



District of Columbia Government  
Advisory Neighborhood Commission 6A  
**Agenda for September 13, 2007**



- 7:00 pm **Call to order**, adopt agenda and approve previous meeting's minutes (page 3).
- 7:05 **Community Presentation**  
Linda Argo, Director Department of Consumer and Regulatory Affairs (DCRA) 20 minutes  
Dr. Charles Vincent, Options Charter School, 5 minutes
- 7:30 **Community Comments** (2 minutes each)
- 7:35 **Officer Reports:**  
Chair (2 minutes)  
Vice-Chair (2 minutes)  
Secretary (2 minutes)  
1. Outstanding Commission correspondence:  
a. Letter to DCRA and OTR pointing out technical errors in vacant property list  
b. Letter to Zoning Administrator asking that the Certificate of Occupancy for 701 10th Street, NE not be issued unless curb cut is approved by Public Space Administration  
c. Letter to DCRA regarding public space violation letter for 1319 Constitution  
d. Letter regarding DC Marathon organizers with suggestions for improvement  
Treasurer (2 minutes) - *starts on page 23*  
1. Approve treasurer's report and previous month's disbursements.  
2. Approve monthly photocopying expenses.
- 7:40 **Single Member District reports** (2 minutes each)
- Standing Committee Reports:**
- 7:45 Alcohol Beverage Licensing (5 minutes) – starts on page 24  
1. **Recommendation:** Do not protest Anais Bar & Lounge (1363 H Street NE) license and seek a standard voluntary agreement.  
2. **Recommendation:** Approve a stipulated license for Atlas CMP license.  
3. Next meeting: 7:00 p.m., September 18, 2007. (third Tuesday)
- 7:50 Economic Development and Zoning (10 minutes) – starts on page 26  
1. **Resignation:** Harry Stevenson  
2. **Recommendation:** ANC 6A withdraw its BZA appeal for 1016 H St. NE.  
3. **Recommendation:** ANC 6A write a letter to the owner of 1309-1311 H St. NE asking that the building be preserved and renovated and point out various zoning and tax incentives that would make preserving the building more cost effective.  
4. Next meeting: 7:00 p.m., September 25, 2007 (fourth Tuesday).  
5. Accept Committee Report
- 8:00 Community Outreach (5 minutes) – starts on page 32  
1. **Recommendation:** send letters of appreciation to organizations providing meeting space and/or website support.  
2. Next meeting – 7:30 p.m., September 17, 2007 (third Monday)  
3. Accept Committee Report.



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8:05 Public Safety (5 minutes) – starts on page 40

1. **Resignations:** Laura Brown
2. Next meeting – 7:00 p.m., September 19, 2007 (third Wednesday)
3. Accept Committee Report.

8:10 Transportation and Public Space Committee (5 minutes) – starts on page 44

1. **Recommendation:** ANC send a letter to Director Moneme asking for action on the following three public space violations:
  - i. Illegal driveways – Unpermitted cuts and excessive width. The prime example mentioned was 701 10<sup>th</sup> Street NE.
  - ii. Illegal parking in public space – Prime examples include 1401 Maryland Ave. NE and Horace & Dickies.
  - iii. Utility companies failing to properly restore roads and sidewalks after performing utility repair work
2. **Recommendation:** ANC resubmit letter to DDOT requesting enforcement of illegal parking within marked car sharing parking spaces.
3. Next meeting – 7:00 p.m., September 24, 2007 (fourth Monday)
4. Accept Committee Report.

8:15 **Unfinished Business**

8:15 **New Business** – discussion starts page 47

1. Motion to authorize presentation to the Congress of a request to return control over the Public Charter School Board (PCSB) and of the appointment of Board members to the District of Columbia. (Holmes)
2. Motion to authorize a letter to the Public Charter School Board asking that the Board abide by the current regulations of the District of Columbia in siting new and expansion charter schools. (Holmes)
3. Motion to authorize opposition to Curtis Etherly's nomination to the Zoning Commission. (Holmes)
4. Motions pertaining to ANC Reform provisions (Holmes)
5. Motion to authorize David Holmes or any officer of the ANC to present to the City Council a comprehensive package of the motions previously adopted urging changes and reforms to benefit the ANCs, and to work with other ANCs and Councilmembers towards adoption of the package. (Holmes)
6. Motion to recommend location for 1D Metropolitan Police Station.
7. Motion requesting DPW enforcement of posters, signs, and placards regulations within ANC6A with draft letter attached. (Schultheiss)

8:45 **Community comments** – Round 2 (if time permits)

9:00 **Adjourn**



## ANC6A Meeting Minutes July 12, 2007



### ADVISORY NEIGHBORHOOD COMMISSION 6A Miner Elementary School

Minutes  
July 13, 2007

The meeting was called to order at 7:02 p.m.

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

#### 1. Approval of agenda

There was a request to add a resignation to the report of the Transportation Committee.

**Motion:** The agenda was moved and accepted without objection.

#### 2. Minutes

**Motion:** Mr. Schultheiss moved/Mr. Holmes seconded a motion for the adoption of the minutes for the June meeting. The minutes were adopted without objection.

#### 3. Community Comments

Thomas Gallo ([gallo4343@hotmail.com](mailto:gallo4343@hotmail.com), 286-4343), who works with Joe Englert, spoke about the idea of doing a Heritage Trail for H Street. He said he has met with Jane Levey, of Cultural Tourism, and she is excited about doing it, but needs the help of the community. She said it will take over two years from start to finish, and requires input from people with knowledge of the neighborhood's history. Mr. Gallo said he is looking for a working group leader, and for funding for three trails. Ms. Beatty asked about specific sites and things that were mentioned included the site of the riots, Gallaudet, and the H Street corridor's shopping, movies, clubs, etc.

Elizabeth Nelson announced the August 25<sup>th</sup> DCPS Beautification Day, and gave a number, 727-0488, for those who are interested.

