



### September 14, 2006 -- Draft Agenda

- 7:00 pm **Call to order**, adopt agenda and approve previous meeting's minutes.  
Community Comments (*2 minutes each*)
- 7:15 Department of Consumer and Regulatory Affairs Update with Mr. Eric Rogers.
- 7:45 Commissioner's Single Member District reports (*2 minutes each*)
- 7:55 **Officer Reports:**
1. Chair (*5 minutes*)
    - A. Resignation of Commissioner Cody Rice.
    - B. Meeting requirements at Miner Elementary.
    - C. Office of Planning - Inclusionary Zoning Briefings Dates and Locations.
    - D. Commission and Committee minutes for ANC 6A website.
  2. Vice-Chair (*2 minutes*)
  3. Secretary (*2 minutes*)
  4. Treasurer (*5 minutes*)
    - A. Approve treasurer's report from July 1 to August 30 and previous month's disbursements.
    - B. Approve 3<sup>rd</sup> Quarter Report.
    - C. Update: Physical presence of grantees at Commission meetings (OAG Opinion).
    - D. Approve up to \$250 for ANC 6A Post Office Box rental (1 year).
    - E. Approve \$30 dollars for postage regarding ANC 6A business.
    - F. Response to DC Auditor's inquiry into documentation for two grants for 1<sup>st</sup> Quarter.
    - G. Approve monthly photocopying expenses.
- 8:10 **Standing Committee Reports:**
1. Alcohol Beverage Licensing (*5 minutes*)
    - A. Withdraw of Woodward Liquors application at 906-9 H Street, NE
    - B. Update on filing of Singles Moratorium.
  2. Economic Development and Zoning (*10 minutes*)
    - A. BZA 17520, 1104 E. Capitol Street, NE. Recommend: Send to BZA supporting a special exception for the lot occupancy requirement, the rear yard requirement and the non-conforming structure provision.
    - B. BZA 17532, Appletree's BZA Appeal. Recommend: Send letter to BZA supporting DCRA's decision to deny construction permits and that the appeal lacks merit.
    - C. Charter School Text Amendment. Recommend: Send letter to the Zoning Commission requesting that the language allowing schools with 16 or fewer students to reside anywhere in a R-4 district as a matter of right to be struck from the proposed regulations.
    - D. Electrical Boxes on Public Space. Recommend. If Mr. Ronneberg determines that 1125 G. St. NE does not have a public space permit for the electrical box, the committee recommends sending a letter to DDOT asking for action to be taken to move the electrical box out of the public space.
    - E. Accept Committee Report.
  3. Community Outreach (*2 minutes*)
    - A. Membership – Approve Ms. Klievdal as a committee member.
    - B. Approve thank-you letters to organizations that offer space and Gallaudet for website.



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- C. Accept Committee Report.
  - 4. Public Safety *(2 minutes)*
    - A. No recommendations - Accept Committee Report.
  - 5. Schools Committee *(4 minutes)*
    - A. Eastern Senior High School. Recommend: Send a letter to developer of condo across the street to request investment into Eastern's facilities.
    - B. Accept Committee Report.
  - 6. Transportation Committee *(4 minutes)*
    - A. Recommend: Send letter regarding heightened car sharing parking enforcement.
    - B. Recommend: Send letter regarding double parking problems on H Street.
    - C. Accept Committee Report.
- 8:35 **Unfinished Business**
- 1. Consideration of ANC Bylaw changes – delay until November meeting.
- 8:35 **New Business**
- 1. Appointment of new committee chair for Economic Development and Zoning Committee.
  - 2. Retain Mr. Ram Uppuluri as counsel for the single sale moratorium hearing and approve funding of between \$3,000 and \$5,000 for his services - depends on length / days of hearing (Beatty).
  - 3. Approve \$1,150 to Mr. Micah Salb for the preparation of the moratorium filing (Beatty)
  - 4. Placement of MPD cameras in our ANC (Fengler, Beatty).
  - 5. H Street Festival on September 23, 2006 – Letter of support (Marshall / Fengler)
- 8:52 Community comments – Round 2 (if time permits)
- 9:00 **Adjourn**

*Note: Time limits in parentheses are for planning purposes only, to help ensure we finish in two hours.*



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

Minutes  
July 13, 2006

COMMISSIONERS PRESENT

6A01: Raphael Marshall  
6A02: Joe Fengler, Chair  
6A03: Cody Rice  
6A04: Nick Alberti, Treasurer  
6A05: Mary Beatty  
6A06: Marc Borbely, Secretary  
6A08: Mfon Ibangha, Vice-Chair

COMMISSIONERS ABSENT

6A07: Gladys Mack

Chair Joe Fengler called the meeting to order at 7:00 p.m.

**1. Agenda**

The July agenda was approved without objection.

**2. April, May and June Minutes**

**Motion:** Mr. Fengler moved the April, May and June minutes individually. They each were accepted without objection.

**3. Community Comment**

Andy Mistrick, who is running for Congress against Eleanor Holmes Norton introduced himself, said he was running to get voting rights for the District, and gave his website address.

**4. Single Member District Reports**

**Mr. Rice** saluted Marissa Irwin, who passed from cancer in July. Ms. Irwin, a resident of 6A03, served as a member of the Community Outreach Committee. Mr. Rice hailed Ms. Irwin's involvement in the community and service to the ANC. He said she had been an inspiration to him.

**Ms. Beatty** noted the establishment of the crime emergency and that one of the 14 murders had been on Duncan Place NE in her SMD. She said an arrest has been made in the crime. She also reported that the latest Lovejoy Park delays were due to WASA's needing to get permits, but that the groundbreaking was finally supposed to be in July.



**Mr. Ibangha** reported that there has been an improvement in the crime statistics for his SMD, and that his constituents were continuing with a neighborhood clean-up in conjunction with the Mayor's office.

**Mr. Fengler** reported that there has been an improvement in conditions at Sherwood Rec Center. He said he was working with the residents, and that all the lights had been replaced. He pointed to a large decrease in loitering, which he attributes to the presence of the lights.

He reported that the BZA granted the appeal for 1124 E Street NE, saying that DCRA had incorrectly issued the project a Certificate of Occupancy.

He also said that he is watching 804 and 1015 H Street very carefully to see what's going on with the two buildings, as there seems to be construction activity, but no permits are posted.

**Mr. Alberti** reported that a Ward 5 Council candidate had posted signs in his SMD by nailing them to trees, but the DC Arborist was in touch with the candidate and the signs and nails were removed.

He mentioned that the Kingsman Basketball League championship game was on the upcoming Saturday at 1 pm, and urged people to attend.

Finally, he noted that the Eastern HS Nursing program, which has received a grant from the ANC, had its graduation program written up in the Hill Rag.

**Mr. Borbely** reported that, with the help of MPD, an illegal fireworks stand at 1400 Maryland Avenue NE was asked to move.

**Mr. Marshall** reported that he had a successful SMD meeting, at which sidewalk and street repair was discussed. He said that Michael Brown, Curtis Etherly and Will Cobb attended. He said the residents attending the meeting had discussed the new liquor store opening on H Street, and they were opposed. He said there would be an H Street clean-up the following Saturday from 7<sup>th</sup> to 13<sup>th</sup> Street, with people meeting at the Bank of America building.

## 5. Officers' Reports

### Chair

**Motion:** Mr. Fengler recommended that ANC 6A not meet during August. It was passed without objection.

He reported that that the Commission had received a response to its letter to Deputy Mayor for Economic Development Stanley Jackson requesting that a member of the ANC be appointed to serve as a member of the Home Again board. The request was rejected.

### Treasurer

Mr. Alberti reported that the opening balance of the checking account was \$9,698.87, and except for a bank service charge of \$3.00 there were no debits. The closing balance was \$9,695.87. The opening balance for the savings account was \$4,154.54, and with an interest payment of \$1.41, the closing balance was \$4,155.95. **Motion:** Mr. Alberti moved acceptance of the Treasurer's report. It was accepted without objection.



**Motion:** Mr. Alberti moved that the ANC request that the DC Auditor audit the ANC books. It was seconded by Mr. Rice. Mr. Alberti said that the ANC's finances had come a long way in four years since the bankbook was confiscated by the Auditor. Everything is now on the up and up and it should be recognized by the Auditor that everything is okay. Mr. Fengler added that it would be worthwhile to have a professional assessment of the ANC's practices and procedures to see if there's anything the Commission should be doing differently. The motion passed without objection.

**Motion:** Mr. Alberti moved to allot \$600 for ANC copying and \$60 for each SMD and each Committee per month for the next two months, because of the absence of an August meeting. The motion was approved without objection.

## 6. Committee Reports

### Alcoholic Beverage and Licensing

Ms. Beatty reported that the committee had discussed the application for a Class A license of Woodward Liquors to open at 906-908 H Street. She said there was an overwhelming lack of support, and a decision was made to recommend that the ANC protest their application, with the reasoning that the Commission will not have standing if it doesn't protest the license. **Motion:** Ms. Beatty moved that the ANC oppose the application of Woodward Liquors for a Class A license. The Chair and Ms. Beatty are designated to represent the ANC in the matter with ABRA. It was seconded by Mr. Marshall.

