Transportation Studies, including streetscape improvements for the H Street corridor and implementation of the streetcar line serving the H Street/Benning Road corridor.
5. Review and report to the ANC 6A Commission all significant transportation-related activities by District Department of Transportation, Washington Metropolitan Area Transit Authority, Deputy Mayor for Planning and Urban Development, Office of Planning, National Capital Planning Commission, and other agencies that directly or indirectly impact ANC 6A.
6. Expand relationships and coordinate efforts with other city ANCs and community groups lying within the area impacted by the Transportation Studies and other city transportation-related initiatives.
7. Work with the ANC 6A Public Safety Committee to promote public safety concerns with respect to the city's implementation of transportation-related initiatives, including the proposals contained in the Transportation Studies.



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Unfinished Business

from the February ABL Committee Report...

- A. Joe Fengler suggested that the ABL committee discuss the process for taking negotiated VA's to the ANC. Following discussion on different options to improve the flow of the process while still maintaining inclusion of both appropriate ANC members AND ABL committee members, Tish Olshefski moved (seconded by Mary Beatty):

To recommend that the ANC establish a procedure, for negotiations for voluntary agreements with individual licensees, of a 3-person panel made up of the ABL committee chair, the ANC single member district representative or his/her designee and one member of the ABL committee. If this panel cannot reach consensus on negotiations the matter will be taken to the full ANC.

The motion passed unanimously.



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Maryland Avenue Firehouse Letter



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February 14, 2005

Jalal Greene
Director, Department of Housing and Community Development
801 North Capitol Street NE, Suite 8000
Washington, DC 20002

Re: Request for Proposals for 1341 Maryland Avenue, NE (the former Fire House)

Mr. Greene:

On February 10, 2005, at our regularly scheduled and noticed public meeting, with a quorum of 7 of 8 commissioners present, we voted to request that you incorporate the following recommendations into the selection criteria of the Request for Proposals (RFP) that we understand your agency is currently preparing for 1341 Maryland Ave. NE (the former firehouse). Accordingly, we expect that as a result of the "great weight" afforded to an ANC, these will be included in the final RFP criteria.

1. The ANC opposes any quasi-residential use such as a Community-Based Residential Facility.
2. Give strong preference to bidders who are able to show significant support from within the immediate neighborhood.
3. Give strong preference to bidders with a proven record of successful management of renovations involving asbestos, lead and other environmental hazards, unless such hazards are shown not to be present at the site, in which case such a preference is unnecessary.
4. Give strong preference to bidders with a proven record of successful residential redevelopment of properties in a historic district.

Finally, this property is located in the area represented by Commissioner Marc Borbely, whom we requested in November that you invite to participate in the interagency RFP process. We would appreciate the courtesy of a written response in writing by February 24, 2005.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Sharon Ambrose
Councilmember Vincent Orange
Councilmember David Catania
Gottlieb Simon, Office of Advisory Neighborhood Commissions