#### 4. Officer Reports

Chair:

Commissioner Fengler reported that the ANC has been successful at the Zoning Commission in their quest to require all apartment conversions in an R-4 district conform to at least 900 sq. ft. per unit.

He reported that the City Council had approved the H Street moratorium, and that ANC 6A has become the first ANC to use the regulations to execute policy. Mr. Marshall added that after the notice of the Moratorium is published in the DC Register, there is a 30-day comment period, after which it goes into effect, and owners will have a period to use up their stock.



## ANC6A Meeting Minutes July 12, 2007



Finally, Mr. Fengler reported that he had testified at the hearing on the Noise Ordinance legislation, and it presents a difficult challenge. There were more than 150 union members and at least five lawyers at the hearing, and, much like the moratorium, the ANC is dealing with a powerful group---in this case, labor unions.

### Vice-Chair

Commissioner Holmes reported that Councilmember Wells had introduced and had passed, emergency legislation banning bus parking on the Hill, and they will continue to work with the Capitol Police to see that the ban is enforced.

### Secretary

Commissioner Schultheiss reported that there were still some open letters that he would deal with over the summer break.

### Treasurer

Commissioner Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$22,791.15, and that the savings account balance was \$4,169.44. There was an interest payment to the saving account of \$1.06 There were disbursements of \$120 to Roberta Weiner for transcription of minutes (Check #1317); \$180 to the Ft. Dupont Ice Arena for a grant to Kid Power-DC (Check #1318); \$380 to Trees for Capitol Hill for a grant (Check #1319)); \$360 to Kid Power-DC for a grant; \$460 to Kid Power-DC for a grant (Check #1920); \$460 to Wanda Bamberg-Tia for a grant (Check #1321); and \$338.16 to Fed-Ex Kinko's for copying (Check #1322), leaving a balance of \$20,952.99 in the checking account, and \$4,170.50 in the savings account. **Motion:** Commissioner Alberti moved to approve the Treasurer's Report. It was seconded by Commissioner Fengler, and approved without objection.

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

**Motion:** Commissioner Alberti moved that the ANC accept the Quarterly Report for the 3<sup>rd</sup> Quarter of the FY 08 year. It was seconded by Commissioner Schultheiss and approved without objection.

**Motion:** Commissioner Alberti moved approval of the Treasurer's Report. The motion was approved without objection.

## 5. Single Member District Reports

Commissioner Marshall reported that there have been several raids at 811 10<sup>th</sup> Street by MPD, the US Attorney, and Federal officers, and that an eviction notice had been served. He also reported that he had done a walk-through of his neighborhood with Hiram Brewton and discovered an empty structure on the corner of 9<sup>th</sup> and I Streets, and took photos of the trash, both outside and inside. In the alley between Wylie Place and H Street they found that Popeye's had violations, and that Horace and Dickey were throwing oil into the alley. There were also houses in violation.



## ANC6A Meeting Minutes July 12, 2007



Commissioner Holmes reported that 251 8<sup>th</sup> Street, which is a condemned building, is up for sale. He also said that he had met with the principal of Maury, Commander Groomes, a representative of Chancellor Rhee and Linda O'Brien from Councilmember Well's office had looked at the schoolyard at Maury Elementary School and work has started on 400' feet of new chain link fence.

Commissioner Schultheiss reported that work is continuing at Checkers, and it should be renovated by the end of August. The person from Checkers has been invited to speak at the September ANC meeting. He said he had testified at the City Council on behalf of the Vacant Property Task Force on the legislation now before the City Council. He reported that the Task Force is committed to having every vacant property inspected by November, after which a three-year clock will start to run.

Commissioner Fengler reported that the police and fire stations that had been given to NCRC in a land swap in April are now, because the City has decided to abolish NCRC, will back to OPM. Finally, he said that AutoZone has resurfaced its parking lot.

Commissioner Beatty reported that she has filed an application to get ten trees for her SMD from Casey Trees.

Commissioner Mack reported on several upcoming events in her SMD, and said that the house on Gales Street that was such a problem had been cleared up, but now was returning to its former state.

### 6. Committee Reports

#### Alcoholic Beverage and Licensing

Ms. Beatty reported that her Committee had not met in June. She noted that a protest on Viggys' Liquors license renewal would be discussed under new business.

#### *Economic Development and Zoning*

##### 1383-85 H Street NE

Drew Ronneberg reported that this is a request for support before the BZA by Leon Robbins to develop a 3 story mixed use commercial/residential property. The building lacks alley access due to a building directly behind it, and the Applicant is seeking a variance from the on-site parking requirements.

**Motion:** Mr. Fengler moved/ Mr. Schultheiss seconded a motion that the Commission accept the recommendation of the Committee to conditionally support the BZA application, provided that the applicant 1/ builds a structure with the façade and massing presented to the committee; 2/ provides the ANC with the statement of burden of proof; 3/ adheres to all the requirements in the H Street Zoning Overlay including its design requirements and design guidelines; 4/ creates a second floor use consistent with the goals of the Arts and Entertainment District, and; 5/ agrees to build a ventilated trash room. The conditional support applies to the following zoning relief:



## ANC6A Meeting Minutes July 12, 2007



1/ variance from the off-street parking requirements; 2/ special exemption to allow up to 100% lot occupancy; 3/ special exception from rear yard requirements, and; 4/ special exception to allow 2<sup>nd</sup> floor commercial use. The resolution also authorizes Drew Ronneberg to represent the ANC in this matter. Mr. Alberti said that the resolution should stipulate the 2<sup>nd</sup> floor is for arts and entertainment purposes, and it should be made clear in the letter that the 3<sup>rd</sup> floor would not be used for commercial purposes. The motion passed without objection.

### Expansion of the Historic District

Dr. Ronneberg reported that the next step in the process of looking at whether the Capitol Hill Historic District should be expanded, or a new district be created is to do a survey of the structures within the area. **Motion:** Mr. Fengler moved/Mr. Holmes seconded a motion to accept the Committee's recommendation that the ANC support the survey of existing properties anywhere in the borders of ANC 6A for the potential creation of a new historic district or expansion of an existing historic district. The Committee also recommends the appointment of Annie Swingen as coordinator of the survey. The motion passed without objection.