Mr. Alberti said that while he didn't want another liquor store on H Street, he was dismayed at the intensity of the response because when the ANC recently considered the appeal of a license for a store with a history of complaints against it, there was little public outcry. But this time, with a new store, people are reacting. Mr. Marshall said that nobody wants it because there are too many liquor stores in the area. Vanessa Ruffin commented that there's a difference between stores, and this one comes from a pretty high profile location. Steve Hessler said that the store is currently in the 1300 block of H Street W, next door to his law practice, and it's a well-run store, and the owner is a good guy.

Elizabeth Nelson pointed out that there has to be a reason to protest. Mr. Rice pointed out that a protest was a way to gain standing, and that as the ANC gets into the protest, it can sit down with the owner and work out a voluntary agreement. Ms. Beatty agreed, saying that without a protest the ANC has no role in the negotiations. The grounds, she said, are "peace, order and quiet." Mr. Fengler pointed out that while the ANC had acted in good faith in signing a voluntary agreement with Joe Englert, the Commission had ceded its seat at the table. Ms. Beatty said that after the ABRA roll call hearing, the ANC can negotiate and bring an agreement back to the Commission. Mr. Marshall reiterated that the Commission had to listen to the community.

Mr. Alberti said that in response to a direct question, the store owner said he would be willing to ban singles, small bottles of wine and spirits less than a pint. **Motion:** Mr. Alberti offered an amendment to the motion saying that the Chair and Ms. Beatty are authorized to enter a voluntary agreement that bars the sale of fortified wines less than 750 ml., and spirits less than a half pint and individual servings of beer and ale. Ms. Beatty said she would be opposed because it tips our hand in negotiations, and goes against the wishes of the SMD.



Mr. Rice said that he would not vote for the amendment, but might vote to drop the protest if those provisions are included. Mr. Alberti said he believed that ABRA is more likely than not to approve the store, so there is a risk that the ANC will lose an opportunity to get a ban on the sale of singles. Mr. Borbely said that he can't see ABRA approving another store with such a high concentration of stores and with such community opposition. **Motion:** Mr. Fengler moved that Mr. Marshall be designated as an ANC representative instead of the Chair. It was seconded by Mr. Alberti. Mr. Marshall asked whether it would be possible for him to negotiate something he didn't want. Mr. Fengler's secondary amendment and Mr. Alberti's amendment both failed. The vote on the original motion was 6-0-1, with Mr. Rice abstaining.

**Motion:** Ms. Beatty moved that the ABL Committee not meet during August. The motion was accepted without objection.

**Motion:** Ms. Beatty moved acceptance of the Committee report. It was seconded by Mr. Alberti and accepted without objection.

Ms. Beatty mentioned that the attorney working on the H Street Moratorium was moving out of the area, and the Committee was looking for a new attorney.

### **Economic Development and Zoning**

**Motion:** Mr. Rice moved that the July meeting of the Committee be canceled, and to have a meeting in August as scheduled. It was accepted without objection.

Mr. Alberti requested that the Committee invite people from Domino's to the Committee to discuss their plans. He said the matter will go to BZA, and while they are a delivery service, the ANC should be aware of their plans.

**Motion:** Mr. Rice moved acceptance of the Committee's report. It was seconded by Mr. Alberti, and approved without objection.

### **Community Outreach**

**Motion:** Mr. Fengler moved that the July meeting of the Community Outreach be canceled, and that the August meeting be rescheduled to the second Monday. It was accepted without objection.

**Motion:** Mr. Fengler moved acceptance of the Community Outreach Committee report. It was accepted without objection.

### **Public Safety**

**Motion:** Mr. Fengler moved, for Committee Chair Stephanie Nixon, that the Committee's July meeting be canceled. It was accepted without objection.

Ms. Nixon reported that there is a new inspector in 1D1.

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



## Schools and Libraries

Mr. Borbely reported on two issues that the committee had discussed. On the Eastern High School's PTA's project to see whether the school parking lot could be used for baseball parking as a fundraiser for the PTA, it seems that a BZA special exception would be required. He said that Tommy Wells had suggested that the PTA enter an agreement with a private parking company rather than operating the lot themselves. Mr. Borbely also reported that Maury Elementary School was planning a fundraiser in the fall. **Motion:** Mr. Borbely moved the Committee's recommendation that the ANC send a letter to Maury's principal and PTA president, offering help with outreach for the fundraiser. The motion without objection.

**Motion:** Mr. Borbely moved to cancel the July meeting of the Schools and Libraries Committee, and hold its next meeting on August 23<sup>rd</sup>. The motion passed without objection.

**Motion:** Mr. Borbely moved the nomination of Jesse Rauch to be a member of the Schools and Libraries Committee. The motion passed without objection.

**Motion:** Mr. Borbely moved acceptance of the Schools and Libraries Committee report. The motion was accepted without objection.

## Transportation

Omar Mahmud reported on the recommendations of the Transportation Committee at its June meeting. He said that the Committee recommended that the ANC support a traffic calming study for the intersection of 14<sup>th</sup> and E Streets NE because of excessive double parking and speeding in the vicinity of the Sasha Bruce property; and a traffic calming study for 15<sup>th</sup> and F Streets NE, in front of Miner School, where drivers tend to run the stop sign. **Motion:** Mr. Fengler moved that the ANC support the Committee's requests pending completion of the signature requirements for traffic calming studies. It was passed without objection.

Mr. Mahmud reported on the Capitol Hill Transportation Plan and reported that while the Committee is encouraged by the report's preliminary recommendations, it had developed a list of recommendations that it would like the ANC to submit. They include

- a. Explore the idea of restricted parking on the South side of E Street in front of the Options/Sasha Bruce School (14<sup>th</sup> and E).
- b. Explore traffic calming measures for E Street at 14<sup>th</sup> (between 13<sup>th</sup> and 14<sup>th</sup>)
- c. Inquire about signage for commercial vehicles traveling down 8<sup>th</sup> Street.
- d. Explore ways to enforce the stop sign in front of 15<sup>th</sup> and F (Miner Elementary School)
- e. Increase visibility for the concrete island at 17<sup>th</sup> and C
- f. Explore ways to ease the left turn from 17<sup>th</sup> and C
- g. Explore the possibility of putting a bike lane on 8<sup>th</sup> Street

**Motion:** Mr. Fengler moved that the ANC accept the Committee's recommendations on the DDOT Capitol Hill Transportation Plan and a letter be sent to DDOT including the recommendations

**Motion:** Mr. Rice moved to strike g. the recommendation on a bike lane. Mr. Rice said the Bicycle Coordinator was coming to a meeting of his committee, and the issue required discussion. Mr. Rice's amendment passed without objection. The original motion passed unanimously.



**Motion:** Mr. Fengler moved acceptance of the Committee's report. It was accepted without objection.

**Motion:** Mr. Fengler moved that the Committee's August meeting be cancelled. It was accepted without objection.

## 7. Unfinished Business

### By-laws Changes

Mr. Ibangha presented several changes to the ANC by-laws:

1. Article II. Commission Geographic Area: The by-laws currently read "The boundaries of the Commission are all in Northeast...". There was a discussion about whether or not the DC Jail lies within 6A. **Motion:** Mr. Ibangha moved that the phrase "unless otherwise designated" be added after "Northeast." The motion passed without objection.
2. Article IV, subsection 2(c) ("The Commission may initiate its own proposals for District Government action.") **Motion:** Mr. Ibrangha moved that this section be deleted, as the section is already contained in subsection 1(d). The motion passed without objection.
3. Article V, subsection 2(a). The section currently reads "Voting in Commission meetings shall be restricted to Commission members. All members shall have equal voting rights following the principle of one person one vote. There shall be no voting by proxy. However, to the greatest degree possible, the principle of common courtesy and consensus should be all owed to prevail." **Motion:** Commissioner Ibangha moved that "Commission members" be changed to "Commissioners" and that the last sentence be deleted. Mr. Ibangha said the last sentence is too subjective and imprecise. Mr. Alberti said that he wanted to keep the last sentence because the goal of the ANC is to strive for consensus. Ms. Beatty expressed her agreement with Mr. Alberti. Mr. Borbely agreed with Mr. Ibangha that the last sentence doesn't really belong in bylaws, but he said the sentiment also couldn't hurt. **Motion:** Mr. Alberti moved to amend the proposed change such that the only change would be from "Commission members" to "Commissioners." Mr. Alberti's motion, and the original motion, passed without objection.
4. **Motion:** Mr. Ibrangha moved three technical changes: In Article V, rename the second subsection (d) to (e); rename subsection (e) to (f). In the new (f), change "that" to "who." All three changes were accepted without objection.
5. Article V, Section 6. **Motion:** Mr. Ibangha moved that the definition of "emergency" be changed to "Emergency means an action taken to immediately preserve the public peace, health, safety, welfare, or morals pursuant to §2-506 (c)." Mr. Ibangha said that the existing definition is not consistent with the ANC law (1-309.01 (c)(3)). Mr. Alberti suggested that the word "morals" be deleted. Mr. Ibangha responded that the word appears in the ANC statute. **Motion:** Mr. Rice moved that the word morals be stricken from the sentence. It was seconded by Mr. Alberti, who said that while he recognizes that the legislation includes the word "moral", it should be left to the Attorney General to determine what a "moral" emergency is. Ms. Beatty said that if it comes from the DC code, it should be left in. Mr. Alberti responded that while he understood why the DC Code should be followed, the issue of government intrusion into private lives is a great concern. Mr. Borbely suggested that the current law be referenced, and the definition of "emergency" not be spelled out in the by-laws. Ms. Beatty responded that if the law is





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cited, it should be cited correctly. Mr. Rice's motion failed 2-5, with Mr. Alberti and Mr. Rice voting in favor. **Motion:** Mr. Rice moved that the definition of emergency be stricken from the by-laws and the ANC law be referenced instead. It was seconded by Mr. Borbely. Mr. Alberti said it was the coward's way out, and the amendment failed 3-4, with Messrs. Rice, Fengler and Borbely voting in favor. The original motion failed by a vote of 5-2 in favor, as it requires a two-thirds vote of the Commission to enact a by-laws change. Commissioners Rice and Alberti voted against.