### Vacant Properties

Dr. Ronenberg reported that he had found a number of technical errors on DCRA's and OTR's lists of vacant properties, mainly related to square and lot numbers. **Motion:** Mr. Fengler moved/Mr. Schultheiss seconded a motion to accept the committee's recommendation that the ANC write a letter to DVRA and OTR pointing out technical errors (e.g. wrong square numbers) in their vacant property lists. The motion passed without objection.

### 1016 H Street NE

The owners of this property received a building permit from DCRA to "renovate an existing building to accommodate a fast food restaurant:" In the H Street Overlay District, a special exception is required for a fast food restaurant. The owner, Mr. Tchaka Sapp, claims he did not ask for a fast food permit, and plans to operate a sit-down restaurant that will have tables and chairs, have menus and wait staff, non-disposable plates and silverware, have no trash receptacles in the eating area, will have tables bused by the wait staff, and have an on-premises dishwasher. The Applicant said he would be willing to write to DCRA asking that the permit be reissued as a restaurant.

**Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the ANC appeal the building permit for 1016 H Street NE to renovate the property for a fast food restaurant unless the owner of the property writes a letter to the Zoning Administrator asking that the permit be reissued to renovate the property as a restaurant.

Mr. Fengler said that the decision to grant the fast food license should be appealed to have them go through the process to get a Certificate of Occupancy. The appeal can be withdrawn if the permit is re-issued, but the special exception process should be started. Mr. Marshall commented that he did not want more fast food establishments in his SMD, and questioned making any decision without seeing plans. Mr. Alberti said that the ANC has to vote before the end of the month. The motion was passed without objection.



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### Bill Crews's Dismissal

**Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the ANC write a letter to the Director of DCRA, Mayor Fenty and the City Council expressing its support for the Former Zoning Administrator, Bill Crews. The motion passed without objection.

### 701 10<sup>th</sup> Street NE

Dr. Ronneberg reported that the curb cut at 701 10<sup>th</sup> Street NE, built after DDOT issued a permit over the objection of the ANC, has not been built to code. DDOT has issued an order to replace the curb cut and driveway with appropriate materials, and the owner still has not done so. Dr. Ronneberg was concerned that DCRA would issue a C of O be issued without the curb cut being corrected.

**Motion:** Mr.. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's recommendation that the ANC write a letter to the Zoning Administrator asking that the property at 701 10<sup>th</sup> Street NE not receive a C of O until it complies with the Order from the Public Space Administration to bring its curb cut up to city specifications. The motion passed without objection.

### Trader Joe's in the 300 Block of NE

**Motion:** Mr. Fengler moved to accept the Committee's recommendation that the ANC write a letter to Trader Joe's urging that they locate in the new Steuart development at H and 3<sup>rd</sup> Street NE. The motion did not receive a second, therefore the motion failed.

### Upzoning Moratorium on H Street

Dr. Ronneberg said that he believes the ANC can file a new petition to the Zoning Commission that could be presented differently than the one rejected by the Zoning Commission. He suggested that a text amendment could be submitted that said that developers could be prevented from requesting map amendments as part of a PUD.

**Motion:** Commissioner Fengler moved that the ANC accept the recommendation of the Committee that the ANC submit a new petition to the Zoning Commission to pass a text amendment to the H Street Overlay that would forbid map amendments as part of PUD applications. The recommendation also authorizes Drew Ronneberg to act as the ANC's representative in this matter. The motion passed without objection.

The Committee report was accepted without objection.

### Community Outreach

**Motion:** Commissioner Fengler moved the appointment of Sylvie Lee to serve on the Community Outreach Committee. It was accepted without objection.

### Grants



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Elizabeth Nelson asked for support of two grant applications received from the Capitol Hill Community Foundation School Libraries Project. Suzanne Wells represented the CHCF. **Motion:** Mr. Fengler moved/Ms. Beatty seconded a motion to approve the Committee's recommendation to award two \$1000 grants for library equipment/technology at Maury and Ludlow Taylor Elementary Schools. The motion was approved without objection.

The Committee's report was accepted without objection.

### Public Safety

#### Illegal Fireworks

**Motion:** Ms. Nixon moved that the ANC accept the Committee recommendation that the ANC send a letter to FEMS and MPD urging them to work with each other in dealing with illegal fireworks. The motion passed without objection.

#### Nuisance Properties

**Motion:** Commissioner Nixon moved/Mr. Schultheiss seconded a motion that the ANC accept the Committee recommendation that letters be sent by certified and regular mail to the Office of the Attorney General requesting that they act to see that these six nuisance properties are cleaned up.

Mr. Alberti said that writing to the OAG was a very serious action and raises the situation to a very high level, and that to be taken seriously, a letter would have to be crafted for each one as to why concern is warranted. Mr. Fengler said that at 610 10<sup>th</sup> Street NE there was a body in the basement, but the only way to abate the property was over illegal drugs. Mr. Schultheiss said that progress is being made with the Vacant Property Task Force and the vacant properties should be separated out from the others. Ms. Nixon said that doing six individual letters takes time and she didn't want Mr. Fengler to write so many letters. Mr. Holmes said that the letter doesn't give specifics. **Amended Motion:** Ms. Nixon offered an amended motion to revert to sending six letters as written by the Committee. Ms. Beatty said that the ANC shouldn't be sending letters without telling agencies what we want them to do. The amended motion failed 2-4. The main motion was withdrawn.

#### Commendation of Commander Groomes

**Motion:** Commissioner Nixon moved that the ANC approve a letter be sent to Commissioner Lanier commending Commander Groomes for the good work she is doing. The resolution passed without objection.

The Committee's report was accepted without objection.

### Transportation and Public Space

**Motion:** Commissioner Fengler moved/Mr. Holmes seconded a motion that the ANC accept the Committee's recommendation to send a letter to DDOT requesting that design funds be set aside



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in the FY 08 budget for the two-way conversion of 17<sup>th</sup> Street NE/SE. The motion passed without objection.

### 1401 Maryland Avenue NE

**Motion:** Mr. Fengler moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation to send a letter to DDOT, with copies to MPD and DPW, urging that they install signage and begin enforcing illegal parking in the public space at 1401 MRYLAND Avenue NE. This is the space across the street from Checkers. The motion passed without objection.

### Traffic-Calming Studies

**Motion:** Mr. Fengler moved/Mr. Schultheiss seconded a motion to accept the Committee's recommendation that the ANC send a letter of support for traffic calming studies to DDOT for 12<sup>th</sup> street, 13<sup>th</sup> Street and the 1300 block of G Street, NE. The motion passed without objection.

### Valet Parking Regulations

Mr. Mahmoud reported that there is no mechanism for ANCs to be involved with businesses request setting up valet parking. **Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to accept the Committee's request to send a letter to DDOT commenting on the newly proposed Valet Parking regulations. The motion passed without objection.

### Resignation

**Motion:** Mr. Fengler moved that the ANC accept the resignation of Jennifer Flather as a member of the Transportation and Public Space Committee. It was accepted without objection.

The Committee's report was accepted without objection.

## 7. New Business

### License Renewal for Viggys Liquors

Ms. Beatty said that the sticking point with the license renewal for Viggys is the sale of singles. ABRA says it has the authority to modify, rather than renew, a license and this provides an opportunity to test that. **Motion:** Ms. Beatty moved/Mr. Schultheiss seconded a motion to send a letter to ABRA requesting the use of their authority to modify a license in the Viggys protest if the license is renewed. The motion passed without objection.



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### Kingsman Field

Mr. Schultheiss said that pressure should be put on Parks and Recreation to repair the sprinkler system at Kingsman Field. This is a problem that has been going on for three years. **Motion:** Mr. Schultheiss moved/Mr. Alberti seconded a motion to send a letter to DPR asking them to perform an inspection of the sprinkler system at Kingsman Field to ensure that it wasn't damaged by the contractor constructing the condos at D and 13<sup>th</sup> Street while acknowledging that the sprinkler system was previously allowed to fall into disrepair by DPR. Ms. Beatty said she has spoken with the developer, and he denies any responsibility for the problem. Mr. Fengler noted that this was a great example of a letter that can be sent by an individual Commissioner. The motion was tabled.

### Advertising Funds

Mr. Marshall spoke about the money being spent on advertising and said that it doesn't produce. He said there is an average of 10.6 people present at each meeting, and he doesn't see any value in spending the money. Mr. Fengler responded that it is one of the best ways of using funds that are available in the budget, and the ANC would never have been able to accomplish what it has without the ads. Ms. Mack said she likes the ads and it's a good way to keep in touch with the community. But she would like a paper box at her end of the ANC. Mr. Schultheiss suggested requesting that the papers provide a distribution point in each SMD. Mr. Marshall said that there is a difference between reading a story and paying for advertising, and if the ads are pulled there is still coverage of ANC activities.

### H Street Festival

Mr. Marshall announced that the H Street Festival will take place on September 15<sup>th</sup>, between 12<sup>th</sup> and 14<sup>th</sup> Streets. He said that they don't charge the vendors, and it's one day when everyone should come together.

### ANC Motions

Mr. Holmes offered the following motions on ANC operations to be presented to the City Council:

1. clarify the prohibition against personal use of Commission funds, and against the acceptance of monies, services or of any thing of value by any Commissioner (or his or her family or family-owned company or partnership) from any person, company, partnership, or corporation with business before the Commission, either currently or within one year (before or after) of Commission action. Prohibit membership on the Commissions of a person who has been convicted of a crime that betrays the public trust (embezzlement, misappropriation of funds, fraud, false statements). This prohibition is to be printed on the ANC candidate filing form provided by the Board of Election and Ethics.
2. at the request of an ANC, the City shall provide office space in government buildings or by leasing appropriate space. In addition, the City shall provide office furniture and equipment for an ANC office. At its choice, an ANC may decline to use the City-provided services. (The costs for the lease should be covered by the Office of Property Management (OPM), with their budget adjusted accordingly. The OPM has the staff and knowledge to execute leased space agreements for other DC agencies---adding ANCs to the list of those agencies should not



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overburden the office. It will alleviate the need for inexperienced Commissions to negotiate leases. OPM should provide office furniture and equipment to ANCs—as they do for every other City agency. The OPM has the procurement experts and pre-negotiated contracts to make sure that DC tax dollars are spent wisely and in accordance with the law.)

3. within 10 days of their first notification of the Office of Planning, developers seeking a Planned Unit Development (PUD) shall notify the ANC in which the project is to be located, and any other ANC within 200 feet of the proposed PUD, of its intention to build, and convey thereunto architectural renderings of the project; a statement of special exceptions and variances to be requested; the names, addresses and phone numbers of the project managers and counsel; and a listing of proposed community amenities. This provision should be placed in both the ANC law and the Zoning Code.

The motions were accepted without objection.

### Mayor's Call Center

Mr. Holmes moved/Mr. Alberti seconded the following motion on the Mayor's Call Center:

ANC 6A requests the City Administrator and the Mayor to expedite the placement of public space complaints and questions on the Mayor's Citywide Call Center website. Other than tree maintenance there is no way to use the Call Center for the important "Quality of life" problems that arise in public space. Suggested categories to add include: illegal driveways—new curb cuts, excessive width; parking in the public space; excessive fence height; failure of utility companies to properly close and resurface cuts made in roads, alley and curbs; and illegal temporary no-parking signs.

The motion was accepted without objection.

### 8. Community Comment

Vanessa Ruffin discussed the existing community garden located at the corner of 13<sup>th</sup> Street and Wylie Street.

The meeting was adjourned at 9:03 p.m.