Mr. Fengler suggested that because of the lateness of the hour, the remaining suggested amendments should be taken up at the September meeting. There was no objection.

## 8. New Business

### 1405 North Carolina Avenue NE

**Motion:** Mr. Alberti requested that the ANC approve an appeal to BZA of permits granted by DCRA for the renovation of a single family house into a three-unit flat at 1405 North Carolina Avenue NE. The regulations require 2700 sq. ft.—the building only has 1050 square feet—and at least one parking space, which the building does not have. Mr. Rice said there's a lot of pressure in the community to preserve the existing density, and if these issues remain unchecked people will just be able to choose the density they prefer to live in. He said the reason it had not come before his committee is that it is time sensitive. The motion passed without objection.

### Update on FOIA Request to DCRA

Mr. Alberti reported that he has not yet received a response to his FOIA request to DCRA on the status of building permits on 1411 Ames Place NE.

### DC Open Government Meetings Act of 2006

Commissioner Borbely said he would table his request for a letter of support for the DC Open Government Meetings Act of 2006 because of the hour. The bill, he said, exempts ANCs, but contains some new requirements for ANC committees.

## 9. Appeal of a Ruling by the Chair

Commissioner Ibangha appealed Chairman's ruling that the vote on the by-laws change having to do with the definition of emergency had failed. Mr. Ibangha said two-thirds of those present had voted for the change, fulfilling the two-thirds requirement. He said it makes little sense to count an absent Commissioner, since absent Commissioners can't vote by proxy. Mr. Borbely agreed with Mr. Ibangha that the rule was strange, but he said Gottlieb Simon, months ago, had said the requirement, as written in the ANC's bylaws, is two-thirds of the Commission as a whole. The appeal failed 1-5, with Mr. Ibangha voting in support and Ms. Mack or Mr. Marshall abstaining.

The meeting was adjourned at 9:15 pm.



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Box 75115  
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July 14, 2006

Charles Burger, Chairman  
Alcohol Beverage Regulatory Administration  
941 North Capitol  
Washington, DC 20002

Dear Chairman Burger,

At its regularly scheduled meeting on July 13, 2006, with a quorum present, our Commission voted to protest the application for new Class A liquor license of Woodward Liquors to be located at 906-908 H Street, NE.

The Commission opposes the license renewal on the grounds that the establishment has a negative effect on the peace, order, and quiet in the neighborhood. At the Alcohol Beverage Licensing Committee held on June 20, 2006, after hearing a presentation from the licensee and his attorney, all members of the community who were present indicated concerns regarding the density of existing liquor stores along the H Street corridor area (four Class A and three Class B on H Street within our Commission) which contribute to loitering, litter, and public drinking along this corridor.

With the current citywide attempt to revitalize H Street, the overwhelming sentiment is that there should be fewer, not more, liquor stores disturbing the peace order and quiet of the surrounding neighborhood.

Finally, Commissioner Mary Beatty will represent our Commission at the application hearing on August 16, 2006.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



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July 14, 2006

Karina Ricks  
Great Streets Project Coordinator  
District Department of Transportation  
2000 14<sup>th</sup> St NW  
Washington, DC 20009

Re: Choice of sidewalk materials for H Street/Benning road corridor

Dear Ms. Ricks:

At our regularly scheduled public meeting on June 8, 2006 our Commission voted unanimously to endorse the following recommendations with respect to District Department of Transportation's use of materials in the construction of sidewalks for the streetscape improvement project along the H Street/Benning Road corridor:

1. Consult with experts on issues like water treatment and gradation to ensure all construction processes recommended by experts such as the Capitol Hill Architect are implemented.
2. Ensure the materials will be geared toward ease of maintenance and gum removal.
3. Ensure the materials do not make the sidewalk unduly burdensome on handicap pedestrians, those wearing "high heel" shoes and the like.
4. Ensure the materials will withstand infiltration by tree roots and ground water in the event DDOT is unable to implement its unique tree root routing and irrigation system from tree box to tree box along the roadway.

If you have any questions about this matter, please contact Mr. Omar Mahmud at (202) 546-1520.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



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July 14, 2006

Charles Burger, Chairman  
Alcohol Beverage Regulatory Administration  
941 North Capitol  
Washington, DC 20002

Dear Chairman Burger,

At its regularly scheduled meeting on July 13, 2006, with a quorum present, our Commission voted to protest the application for new Class A liquor license of Woodward Liquors to be located at 906-908 H Street, NE.

The Commission opposes the license renewal on the grounds that the establishment has a negative effect on the peace, order, and quiet in the neighborhood. At the Alcohol Beverage Licensing Committee held on June 20, 2006, after hearing a presentation from the licensee and his attorney, all members of the community who were present indicated concerns regarding the density of existing liquor stores along the H Street corridor area (four Class A and three Class B on H Street within our Commission) which contribute to loitering, litter, and public drinking along this corridor.

With the current citywide attempt to revitalize H Street, the overwhelming sentiment is that there should be fewer, not more, liquor stores disturbing the peace order and quiet of the surrounding neighborhood.

Finally, Commissioner Mary Beatty will represent our Commission at the application hearing on August 16, 2006.

On behalf of the Commission,

Joseph Fengler

Chair, Advisory Neighborhood Commission 6A



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July 16, 2006

Christopher Delfs, Ward 6 Transportation Planner  
District Department of Transportation  
2000 14<sup>th</sup> St NW, 7<sup>th</sup> Floor  
Washington, DC 20009

Re: Capitol Hill Transportation Study

Dear Mr. Delfs:

At our regularly scheduled public meeting on July 13, 2006, our Commission voted unanimously to support District Department of Transportation's (DDOT) initial recommendations contained in the Capitol Hill Transportation Study. Specifically, that 17<sup>th</sup> and 19<sup>th</sup> Streets NE as well as Constitution and Independence Avenues NE be converted from one-way roads into full time two-way roads. Accordingly we formally request the details and timelines for the implementation of these recommendations.

We would also like to present our priorities with respect to implementation of the study:

1. Establishing restricted parking zones on the South side of E Street in front of the Options and Sasha Bruce Schools (14<sup>th</sup> Street NE and E Street NE) to help cut down on congestion problems stemming from picking up and dropping off students
2. Explore traffic calming measures for E Street NE between 13<sup>th</sup> Street and 14<sup>th</sup> Street.
3. Further restrictions, or additional signage to enforce existing restrictions, on the use of 8<sup>th</sup> Street NE by commercial vehicles.
4. Explore ways to more effectively enforce stop signs on residential streets throughout our ANC. In particular, we bring your attention to the stop sign in front of Miner Elementary School at 15<sup>th</sup> Street NE and F Street NE, but would appreciate the opportunity to bring attention to other similar trouble spots throughout our ANC.
5. Increase visibility for the concrete island located in the intersection at 17<sup>th</sup> Street NE and C Street NE.
6. Explore ways to enable motorists to more easily turn left from Southbound 17<sup>th</sup> Street NE onto Eastbound C Street NE.
7. Explore traffic calming measures along C Street NE from 21<sup>st</sup> Street to 15<sup>th</sup> Street.

We look forward to discussing these while the final study is being completed. If you have any questions, please contact Mr. Omar Mahmud at (202) 546-1520.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



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July 17, 2006

Board of Zoning Adjustment  
441 4<sup>th</sup> St, NW, Suite 210  
Washington, DC 20001

RE: Letter of BZA Appeal Authorization for 1405 North Carolina Ave, NE

Dear Board Members,

At the regularly scheduled and properly noticed meeting on July 13, 2006, Advisory Neighborhood Commission 6A voted unanimously to appeal the administrative decision of the Department of Consumer and Regulatory Affairs' Zoning Administrator to approve the electrical, fire, mechanical, plumbing, and zoning disciplines at 1405 North Carolina Ave, NE. Please reference Building Plan Review Status (BPRS) tracking number 4442 E 6.