## Approved Letters from July 12, 2007



August 30, 2007

Linda Argo  
Acting Director  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, NE  
Washington, DC 20002

Re: Permits for 138 12<sup>th</sup> Street, NE

Ms. Argo:

I request the permits approved (see enclosure #1) on August 23, 2007, to modify the property for a charter school located at 138 12<sup>th</sup> Street, NE be retracted for two reasons. First, the applicant, AppleTree Institute for Education Innovation, has not received approval to operate a charter school at this location by the Public Charter School Board (see enclosure #2). Second, the Board of Zoning Adjustment (BZA) meeting held to dispose of our Commission's appeal of BZA Case #17532 is under investigation by the Office of the Inspector General (IG) for not providing the proper public notice as required by the ANC Act (see e-mail from IG entitled "BZA impropriety" at enclosure #3).

The prima-facie issue is that in order to apply for a school "use" under the zoning regulations necessitates the applicant to be approved for a charter school at the permit location. Simply put, the cart can not be placed in front of the horse. At the heart of the issue is matter of right development. If a charter school is not approved for a location, and the applicant asserts a "use" not yet obtained, the permits should not be issued. This is not the first time we have written the Zoning Administrator on this issue (see enclosure #4). On March 14, 2007, the Zoning Administrator stated that actions would be taken to ensure entities are *not* posing as charter schools in attempting to gain matter of right uses. As these permits were issued, what changed between March and August?

The secondary issue relates to proper public notice. The DC Code requires 30 days advance notice of any hearing where matters will be considered that affect the ANC. We were only provided seven days notice. Mr. Clifford Moy, Secretary to the BZA, has informed our Commission that he will be unable to comply with our request for an investigation into the question of proper notice, since the matter is under investigation by the IG. I request that you follow BZA's direction and suspend and retract all actions that occurred after August 9, 2007 (the day we receive the first notice from BZA) regarding these permits until the IG completes their investigation.

In close, I ask that your office respond to this request to retract these permits by September 7, 2007 as well as to explain the change between the March and August positions of the Zoning Administrator. In addition, I extend an invitation for you to attend our September 13, 2007, Commission meeting to update our community on the status of the permits as well as to discuss how DCRA handles permits for charter schools.

Respectfully,

Joseph Fengler, Chair

Cc: Matthew LeGrant, Acting Zoning Administrator  
Linda Singer, Attorney General  
Councilmember Tommy Wells



## Approved Letters from July 12, 2007



August 21, 2007

Charles J. Willoughby  
Inspector General  
District of Columbia  
717 14<sup>th</sup> Street, NW, Fifth Floor  
Washington, DC 20005

Re: Sunshine laws regarding the Board of Zoning Adjustment

Inspector General Willoughby:

On August 9, 2007, the Board of Zoning Adjustment (BZA) notified our Commission via electronic e-mail of public meeting on August 16, 2007 (Attachment #1), to rule on an appeal filed by our Commission regarding BZA Order #17532 regarding AppleTree Institute for Education and Innovation's attempt to construct a charter school at 138 12th Street, NE. (Attachment #3). On August 16, 2007, BZA notified our Commission that the public meeting would be delayed one day to August 17, 2007 (Attachment #2). Accordingly, I request that your office review these BZA notifications as executed by Ms. Ruthanne Miller and Mr. Curtis Etherly, Jr. as Chair and Vice Chair, respectively, of BZA, to determine if they were executed in accordance with:

- (1) Section 13(a)-(c) of the Advisory Neighborhood Act of 1975, effective October 10, 1975, D.C Law 1-21, as amended by the Comprehensive Advisory Neighborhood Commissions Reform Amendment Act of 2000, effective June 27, 2000, D.C. Law 13-135, D.C. Official Code Section 1-309.10(a)-(c)(collectively, the ANC Act) sets forth that proposed government action for which ANCs are to receive thirty (30) days advance written notice.
- (2) Title 11, Chapter 31 Board of Zoning Adjustment Rules of Practice and Procedure, Section 3124.3 that states notice of further hearing shall be forwarded to any party who participated in the earlier proceedings or to representative parties at least ten (10) days prior to the date set for further hearing.

Based on the above dates, it appears that BZA did not comply with either the ANC Act or the rules that govern the BZA by providing less than ten (10) days notice of the initial hearing as well as only one (1) day notice of the change of date. As the decision on our appeal was made at this meeting, your swiftest possible review to determine if proper notice was executed is appreciated. Moreover, I request your office to determine if that decision would be null and void for lack of proper public notice and if a new public meeting is required to rule on our appeal.

Regards,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

Cc: Councilmember Wells  
Councilmember Cheh  
Councilmember Mendelson  
Attorney General Singer



## Approved Letters from July 12, 2007



September 8, 2007

Chief Dennis L. Rubin  
Fire and Emergency Medical Services  
1923 Vermont Avenue, NW, Suite 102  
Washington, DC 20001

Chief Cathy Lanier  
Metropolitan Police Dept.  
Government of the District of Columbia  
300 Indiana Avenue NW  
Washington, DC 20001

Deputy Director Linda Argo  
Department of Consumer and Regulatory Affairs  
941 North Capitol Street, NE  
Washington, DC 20002

Director Linda Singer  
Office of the Attorney General  
441 4th Street NW, Suite 1060 N  
Washington, DC 20001

Dear Chief Rubin, Chief Lanier, Ms. Argo, and Ms. Singer,

Our Commission appreciates the interagency efforts to curb illegal fireworks/firecracker sale and use during the weeks preceding the July 4, 2007. Deputy Chief Fire Marshal Gary Palmer and his team took efforts to provide ongoing information about the effectiveness of the enforcement. In addition, Lieutenant Craig Duck made efforts to ask which areas might be most appropriate to target for use of illegal fireworks by the armed fire investigators. Captain Michael Conway's shop produced a pamphlet on firework safety

We look forward to this interagency effort gaining strength over the following year based on analyses of the efficacy of the efforts put forth by each agency this year.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

CC: Mayor Adrian Fenty  
Councilmember Tommy Wells



## Approved Letters from July 12, 2007



September 8, 2007

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

Re: ANC 6A requests reconsideration of BZA Order #17532

Board of Zoning Adjustment Members:

On February 8, 2007, Advisory Neighborhood Commission (ANC) 6A, at its regularly scheduled and properly noticed meeting and with a quorum present, voted unanimously to authorize support of the Department of Consumer and Regulatory Affairs Zoning Administrator's administrative decision to deny an application for a building permit for AppleTree Institute for Education and Innovation, Inc. to construct a charter school at 138 12<sup>th</sup> Street, NE, Square 988, Lot 820. On July 25, 2007, BZA ordered the Zoning Administrator's decision be reversed and that the appeal is granted (see enclosure #1).

Pursuant to our initial authorization, we request that the BZA reconsider its order in BZA Appeal #17532 on the following grounds:

- (1) BZA failed to consider the clear intent of Zoning Commission (ZC) Order #06-06 (see enclosure #2). The BZA failed to reconcile statutes it felt to be in conflict, rendering a more recently adopted regulation meaningless (see enclosure #3).
- (2) The Findings of Fact introduced were not presented before or at the public hearing, nor was the "fact" discussed at the hearing (see enclosure #4).
- (3) Subsequent ZC Case #07-03 (see attachment #5) has rendered this decision moot, and the BZA should set this order aside (see attachment #6).
- (4) A new fact was made known to ANC 6A by a letter from Thomas Nida, Chair of the Public Charter School Board (see attachment #7). Mr. Nida states that no school has been authorized at 138 12<sup>th</sup> Street, NE (see attachment #8).
- (5) Two members of the BZA failed to declare conflicts of interest (see attachment #9).

Based on the above, we formally request BZA reconsider Order #17532. If there are any questions on this matter, please contact Commissioner David Holmes (e-mail [holmes.anc6a03@gmail.com](mailto:holmes.anc6a03@gmail.com) and 202-252-7079) or Commissioner Nick Alberti (e-mail [alberti6a04@yahoo.com](mailto:alberti6a04@yahoo.com) and 202-543-3512).

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

Cc:  
Councilmember Tommy Wells  
Councilmember Phil Mendelson  
Zoning Commission Board Members *via* Ms. Sharon S. Schellin, Secretary to the Zoning Commission  
Mr. Matthew Le Grant, Acting Zoning Administrator, Department of Consumer and Regulatory Affairs



## Approved Letters from July 12, 2007



September 8, 2007

Mr. Dan Tangherlini  
City Administrator  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW, Suite 521  
Washington, DC 20004

Mr. Tangherlini:

Our Commission, at our properly noticed meeting on July 12, 2007, and with a quorum present, voted unanimously to request that citizens be able to file complaints about the improper use of public space by using the very effective and valued Mayor's Citywide Call Center on the World Wide Web.

Other than tree maintenance, there is no way to use the web-based Call Center for the important "quality-of-life" problems that arise in public space. Accordingly, we suggest the following categories be added:

- Illegal driveways - new curb cuts, excessive width
- Parking in the public space
- Excessive fence height
- Failure of utility companies to properly close and resurface cuts made in roads and curbs
- Illegal temporary no-parking signs
- Residential utility boxes installed on public space

We would be happy to meet with representatives of District Department of Transportation, the Call Center staff and/or your office.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc:  
Mr. Emeka Moneme, Director, District Department of Transportation  
Ms. Janice Quintana, Office of Unified Communication  
Councilmember Tommy Wells  
Councilmember Mary Cheh  
Councilmember Kwame Brown



## Approved Letters from July 12, 2007



July 16, 2007

Sharon S. Schellin  
Secretary to the Zoning Commission  
441 Fourth Street NW, Suite 210S  
Washington, DC 20001

**Re: ANC 6A Petition for Text Amendment to H Street NE Commercial Zone Overlay District**

Dear Ms. Schellin,

At a regularly scheduled and properly noticed public meeting on July 12, 2007, our Commission voted 8-0-0 (with 5 Commissioners required for a quorum) to petition the Zoning Commission to adopt a text amendment to the H Street NE Commercial Zone Overlay District ("HS Overlay") that would prevent petitions for map amendments as part of a Planned Unit Development (PUD) application. We believe that this amendment will help preserve the scale and character of H Street NE and further the goals of the H Street NE Strategic Development Plan.

The proposed text amendment addresses the due process concerns voiced by the Commission as part of our April petition (ZC Case 07-10). The new petition preserves an applicant's right to file for a map amendment or an application for a PUD, by only directing that these two filings must be performed separately. Separating these two processes benefits the community because it prevents spot upzonings through the PUD process, which helps preserve the "scale, character and prevalent existing uses" in a NC Overlay District. In addition, ANC 6A believes that the proposed text amendment will have the practical benefit of reducing rampant land speculation in the Western End of the H Street Corridor that is preventing the rehabilitation of existing structures and retarding the H Street's economic development.

Drew Ronneberg is the person authorized to represent ANC 6A for this petition and the authorization includes the power of the agent or representative to bind the person in the case before the Zoning Commission.

On behalf of the Commission,

David Holmes  
Vice Chair, Advisory Neighborhood Commission 6A



## Approved Letters from July 12, 2007



September 8, 2007

Mayor Adrian Fenty  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

RE: Zoning Administrator Bill Crews

Dear Mayor Fenty:

It was with great regret that ANC 6A commissioners learned that Bill Crews had been placed on administrative leave. While we did not always agree with Mr. Crews' decisions and interpretations of zoning regulations, he was a competent, fair, and honest Zoning Administrator--one of the best the city has had in decades.

Mr. Crews was willing to actively engage with our community, listen to our concerns, and gather all pertinent facts prior to making a decision. The interests of our ANC always received a fair hearing. Differing from most other government administrators, Mr. Crews always was willing to return to the community and explain the reasons for his decisions. Our community has particularly appreciated the attention Mr. Crews paid to the revitalization of H Street, N.E. and the development of the zoning overlay that guides that development.