Please be advised that Commissioners Nicholas Alberti, Cody Rice and Joseph Fengler are authorized to act on behalf of Commission for the purposes of this appeal.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

**Text of Appeal:**

*Before the*

DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

APPEAL OF: )  
Advisory Neighborhood Commission 6A from the ) BZA Appeal No. \_\_\_\_\_  
Administrative Decision of DCRA on )  
Building Plan Review Status 4442 E 6 on )  
Approval of Electrical, Fire, Mechanical, Plumbing, )  
and Zoning Disciplines )

**Statement of the Applicant**

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment (>Board@) GRANT the Appeal from the Administrative Decision of the Department of Consumer and Regulatory Affairs Building and Land Regulation Administration approval of the Electrical, Fire, Mechanical, Plumbing, and Zoning Disciplines at 1405 North Carolina Ave. N.E. and



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in support of its appeal states as follows:

## **SUMMARY OF APPEAL**

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant the Electrical, Fire, Mechanical, Plumbing, and Zoning Disciplines contained in the Building Plan Review Status Tracking Number 4442 E 6. The property which is the subject of this appeal is located at 1405 North Carolina Ave. N.E. The property is located in a R-4 Zoning District. The proposed use is as a "3 family flat". The appeal is requested for three reasons: (1) if the proposed use is for an apartment house or multiple dwelling, then the number units for the property exceeds number of square feet required per apartment or condominium as prescribed by Title 11 Municipal Code Regulations (11 DCMR) 11 DCMR sections 330.5(c) and 401.3; (2) if the proposed use is for an apartment house or multiple dwelling, then the plans do not provide for the required number of parking spaces as required by 11 DCMR sections 2100.4, 2100.6, 2100.7, 2100.9, and 2101.1; and (3) if the proposed is not an apartment house or multiple dwelling then it is use is either not permitted in an R-4 District, or it use does not meet the minimum lot size required by 11 DCMR sections 401.3.

## **DISCUSSION**

The proposed used described on the posted permit is "3 family flat". This description is at best ambiguous and at worst, meaningless. The term "flat" is defined by 11 DCMR § 199.1 as "a two-family dwelling". Based on this definition the term flat cannot be used to refer a three family dwelling. The phrase "3 family flat" uses contradictory language.

The arguments against the appropriateness of the proposed use of the property are dependent on the interpretation of the proposed use ("3 family flat") and whether or not that described use has any meaning in the context of the zoning code. The proposed use as described on the permit implies one of the following two possible uses: 1) a three unit apartment house or multiple dwelling or 2) some other use not specified in 11 DCMR as a matter of right use in an R-4 District.

### **I. DCRA erred in approving work permits for the building construction of an apartment house or multiple dwelling that does not meet the minimum lot size requirements set forth in 11 DCMR § 401.3.**

The property under consideration is an R-4 Zoning District. If the proposed use refers to either an "apartment house" or "multiple dwelling" as defined by 11 DCMR, then the use is not permitted in an R-4 District without a variance. The variance is required because the proposed use does not meet the requirements for minimum lot size as required by 11 DCMR § 401.3. The lot size of the property is 1056 sq. ft. As prescribed by 11 DCMR § 401.3, a lot size of at least 2,700 is required for 3 units (900 sq ft /unit). The proposed use as a three unit "apartment house" or "multiple dwelling" would be a nonconforming use in an R-4 District.

### **II. DCRA erred in approving work permits for the building construction of an apartment house or multiple dwelling that does provide the minimum number of parking spaces**

If the proposed use refers to either a three unit "apartment house" or "multiple dwelling", then a variance is required because the buildings plans do not include provisions for at least one onsite



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parking space. As required by 11 DCMR § 2100.4 and 2100.6, subject to §2100.7, 2100.9, and 2101.1, a minimum number of onsite parking spaces are required. In this case, § 2101.1 requires a minimum of one onsite parking spaces.

11 DCMR 2100.7 and 2100.9 prescribes that the required minimum number of parking spaces applies to this property even though it existed prior to May 13, 1958. The planned conversion of this single family row house to a three unit dwelling, will triple the number of dwelling units which is an increase of 300% in the number of units. In this case the proposed use requires a variance which has not been applied for or granted.

**III. DCRA erred in approving work permits for the building construction if they interpreted the proposed use as describing a use not permitted as a matter of right in an R-4 District.**

If the proposed use is not an apartment house or multiple dwelling, then that use is either not permitted as matter of right in an R-4 District, or under the proposed use the property does not meet the minimum lot size required by 11 DCMR § 401.3.

If the ambiguity in the description of the proposed use leads one to interpret the use as one that is not permitted as a matter of right in an R-4 District, then that change to a nonconforming use is subject to the requirements of 11 DCMR § 2003.3. Under 11 DCMR § 2003, Change Uses Within Structures, § 2003.3. states “ In Residential Districts, the proposed use shall be either a dwelling, flat, apartment house, or a neighborhood facility”. The proposed use which describes the intent to include three units is clearly not a flat based on the definition in 11 DCMR § 199.1 (“a two-family dwelling”). The proposed use clearly does not describe a neighborhood facility. Therefore, if the proposed use is not either an apartment house or multiple dwelling, then it is not a permitted use in a Residential District based on the requirements of 11 DCMR § 2003.3.

If the ambiguity in the description of the proposed use leads one to interpret the use as one permitted as a matter of right in an R-4 District then that use is subject to the minimum lot size requirements of 11 DCMR § 403.1. That section lists four use categories in an R-4 District; 1) Row dwelling and flat, 2) One-family semi-detached dwelling, 3) Conversion to apartment house and 4) All other structures. In this case, the proposed use falls within category of “All other uses” which requires a minimum lot size of 4,000 sq ft. The properties lot is 1,064 sq ft. Thus the proposed use would require a variance which has not been granted.

**REQUEST FOR RELIEF**

The appellant request that the Board ORDER the Department of Consumer and Regulatory Affairs to:

1. Revoke the Electrical, Fire, Mechanical, Plumbing, and Zoning Disciplines and the approved building and construction permits for Building Plan Review Status Tracking 4442 E 6 for 1405 North Carolina Ave N.E. as the proposed use does not meet the requirements of a matter of right use for the following reasons: 1) if the proposed use is as an apartment house/multiple dwelling, the lot size does not meet the requirements for the proposed number of units and the building plans fail to provide for the required minimum number of parking spaces; and 2) if the proposed use is other than an apartment house/multiple dwelling, then the use is either not permitted in an R-4 District or does not meet the minimum lot size.





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2. Deny the pending certificate of occupancy requests based on the same reasons stated in the previous paragraph. fact the lot size does not meet the requirements for the proposed use as a three unit apartment house or multiple dwelling.



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ANC 6A Treasurer's Report  
August 2008

Period Covered:	07/01/08	-	08/31/08		
<b>Checking Account:</b>					
Balance Forwarded				\$	9,695.87
<b>Receipts:</b>					
District Allotments 2nd Quarter FY08			\$	5,694.42	
Interest Income			\$	-	
Transfers from Saving Account			\$	-	
Total Receipts				\$	5,694.42
Total Funds Available				\$	15,390.29
<b>Disbursements:</b>					
Nicholas Albert - Parking	Ck #1262		\$	10.00	
Roberta Weiner	Ck #1263		\$	120.00	
Check Order			\$	50.00	
Total Disbursements				\$	180.00
Ending Balance				\$	15,210.29
<hr/>					
<b>Savings Account:</b>					
Balance Forwarded				\$	4,155.95
<b>Receipts:</b>					
Interest 06/30/08			\$	1.37	
Interest 07/31/08			\$	1.41	
Transfers from Checking Account			\$	-	
Total Receipts				\$	2.78
Total Funds Available				\$	4,158.73
<b>Disbursements:</b>					
Total Disbursements				\$	-
Ending Balance				\$	4,158.73



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ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY  
 3rd Quarter FY08

Quarterly Report Period Covered 04/01/08 - 06/30/08 ANC 6A

Summary of Receipts and Disbursements: Checking Account

Balance Forwarded		\$	9,829.37
<b>Receipts:</b>			
District Allocations 2nd Quarter FY08	\$	5,694.42	
Interest Income	\$	-	
Other Deposits	\$	-	
Transfers from Saving Accounts	\$	-	
<b>Total Receipts</b>		\$	5,694.42
<b>Total Funds Available</b>		\$	15,523.79
<b>Disbursements:</b>			
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			
12. Utilities	\$	-	
13. Printing and Copying	\$	-	
14. Flyer Distribution	\$	-	
15. Purchase of Service	\$	127.50	
16. Office Supplies	\$	-	
17. Office Equipment			
A. Rental	\$	-	
B. Purchase	\$	-	
18. Grants	\$	-	
19. Training	\$	-	
20. Petty Cash Reimbursement	\$	-	
21. Transfers to Saving Account	\$	-	
22. Bank Charges	\$	56.00	
23. Other	\$	-	
<b>Total Disbursements</b>		\$	183.50
<b>Ending Balance:</b>		\$	15,340.29

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.