Mr. Crews also brought transparency and integrity to the Zoning Administrator's office, bringing the operations and policies of the office into public view, eliminating questionable ethical practices, and reviving citizen confidence in the impartiality of permitting procedures. Thanks to his leadership, the office is now no longer perceived as simply a tool of special interests and developers with deep pockets and political connections. Mr. Crews dealt in an even-handed way with everyone.

The city is losing one of its most talented and dedicated administrators. We hope that whoever you select for Zoning Administrator exhibits the same degree of openness, impartiality, integrity, and respect for the community as Mr. Crews did during his tenure.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Tommy Wells  
Ms. Linda Argo, Director, Department of Consumer and Regulatory Affairs



## Approved Letters from July 12, 2007



September 8, 2007

Chief Cathy Lanier  
Metropolitan Police Department  
Government of the District of Columbia  
300 Indiana Avenue NW  
Washington, DC 20001

Dear Chief Lanier,

Our Commission appreciates the service to the community provided by First District Commander Diane Groomes. On a regular basis Commander Groomes goes above and beyond the call of duty to confront public safety concerns of all levels in our community. She responds to email from community members with speed and ease and even moderates the 1<sup>st</sup> District Yahoo Group.

Since Commander Groomes came to the First District there has been increased community interaction by police. We appreciate all that Commander Groomes does on a daily basis to protect and serve and to go beyond those duties.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

CC: Chief Brian Jordan, ROC-Central Assistant  
Councilmember Tommy Wells



## Approved Letters from July 12, 2007



September 8, 2007

Ms. Ann Simpson-Mason  
Acting Associate Director  
District Department of Transportation  
2000 14<sup>th</sup> Street NW, 5<sup>th</sup> floor  
Washington, DC 20009

Re: Comments on Proposed Valet Parking Regulations

Ms. Simpson-Mason:

At our regularly scheduled public meeting on July 12, 2007, with all eight commissioners present, our Commission voted unanimously to submit the following comments on the District Department of Transportation's (DDOT) proposed Valet Parking Regulations, as republished on June 15, 2007. Our comments relate to "Application Review" sections of the proposed regulations (§§1602.2 and 1602.3).

Specifically, we request provisions recognizing an ANC's right to weigh in on Valet Parking Plans and applications. Such provisions would recognize the "great weight" ANCs are afforded in on local actions impacting our city's neighborhoods. Accordingly, we propose:

- §1602.2 be amended to include a subsection "e" which should read "The Valet Parking Plan and application will have been approved by the Advisory Neighborhood Commission notified under §1601.2(I)."
- §1602.3 be amended to include a subsection "i" which should read "The recommendation of the Advisory Neighborhood Commission notified under §1601.2(I)."

Without these amendments, the notice afforded to impacted ANCs in the current regulations under §1601.2(I) will be of little use. We strongly urge you to consider adding these amendments to the final version of the proposed Valet Parking Regulations. If you have any questions regarding this matter, please contact Mr. Omar Mahmud at (202) 546-1520 or by electronic mail at [familymahmud@yahoo.com](mailto:familymahmud@yahoo.com).

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A

cc: Emeka Moneme, DDOT Director  
Karina Ricks, DDOT Great Streets Project Manager  
Christopher Delfs, Ward Six Transportation Coordinator  
[publicspace.committee@dc.gov](mailto:publicspace.committee@dc.gov)



## Approved Letters from July 12, 2007



July 16, 2007

Mr. Clifford Moy  
Secretary of the Board of Zoning Adjustment  
Board of Zoning Adjustment  
441 4<sup>th</sup> St. NW, Suite 210  
Washington, DC 20001

Re: Letter of BZA Appeal Authorization for 1016 H St NE

Dear Mr. Moy,

At the regularly scheduled and properly noticed meeting on July 12<sup>th</sup>, 2007, Advisory Neighborhood Commission 6A voted 8-0 (with 5 Commissioners required for a quorum) to appeal the administrative decision of the Department of Consumer and Regulatory Affairs Zoning Administrator to approve Building Permit #105469 at 1016 H St NE.

Please be advised that Terres (Drew) Ronneberg is authorized to act on behalf of ANC 6A for the purposes of this appeal. Dr. Ronneberg can be reached at [ronneberg6a02@gmail.com](mailto:ronneberg6a02@gmail.com) or (202) 431-4305.

On Behalf of the Commission,

Joe Fengler  
Chair, Advisory Neighborhood Commission 6A



## Approved Letters from July 12, 2007



*Before the*

DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT

APPEAL OF:  
Advisory Neighborhood Commission 6A for the  
Administrative Decision of DCRA on  
Building Permit #105469

### Statement of the Applicant

Advisory Neighborhood Commission 6A (ANC 6A) hereby requests that the Board of Zoning Adjustment GRANT the Appeal from the administrative decision of the Department of Consumer and Regulatory Affairs Building and Land Use Regulation Administration approval of the Building Permit #105469 at 1016 H St NE and in support of its appeal states:

### SUMMARY OF APPEAL

The Department of Consumer and Regulatory Affairs (DCRA) erred in its decision to grant Building Permit #105469. The property which is subject to this appeal is located at 1016 H St. NE, zoned C-2-A and located within the boundaries of the H Street NE Neighborhood Commercial Overlay District and ANC 6A. The requested reason is because DCRA approved the building permit in violation of 11 DCMR Section 733.1 and 1320.4(a) where a fast food restaurant is only permitted by special exception.

### DISCUSSION

Building Permit #105469 states that the applicant is permitted "to renovate existing building to accommodate a fast food restaurant." However, a fast food restaurant is only permitted by special exception in a C-2-A zone and within the boundaries of the H St NC Overlay. To date, no special exception has been granted to operate a fast food restaurant at this location and no application for a special exception has been filed.