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ANC 6A QUARTERLY REPORT OF FINANCIAL ACTIVITY  
 3rd Quarter FY08

Summary of Receipts and Disbursements: Savings Account

Balance Forwarded		\$ 4,153.17
Receipts:		
Transfers From Checking Account	\$ -	
Other (Interest Earnings, etc.)	\$ 4.15	
Total Receipts		\$ 4.15
Total Funds Available		\$ 4,157.32
Disbursements:		
Transfers to Checking Account	\$ -	
Other	\$ -	
Total Disbursements		\$ -
Ending Balance:		\$ 4,157.32

CHECKING AND SAVINGS ACCOUNT DEPOSITS		
Deposits to Checking Account (Including transfers from savings account)		
Date	Amount	Source
05/18/08	\$ 5,894.42	District Alloment 2nd Quarter FY08
Total	\$ 5,894.42	
Deposits to Savings Account (Including transfers from checking account)		
Date	Amount	Source
04/28/08	\$ 1.37	Interest
05/31/08	\$ 1.41	Interest
08/30/08	\$ 1.37	Interest
Total	\$ 4.15	





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## REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A

August 29, 2006

Present: Commissioners Nick Alberti;  
Resident Members Jeff Fletcher, Drew Ronneberg, and Linda Whitted.

Commissioner Alberti chaired the meeting.

HPA 06-??? (221 12<sup>th</sup> St, NE): Rear 2 story addition

Architect Kevin Winkler presented plans for a rear 2 story addition to an existing row dwelling. The committee voiced no objections to the plans.

BZA 17520: Rear addition to 1104 E. Capitol St. NE

Sarah Vander presented plans to remodel the facade of the 2<sup>nd</sup> floor rear addition to her property at 1104 E. Capitol St. NE and enclose the space under this addition. Ms. Vander and her husband are seeking a special exception because, the enlarged dwelling does not meet the lot occupancy requirements, (section 403), the rear yard requirements (section 404) and the nonconforming structure provisions (subsection 2001.3) in a the R-4 district. The addition to the house will not extend past the rear of the house of the Eastern neighbor and will be of similar depth to rear of the house of the Western neighbor. Ms. Vander stated that her abutting neighbors were supportive of the construction and that the new addition would be a more aesthetically pleasing structure.

Recommendation: The committee voted unanimously to recommend a letter of support be written in favor of the BZA granting of the special exception.

BZA 17532: Appletree's BZA Appeal of Zoning Administrator's ruling.

Appletree is appealing DCRA's denial of building permits for a charter school at 138 12<sup>th</sup> St NE. The appeal is based on the following 5 points:

1. The charter school proposal is not subject to the minimum lot area and minimum lot width requirements established by the Zoning Commissions (ZC) Feb 13 emergency rule making.
2. DCRA's requirement for 10 parking spaces is not valid because no additional parking can be required for a historic structure.
3. The ZC's Feb 13, 2006 emergency rule making, on which DCRA relied is invalid because there was no emergency.
4. The ZC's emergency rule making expired after 120 days. On June 13, 2006 the ZC erroneously extended the rule making beyond 120 days.
5. Assuming the rule making expires after 120 days, the new rules were not in force when DCRA ruled on AppleTree's building permit application.

The committee felt that it could address only the first 3 points, as it does not have the expertise to address the legal issues related to point 4 and 5, which speak to ZC's decision to extend its emergency rule making.

To the 1<sup>st</sup> point of Appletree's appeal, the committee thought that Appletree had misinterpreted the



zoning law by arguing that because the structure existed before May 12, 1958, the minimum lot area and minimum lot width requirements do not apply. It appears that Appletree believes that the school is permitted as a matter of right because the building's structure is grandfathered under zoning regulations. It is the committee's position that the charter school, which is a nonconforming use under the ZC emergency rules, is not permitted because the most recent use of the structure (a private club) is a conforming use. Chapter §2002.3 of the zoning regulations prohibits nonconforming uses to replace previously conforming uses. If the nonconforming use as charter schools is permitted then any extension of the structure (as proposed by Appletree) is prohibited by §2002.5.

To the 2<sup>nd</sup> point of the appeal, the committee thought that Appletree had misinterpreted the zoning law parking requirements. Appletree holds that because the building was built before May 12, 1958, it is not subject to parking requirements. The current building is 4300 sq feet and zoning regulations require 7 parking spaces for a structure of this size. With the proposed additions to the building, the site would require a total of 10 parking spaces. It is the committee's position that because the most recent use of the property (a private club) provided space for at least 7 legal parking spaces in the rear of the property, Appletree is required to provide at least 7 parking spaces. But Apple Tree's has proposed plans for only 3 parking spaces. As a result, Appletree can only make the site a nonconforming property with respect to parking regulations by obtaining the necessary zoning relief (special exception or variance) from the BZA.

To the 3<sup>rd</sup> point of Appletree's appeal, which dealt with whether there was a emergency which justified the emergency regulations, it is the committee's position that the prior zoning regulations did not allow charter schools as a matter of right in an R-4 district. Because a number of charter schools needed to make decisions about where they would open for the start of the school year, the zoning commission was justified in promulgating the emergency zoning regulations.

Recommendation: The committee unanimously recommends that the ANC send a letter to the BZA stating that the ANC believes that Appletree appeal lacks merit for the reasons outlined above.

804 H Street NE

Drew Ronneberg stated that community members noticed construction at the site without posted permits and that there was concern that the construction of a 4<sup>th</sup> floor would exceed the FAR requirements for the H Street Overlay district (3.5 FAR for the renovation of an existing building that is mixed commercial and residential use). The owner of the building, John C. Formant, sent plans which appear to show that the building does conform to the FAR requirements. Also, the building now has permits posted at the site.

ZC Text Amendment of parking requirements in historic districts.

The committee found the proposed text amendment to be confusing, but it appears to target the practice of attaching historic building to new construction in order to evade parking regulations. Nick Alberti said he would check when comments on the proposed regulations were due. The committee will revisit the issue when it has more information about the background and intent of the regulations.

Charter School Text Amendments



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The ANC supported the original text amendments to allow charter schools to exist as a matter of right in R-4 districts subject to the regulations proposed by the zoning committee. Members of the community expressed concerns that the addition of verbiage that allowed charter schools with 16 or fewer students as a matter of right in R-4 districts with no further restrictions would open the door to a number of problems related to a large number of schools in a concentrated area. Several community members spoke in favor of requiring all charter schools to obtain a special exception in order for community input to be required.

Recommendation: The committee unanimously recommends that the ANC write a letter to the Zoning commission requesting that the language allowing schools with 16 or fewer students to reside anywhere in a R-4 district as a matter of right to be struck from the proposed regulations.

#### Electrical Boxes on Public Space

Drew Ronneberg showed pictures of 1125 G St. NE, which is a newly constructed rowhouse with an approximately 5 foot electrical box erected in public space halfway between the sidewalk and the front of the dwelling. The electrical box blocks the sight line down the street. According to the DDOT website, electrical installations on public space require a public space permit. Dr. Ronneberg is currently trying to determine if the property has the required public space permit. Several community members stated that PEPCO requires the very large electrical boxes but that the box at 1125 G. Street is an eyesore in its current location.

Recommendation: If Dr. Ronneberg determines that 1125 G. St. NE does not have a public space permit for the electrical box, the committee recommends that the ANC write a letter to DDOT asking for action to be taken to move the electrical box out of public space.

Next Scheduled ED&Z Committee Meeting:  
Tuesday, September 28, 2006  
7-9 PM  
900 G Street, NE  
Community Room of the Capitol Hill Towers





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## DRAFT

September xx, 2006

Board of Zoning Adjustment  
441 4<sup>th</sup> St, NW, Suite 210  
Washington, DC 20001

RE: BZA Appeal # 17532 - Support of DCRA's Decision to Require Special Exception

Dear Board Members,

At the regularly scheduled and properly noticed meeting of September 14, the Advisory Neighborhood commission voted .... to support the Zoning Administrators April 27, 2006 decision to require a special exception for the planned development of a charter school at 138 12<sup>th</sup> St NE. Our actions to support the Zoning Administrator's decision are in response to the appeal of that decision by the Apple Tree Institute for Education Innovation (BZA Appeal # 17532).

In their June 27, 2006 letter to the Board of Zoning Administration, Apple Tree presents several arguments to explain why they believe that the Zoning Administrator erred in his decision. We have concluded that the arguments presented in points 1-3 of that letter are without merit. The basis for our conclusions is as follows:

**Point 1** - Apple Tree argues that their proposal is exempt from the minimum lot area and minimum lot width requirements based on §401.1 of the Zoning Regulations.

The provision in §401.1 clearly speaks to whether or not a structure can be enlarged for its current use if that use existed at the time of the enactment of Title 11. Its applicability to the current case is questionable because the proposed future use represents a change from a previously conforming use to a nonconforming use. Furthermore, this provision does not define what is or is not a conforming use.

Under the zoning regulation of the emergency text amendment Z.C. 06-06, a charter school is clearly a nonconforming use for the property at 138 12<sup>th</sup> St NE, as that property does not meet the minimum lot area and minimum lot width requirements established by Z.C. 06-06. Apple Tree concedes that a charter school is not a conforming use when it assumes the validity and applicability of the Zoning Commission's emergency rule making.

Consideration of how §401.1 applies to this case must be taken in the context of other applicable zoning regulations, since §401.1 explicitly states that any enlargement of the building must comply with all other provision of Title 11. In addition, the applicability of §401.1 is conditioned by the requirements set forth in Chapter 20, by its opening phrase ("Except as provided in chapters 20 through 25"). Two provisions of Chapter 20 apply in this case. These are §2002.3<sup>1</sup> and §2002.5<sup>2</sup>.

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<sup>1</sup> §2002.3 - A nonconforming use shall not be extended to portion of a structure not devoted to that nonconforming use at the time of enactment or amendment of this title, or to another structure.



The most recent use of the property was a conforming use (a private club). In proposing to place a charter school in the existing structure Apple Tree proposes to extend a nonconforming use into a structure devoted to a conforming use. Placing a nonconforming use in a structure previously devoted to a conforming use is prohibited by §2002.3

If a charter school is allowed to occupy the original structure, then §2002.5 prohibits Apple Tree from enlarging the structure for use as a charter school. This statute prohibits the enlargement of a structure devoted to a nonconforming use unless the enlargement is devoted to a conforming use.

**Point 2** -Apple Tree argues that §2100.5 exempts the proposed project from the Zoning Administrator's ruling that ten parking spaces are required for the proposed charter school.

Chapter 20, §2100.5 stipulates that no additional parking spaces shall be required for a historic landmark or building. On the basis of §2100.5, Apple Tree argues that, because the structure is a historic structure, no parking spaces in addition to the 3 parking spaces shown in their plans can be required. This argument is completely without merit. It presumes that future use, rather than existing use, determines the basis against which to measure what constitutes an addition to the number of parking spaces. Consider, for example, an applicant who submits plans that include no parking spaces at all for a historic structure with existing parking. Using Apple Tree's flawed reasoning, the number of parking space against which to measure an increase is zero. The applicant would be completely exempt from any parking requirements whatsoever; because any required parking would be an increase (from the false basis of zero). The applicant would be free to eliminate existing parking which is precisely what Apple Tree proposes to do.

§2100.5 notwithstanding, ten parking spaces can be required for the charter school since that number clearly does not represent an increase to the current number of existing parking spaces. The previous use of this property includes a paved rear parking lot that accommodates a minimum of 10 vehicles. Currently the dimensions of the rear yard, as can be seen on the plans submitted by Apple Tree, measure 36 ft. by 77.7 ft. This entire area is paved and is accessible to vehicles from the rear alley.

**Point 3** - Apple Tree argues that the "emergency" rule making is legally null because there was no rule making.

The charter school proposed by Apple Tree on 12<sup>th</sup> St NE highlighted the inadequacies of zoning regulations, as they existed prior to the emergency rule making, given the change in the public school paradigm brought about by charter schools. With the advent of charter schools, smaller school facilities have begun to appear, public schools have become much more numerous than they were in the past and most important, the siting and physical environment of public schools is no longer routinely subject to public input or the oversight of the Board of Education and the City Council. For these reasons it was imperative to immediately update the zoning regulations so that they both adequately protect residential neighborhoods and provide guidance to those planning to create or expand charter schools.

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<sup>2</sup> §2002.5 - A structure devoted to a nonconforming use shall not be enlarged, except if the enlargement is to be devoted to a conforming use.





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Box 75115  
Washington, DC 20013



Ms. Bunch, Principal  
Miner Elementary School  
601 15th St. NE

**Draft Thank You Letters**

Washington DC 20002

September xx, 2006.

Dear Ms. Bunch,

For over three years you have provided a meeting place for Advisory Neighborhood Commission 6A and, more recently, for the meetings of the Schools Committee, as well. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these public meetings, which are crucial to the functioning of our city.

Please share our thanks with Ms. Artis, of your staff, who has made a special effort to ensure our access to your building.

---

Minister Thompson  
Church of the Lord Jesus Christ of the Apostolic Faith  
1235 C St. NE  
Washington DC 20002

September xx, 2006.

Dear Minister Thompson,

For the past three years you have provided a meeting place for the Community Outreach Committee of Advisory Neighborhood Commission 6A. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these public meetings, which are crucial to the functioning of our city.

Please extend our thanks to Mrs. Thompson who has been so gracious in opening the building for us.

Once again, thank you.

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Ms. Maria Barner, Director  
Sherwood Recreation Center  
Corner of 10th and G Sts. NE

September xx, 2006.

Dear Ms. Barner,



District of Columbia Government  
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Washington, DC 20013



For over three years you have provided a meeting place for Advisory Neighborhood Commission 6A activities – the meetings of the Alcohol Beverage Licensing Committee and, more recently, the Public Safety Committee. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these monthly public meetings, which are crucial to the functioning of our ANC.

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Paulette Page, Director  
Capitol Hill Towers  
900 G St NE  
Washington, DC 20002

September xx, 2006.

Dear Ms. Page,

For over three years you have provided a meeting place for Advisory Neighborhood Commission 6A activities – the meetings of .the Economic Development & Zoning Committee and, more recently, the Transportation Committee. We want to express our sincere appreciation for the time and effort you have put in to helping us hold these monthly public meetings, which are crucial to the functioning of our ANC.

---

Dr. I. King Jordan, President  
Gallaudet University  
800 Florida Ave. NE  
Washington DC 20002

September , 2006.

Dear Dr. Jordan,

For the past three years Gallaudet University has hosted a website for Advisory Neighborhood Commission (ANC) 6A. This website ([www.anc6a.org](http://www.anc6a.org)) is an essential component in our efforts to provide the greatest possible public access to our proceedings. Non-ANC related information of community interest is available as well. We want to express our sincere appreciation for the time and effort your staff has contributed to this endeavor.

Please share our thanks with Mr. Jon Mitchiner, Director, Information Technology Services, who has gone out of his way to provide the best support possible. His colleagues have been enormously helpful as well.



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## **REPORT OF THE PUBLIC SAFETY COMMITTEE July 19, 2006 at Sherwood Recreation Center**

### Meeting Attendees:

Commissioners: Mary Beatty

Chair: Stephanie Nixon

Committee Members Present: Michael Seneco

Committee Members Absent: Raphael Marshall, Laura Brown, Joe Bellino, Mark Laisch, Diane Hoover

Residents: Matt Velic

Guests: Carolyn Crank (US Attorney's Office),

Stephanie Nixon opened the meeting at 7:05 pm.

### Crime Emergency Discussion:

Community members mentioned that some Council members were not considering the crime increase such an emergency because it happens every year: Chief Ramsey declares a crime emergency every year.

### Firework/Firecracker Legislation:

Discussion about whether bottle rockets are illegal. Ms. Hoover said that she went to see what was legal and/or illegal. Carolyn Crank said that back in the day they used to check trunks but not any more. Commissioner Beatty suggested bringing a copy of the code to the next meeting and have Deputy Chief Fleming present.

Al Coles (MPD Community Outreach) said that anything that explodes or flies in the air is illegal. M80s are definitely illegal along with others. The Office of Unified Communications clumps the calls for service into separate groups. SE there was a shooting covered up by fireworks.

A resident's email was presented to the committee and concerned the safety with fireworks. Mr. Seneco indicated that these are unlikely to burn down houses, and Ms. Hoover pointed out the burn marks on her deck. There was a discussion about whether this is a personal safety issue or a public safety issue. There was discussion about shootings and the confusion between gunshots and fireworks.

If this is illegal, then somebody should be responding to calls. The consensus was to explore the law and determine whether it updating is necessary.

### Comprehensive H St Plan

The community has concerns about the bus shelters at 8<sup>th</sup> and H St NE. Loitering is a big concern at the bus stop as well as the smell. It was reported that a woman seems to live in the bus shelter at 8<sup>th</sup> & H St NE. At this location all day bus passes are sold for a dollar. Mr. Seneco said he met with Metro Transit Police recently and was invited to sit in with the command staff. They spent quite a bit of time talking about the need to respond to these locations. WMATA Police have two police districts and a lieutenant is supposed to be coming to the PSA 102 meetings. There is definitely a need for a Metro Transit Authority PD at the PSA 102 meetings.

Al Coles stated that 8<sup>th</sup> & H St NE was still in problem solving during the PSA 102 meetings.



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Office of Unified Communications

Diane Hoover drives a flexcar and tried to park the car in the appropriate space. 311 would not respond to this and told her to park the car elsewhere. There is no statute in DC code or DCMR preventing others from taking the flexcar parking spots. Committee members suggested calling Sergeants directly and requesting the supervisor. Emailing [Michael.Latessa@dc.gov](mailto:Michael.Latessa@dc.gov) is another option when all else fails (CC: [Diane.Groomes@dc.gov](mailto:Diane.Groomes@dc.gov)).

Request for Action by the ANC:

NONE

Respectfully submitted by Stephanie Nixon.



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



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## ANC6A PUBLIC SAFETY COMMITTEE MEMORANDUM

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**TO:** ANC6A PUBLIC SAFETY COMMITTEE  
**FROM:** STEPHANIE NIXON  
**SUBJECT:** PAPERING CONVERSATION WITH DAVE ROSENTHAL, COMMUNITY PROSECUTOR IN THE OFFICE OF THE ATTORNEY GENERAL (JUVENILE DIVISION)  
**DATE:** 6/1/2006  
**CC:** DAVE ROSENTHAL AND BARBARA CHESSER

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### **Summary from phone conversation with Attorney Rosenthal 6/1/2006:**

The Office of the Attorney General's office would benefit from a faster papering process. Attorney Rosenthal was contacted at the suggestion of Attorney Chesser with regards to his knowledge of the history of the judicial system in DC and the potential for alternative methods that might make the papering process more effective and more efficient.

### **Addition Information on OAG Processing**

For juvenile cases MPD is required to paper at 8 am, no matter which shift the arrest occurred during (e.g., 7-3, 3-11, or 11-7). After the case goes to Mt. Olivet, there may be some down time. For felony cases juveniles may be detained for up to 30 days with 45 days as the maximum. To detain youth, the police officer must be present at the probable cause hearing. Arraignment occurs 6 days per week excluding Sundays and this is regulated by DC Statute 1623.10. Most of the time there is 1 officer per case up for papering.

### **Papering Alternatives**

To do night papering, attorneys, secretarial support, and other staff would be needed. Moreover, if the papering is done right after the crime, then the victim is more likely to appear in a heightened emotional state which may take more time for the attorneys and the officer. In addition, the witness and the officer would still have to appear at the probable cause hearing the following day.

Electronic papering might prove more efficient. A police officer could complete the papering information electronically and then it goes to the office and the attorney adds new information. Witnesses may still need to appear the following day before the attorney and both witnesses and officers would still be needed at the probable cause hearing.

Alternative scheduling options for attorneys. During the discussion I mentioned the possibility of having attorneys present for papering at alternate work schedules (e.g., 11-7 or matching officer shifts). As the OAG only has 15 attorneys papering, it would not be feasible at this time. **Suggest that the PSC** review other cities with similar caseloads to determine how many attorneys are needed to efficiently handle the caseload in DC.

Magistrate in Police Stations: According to the Juvenile Justice and Prevention Act, juveniles must be separated by sight and sound from adult offenders. However, a magistrate could be in the police stations and at Mt. Olivet.

### **Recidivism**





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Attorney Rosenthal suggested contacting DYRS and Court Social Services with regards to this, which has been done. A conversation with DYRS is scheduled for next week.

**PSA 102 Meeting Summary  
Sherwood Recreation Center  
640 Tenth Street, NE  
June 13, 2006**

Jesse B Rauch  
617/335-2185  
[jbrauch21@mac.com](mailto:jbrauch21@mac.com)

This summary contains information pertaining to the ANC 6a Public Safety Committee and emphasizes possible issues for ANC 6a involvement.

- 1) PSA 102 is pursuing action for activities at the corner of 8<sup>th</sup> and H Streets, NE regarding the DC "Noise Law." This law allows unlimited, amplified, non-commercial speech from 7am to 9pm in any DC residential community. Almost every Saturday, a group congregates at the corner of 8<sup>th</sup> and H Streets, NE, using an amplifier to broadcast their speech into the surrounding community. PSA 102 wants the DC City Council to balance free speech with the right to peace and quiet.

PSA 102 does not seek the removal of the group. However, they do believe that there is a health and safety issues involved with the volume of the activity. They advocate:

- a) Decibel limits for amplified sound in residential areas.
- b) Permit process, with possible limits.

PSA 102 seeks changes to the current DC Noise Law. This might permit ANC 6a assistance.

- 2) The majority of robberies are between H and F Streets, NE and throughout the entire corridor. More crimes are occurring during the daytime than they used to. There are three uniformed officers on H Street, NE during most of the day from Tuesday-Saturday.
- 3) PSA 102 has seen an increase in theft from cars. MPD attributes part of this problem to terrible lighting in Capitol Hill. With its tree-lined streets, many of the street lights of Capitol Hill are blocked, decreasing the available lighting, therefore increasing the opportunity for theft from cars.

There may be room for ANC 6a involvement in abatement of lighting obstruction from trees.

- 4) The PSA was disappointed when it heard at its last meeting how thinly spread the officers were on H Street. There is a high incidence of crime activity at 8<sup>th</sup> and H Streets, and this absorbs a lot of police time.

The three point plan PSA 102 has for 8<sup>th</sup> and H Street is to:

- 1) Identify and prioritize problems
- 2) Identify stakeholders
- 3) Contact and work with appropriate public agency(s) to solve problem



The purpose of the June 13, 2006 meeting was to identify problems. The problems identified were:

- 1) Aesthetics
  - a. Trash
  - b. Vermin (possums, raccoons, rats)
- 2) Crime
  - a. Robberies
  - b. Public Urination
  - c. Drug Dealing
  - d. Public consumption of alcohol
- 3) Lighting
- 4) Panhandling
- 5) Controlling jay-walking
- 6) What types of commercial businesses will be coming into the area. (Many do not want only bars and athletic apparel stores)
  - a. Should focus on getting businesses that people can use
- 7) Make transit options known (bus, rail, street car)
- 8) Permanent homelessness

#### Stakeholders

- 1) ANC's, Linden Neighborhood Association, Near North East Neighborhood Association, Stanton Park Neighborhood Association
- 2) Churches
- 3) Mental health organizations/services
- 4) All area residents

At the next meeting, PSA 102 will begin to prioritize problem areas, identify stakeholders and determine which public agencies PSA102 should try to work with.



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## **Schools & Libraries Committee Report**

August 23, 2006

7 pm, Miner Elementary School

### Present

**Committee Members:** Richard Carlson (6A04); Tony Hurst (6A05); Marc Borbely (co-chair, 6A06); Audra LeBlanc (6A06); Brenda Artis (6A07).

**Guests:** Charles Vincent, president of the Options Public Charter School board of directors.

### Absent

Jesse Rauch (6A03); André Taylor (6A03); Lisa Turner (6A04); Mfon Ibangha (co-chair, 6A08).

### Options Public Charter School

Dr. Vincent reported that with Sasha Bruce Public Charter School, the school sharing the old Kingsman Elementary School with Options, having been shut down by the Public Charter School Board, Options would be taking over the whole building at Kingsman, with the exception of the annex, which would be used by Washington Academy, a program for K-3<sup>rd</sup> grade, for one year. Options is not growing, just using more space. Class rations will be reduced, to 10-to-2.

Dr. Vincent said Options was expanding its sports program, adding lacrosse and soccer. He said the school facilities are available to the ANC and community, at no charge.

He said Options is exploring acquiring the property containing the blacktop next to the school, from the federal government.

Regarding graffiti outside the school, he said school officials had wanted to wait to repaint the graffiti so that it could be painted over by children as soon as school starts, increasing the chances that the surfaces would remain undefaced.

Regarding monitoring children on their way home from school (neighbors have raised many concerns about unruly/rude behavior), he said teachers will be stationed outside, on every block to H Street, telling the kids to go home. He said the principal of the school, Ronald Nicholas, can be reached at 547-1028. He said there are cameras all around the school.

### Neighborhood / School Libraries

Mr. Hurst reported that he has left his position as children's librarian at the Northeast Branch Library, to become the school librarian at Brent Elementary School, where his son will be a student. He indicated that he has been asked about continuing his neighborhood storytimes for children who are not students at Brent. He said that as part of the after-care program at Brent, he is looking into holding storytimes in a park, after school.

### School Reports

- **Miner:** Ms. Artis reported that Ms. Bunch, previously the school's acting principal, had been



appointed principal. Ms. Artis said that over the summer, some children had broken school windows. She said that Miner did not make Annual Yearly Progress this year. Ms. Artis said Ms. Bunch is exploring ideas for a fundraiser.

- **Gibbs:** Ms. Artis reported that Gibbs has a new principal, Ms. Kimberly Davis. Ms. Artis said Ms. Davis made a very good impression when she had interviewed for a job at Miner, earlier.
- **Maury:** Mr. Hurst said Maury was doing well with enrollment. He said parents were very pleased that a second three-year-old class was about to be established at the school, for the start of this school year. There will be two classes of 19 children per class, with one aide split between the two classes.
- **Eastern:** Mr. Borbely reported that parent/community leaders Mark Roy and John Gibson were upset that Eastern had yet again been given a new principal, Mr. Shawn Hearn. They felt that the Eastern community had been working well with Ms. Williams, who served as principal last year. Mr. Borbely reported that the Eastern community was frustrated that the DCPS regulations laying out a formal principal selection process, including members of the community and teaching staff, had been ignored. Mr. Carlson reported that Mr. Roy and Mr. Gibson had indicated that receiving permission to use the parking lot for fundraising was not a priority right now. On the plans to turn Eastern into a version of Boston Latin, he said one of the requests was that the name "Eastern" would not be lost.

### **Neighbor Volunteer Survey**

Ms. LeBlanc said she had made contact with Borders, and that the company will send 250 small bags and pencils to be included in packages to teachers, along with the teacher survey. She and Mr. Rauch will continue to explore best ways to get the surveys to teachers at one or two schools: at the next faculty meeting, for example. Ms. Artis offered to seek Ms. Bunch's permission to distribute the surveys at the Miner faculty meeting that Friday. Ms. LeBlanc said she would finalize the formatting of the survey and draft a cover letter, to be delivered to Miner on Thursday.

### **School Beautification Day**

Mr. Borbely, who is serving as the Coordinator for the DCPS School Beautification Day in Ward 6, asked committee members for help letting neighbors know about the event. Mr. Hurst agreed to pass out flyers to his neighbors for the event at Maury, which he planned to attend. Ms. LeBlanc agreed to pass out flyers to her neighbors, for the event at Miner, which she was going to be co-coordinating, with Ms. Artis. Mr. Carlson agreed to pass out flyers to his neighbors for the event at Eliot. Ms. LeBlanc reported that she had been speaking with Ms. Bunch about what work she was hoping neighbor-volunteers would undertake.

### **Eastern Benefiting from Condo Development Across the Street**

Mr. Carlson reported on a community meeting where the developer of condos across the street from Eastern, on the 1700 block, presented his development plans to the community. The developer is planning to build a five-story building, with about 120 units, including affordable housing. Mr. Carlson suggested that the developer might be willing to help repair Eastern's basketball and tennis courts, as a community benefit. **Without objection, the committee**



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**recommended that the ANC send a letter to the developer, encouraging him to consider such a project, to benefit Eastern.**

### **Large School/Community Event**

Mr. Hurst reported that he and Mr. Rauch were working on finding entertainers, storytellers or others presenters who might be willing to put on a show or other event at a school, open to the community. He said he had given Mr. Rauch contact information for some groups to contact. One possibility might be to focus on building community outreach for a school play.

### **Next Meeting**

The next committee meeting will be held on Wednesday, September 27.

Respectfully submitted by Marc Borbely



**ANC 6A Transportation Committee Meeting Minutes  
Community Room of Capitol Hill Towers (900 G St NE)  
July 24, 2006**

Committee members in attendance: Lance Brown, Aryeh Fishman, Jennifer Flather, DeLania Hardy, Victor McKoy, Claire Rodriguez, Marlon Smoker, Warner Sterling and Omar Mahmud (Chair)  
Committee members absent: Ken Granata and Victor McKoy

- I. Mr. Mahmud called the meeting to order at approximately 7:10 pm
- II. Committee and community members introduced themselves
- III. Community Comment
- IV. New Business
  - a. DDOT Efforts to Improve Bicycle Infrastructure
    - i. Mr. Sebastian from DDOT came to present to the committee about current and proposed bicycle lanes and signage around the greater Capitol Hill area (Mr. Sebastian passed out a map detailing Ward 6 "proposed bicycle facilities).
    - ii. Ms. Rodriguez asked about completing the bike lane on the 900 block of C St NE, what the timeline on completing the whole bicycle lane infrastructure improvement plan is, how the bike lanes at Columbus Circle would connect to E St NW and when the Union Station bicycle station would be built.
    - iii. Mr. Sebastian made it clear that while the study and plan were developed in 2005, it is not set in stone and with enough political will, it is possible to make changes to the plan. He also pointed out that in some cases, putting down bike lanes would require changing the hours of restricted parking.
    - iv. In response to the questions posed by Ms. Rodriguez, Mr. Sebastian stated that DDOT paints bike lanes on roads in coordination with street resurfacing efforts (i.e. bike lanes are painted after streets are repaved). Therefore, because the 900 block of C St NE has yet to be repaved, DDOT has not yet completed painting the bike lane. In addition, Mr. Sebastian indicated DDOT hopes to have all lanes in place by 2015. And that the construction of the bike shelter station at Union Station may begin as early as next year.
    - v. Mr. Brown indicated he would support an east-bound bike lane along Pennsylvania.
    - vi. In response to a question about bike racks, Mr. Sebastian informed the committee that to get bike racks, you only need to submit a request to DDOT. In the past it has been businesses and different store owners that typically request them.
    - vii. Mr. Mahmud asked Mr. Sebastian about possible share the road signs. Mr. Sebastian responded that while it is a good idea he is reluctant to paint "sharrows" on the road because they are expensive. However, he is willing to think about something like that to connect one set of bike lanes to the next.
    - viii. Mr. Brown commented that in the areas of Lincoln Park and Stanton Park it is hard to get around because automotive traffic never knows which direction bikers are headed. Mr. Brown then asked about a solution to this problem, wondering how the lanes would be painted. Mr. Sebastian responded by assuring the committee that he and his department are well aware of this problem and are currently working on a feasible solution.



- ix. Mr. Sebastian informed the committee that every first Wednesday of each odd numbered month, the bicycle committee meets. There are members from each ward on the committee. (Liam Heeley-Ward 6) The meetings are held on the 11<sup>th</sup> floor of Judiciary Square.

V. Updates

- a. Traffic Calming Study Requests
  - i. Ms. Flather reported that the commissioners had approved the two traffic calming study requests. In order for DDOT to carry out the study, 35% of the area's residents must sign a petition requesting the study.
  - ii. Mrs. Flather reported that Commissioner Borberly will put in a request to his constituents to get them to sign the petition for a traffic calming study for 14<sup>th</sup> and E. He will also try and get the principal of Miner Elementary to sign the petition.
  - iii. Ms. Flather also received complaints from Miner Elementary School about a stop sign in front of the entrance to Miner that is consistently run at night.
  - iv. Ms. Flather told the committee that at Lincoln Park they will be putting down speed bumps, and will be posting signs at least 30 days prior to this to let people know they are going to take this action. (This is required by law.)
- b. Joint Effort with Public Safety Committee to Request Increased MTA PD Presence at 8<sup>th</sup> and H
  - i. Ms. Hoover reported that the Public Safety Committee is currently focused on investigating Baltimore's anti-loitering law, hoping to propose something similar for DC.
  - ii. She also reported that WMATA is considering putting cameras at some bus stops.
  - iii. Mr. Mahmud reported that Jesse B. Rauch had chatted with the head of WMATA police during an online Q&A session during which WMATA indicated there will be an increased police presence at 8<sup>th</sup> and H NE going forward.
- c. Lack of parking enforcement for car sharing parking space on 12<sup>th</sup> Street NE, just South of H Street
  - i. Ms. Hardy reported that after numerous conversations with both Flexcar and Zipcar, Arlington seems to do the best job of car sharing parking enforcement - if a car is illegally in a shared spot for more than 10 minutes, it is towed. The problem is that with DC there are different procedures for towing cars illegally parked in car sharing spaces, depending on whether it is day or night. Also, a ticket must first be issued, then any one of a number of city agencies must give authorization before a car may be towed.
  - ii. Ms. Hardy suggested to the committee that the ANC draft a letter for Mr. Rick Rybeck, DDOT person responsible for dealing with these issues, to show this is something the community cares about and will get DDOT active on the issue.
  - iii. **Ms. Hardy volunteered to get feedback from an upcoming Public Works meeting, draft a letter, and then present it to the committee before bringing it to the full ANC at the September meeting.**
  - iv. Mr. Brown, suggested that the committee think about other potential spots for shared car parking spaces in our ANC. He will let the committee know about what conditions must be met to qualify for a spot.

VI. New Business



- a. Prevention of persistent double parking problem on H Street
    - i. Mr. Mahmud suggested that the upcoming streetscape improvement project and the coming street cars might present a good opportunity for the ANC to begin working with DDOT to come up with a solution to this problem.
    - ii. Mr. Mahmud suggested a letter from the ANC would be a good first step in tackling the issue. He offered to draft the letter.**
    - iii. Mr. Mahmud has begun talking to Chris Delfs at DDOT to see what processes need to be completed to begin enforcement. While Mr. Delfs does not know the answer, he has forwarded Mr. Mahmud's concerns onto the appropriate person and will get the answer for the committee.
    - iv. The committee came to the consensus that the letter should be sent to the Police and to DDOT.
  - b. Request to change "no parking" designation on the South side of the 1600 block of D St NE. Explore same for 1500 block as well.
    - i. Mr. Mahmud received a community suggestion that the 1600<sup>th</sup> block of D St NE have parking on both sides of the street, however the lane is very narrow and the bus travels down the street.
    - ii. Mr. Mahmud has requested information from DDOT about the appropriate procedures for this request.
    - iii. The committee decided that unless DDOT indicates parking on both sides of this block is allowed under current regulations, that the ANC should not take any further steps on this issue.
- VII. Assign Tasks
- a. Ms. Flather will continue to work on the traffic calming studies
  - b. Ms. Hardy will attend a public works meeting and then draft a letter for the ANC to send to Rick Rybeck at DDOT to encourage making enforcement of car sharing spaces a priority.**
  - c. Mr. Mahmud will draft a letter for the ANC to send to DDOT and the Police to enforce double parking restrictions on H St.**
  - d. Ms. Hoover will continue to coordinate with the public safety committee and will meet with Ms. Stephanie Nixon to find out what progress is currently being made on the 8<sup>th</sup> and H WMATA police enforcement issue.
- VIII. Adjourn meeting at approximately 8:50 pm