### REQUEST FOR RELIEF

The appellant requests that the Board ORDER the Department of Consumer and Regulatory Affairs to revoke Building Permit #105469, because DCRA inappropriately granted a permit to renovate a building for use as a fast food restaurant in violation of Section 733.1 and 1320.4(a).



# Commission Officer Reports



## ANC 6A Treasurer's Report July/August 2007

**Period Covered:** 07/01/07 - 08/31/07

### Checking Account:

Balance Forwarded \$ 20,952.98

#### Receipts:

District Allotments	\$ -
Interest Income	\$ -
Transfers from Saving Account	\$ -

Total Receipts \$ -

Total Funds Available \$ 20,952.98

#### Disbursements:

NLPNA (Grant /Kingsman Basketball League)	Ck # 1323	\$ 52.48
Andrea Ferster (Legal Services)	Ck # 1324	\$ 40.00
Roberta Weiner (June '07 Minutes)	Ck # 1325	\$ 135.00
FedEx Kinko's (Grant / Urban Family Development)	Ck # 1326	\$ 330.72
Greenwood Heinemann Publishing (Grant / Urban Family Development)	Ck # 1327	\$ 151.97
Barnes & Noble (Grant / Urban Family Development)	Ck # 1328	\$ 315.08
Pearson Education (Grant / Urban Family Development)	Ck # 1329	\$ 296.28
FedEx Kinko's (June '07)	Ck # 1330	\$ 266.91
FedEx Kinko's (July '07)	Ck # 1331	\$ 245.42

Total Disbursements \$ 1,833.86

Ending Balance \$ 19,119.12

### Savings Account:

Balance Forwarded \$ 4,170.50

#### Receipts:

Interest (06/29/07)	\$ 1.03
Interest (07/31/07)	\$ 1.06
Transfers from Checking Account	\$ -

Total Receipts \$ 2.09

Total Funds Available \$ 4,172.59

#### Disbursements:

Total Disbursements \$ -

Ending Balance \$ 4,172.59



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



ANC 6A ABL Committee

July 17, 2007

Minutes

Meeting called to order at 7:00 pm.

Committee members present: Mary Beatty; Tish Olshefski, Jeremy Marcus.

Committee members absent: Mary Koszinski, Michael Herman (arrived as meeting closed).

Community members present: Charis Seiver (Anais owner); Jason Irizarry

- I. a. **Welcome/Introductions** - Committee members introduced themselves.
- b. **Agenda** - Motion to accept the agenda as amended. Adding under New Business, item #2 discuss the Atlas stipulated license. No objections.

#### II. Community Comment

#### III. Discussion-Old Business

##### A. H Street Moratorium - Update

The committee received an ovation at the ANC meeting in recognition of their work getting the single sales moratorium approved through the City Council. It goes into effect 5 days from date of passage (which was July 11), but dealers have 30 days to sell their current inventory.

##### B. Viggys Protest - Update

Protest will be heard on August 8. ANC protested as well as the Rosedale Citizen's Alliance (33 members of the community). Tommy Wells will send a letter asking that ABRA use the power it has to modify Viggys license on the sale of singles if their license is not revoked.

##### C. Recognition program of licensees who sign VA's.

Recognition program is back in our committee's hands. The committee will pursue this discussion at next meeting.

##### D. Moratorium on # of CT licenses along H Street - Public Comment

Continued discussions on a large, public meeting on this issue. Committee has to decide what approach is the best when sending out the notice: Posted flyers or something more extensive. There will be a cost for circulating flyers to every home and/or placing notice in Hill publications. Jeremy believes this discussion is probably early and he is not sure that it's the best use of ANC funds to hold a discussion. Tish suggests that we find the people who spearheaded the other neighborhood moratorium's on license caps and have them educate us about their process, what triggered their steps to get a moratorium and what lessons we can learn from them.

#### IV. New Business

##### A. New Licensee

###### a. Charis Seiver - proprietor

Anais Bar & Lounge. 1363 H Street NE. Building is 1,000 square feet. French themed tavern (crepes, croissant sandwiches, with more typical bar food after 9:00 pm). Target audience is H Street community. Full service bar on first floor. Second floor is lounge area, dart board, bumper pool table, possibly movie night with big screen. Hours of operation: S to Th--5:00 pm to 2:00 am; F & Sat--5:00 pm - 3:00 am. Plans



## Committee Reports

### Alcohol Beverage and Licensing (ABL)



are to eventually open during the day. Trying to buy the building with a partner and Ms. Seiver is sole owner of the bar. If they don't get this building, they will find another property in the same area. (She will know by August 1 on purchase of building.) Owner has started license process and expects placards on Thursday. If all goes well with purchase, etc. they are planning for a January or February opening.

Committee Comments: Owner may have to go back through the paperwork process with ABRA if they don't own the building and have to look for another. Jeremy: Full kitchen? No. Menu doesn't require huge kitchen space. Tish: Employees? Two employees with plans to enlarge as business grows. Jeremy: Why H Street? Up and coming area with opportunities for growth and a great location. Mary: Anticipate ever having entertainment? Probably not. Maybe in the future but there isn't much room in this property.

**Recommendation: Mary Beatty recommends to not protest this license and seek a standard voluntary agreement. Seconded by Jeremy Marcus. Unanimous.**

#### B. Atlas License

- a. Per call from Paul Pascal, Atlas wants to get a stipulated license so they can start serving as soon as possible.

**Recommendation: Mary Beatty recommends that we approve a stipulated license for Atlas CMP license. Seconded by Jeremy Marcus. Unanimous.**

V. Adjourn. Move to adjourn 7:47 pm. Next meeting: September 18, 2007.



## Committee Reports

### Economic Development and Zoning (ED&Z)

#### July Meeting



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

Present: Commissioners Nick Alberti, David Holmes;  
Resident Members Drew Ronneberg, Linda Whitted, Vanessa Ruffin

**\*\*Meeting was conducted without a quorum of voting members\*\***

Drew Ronneberg chaired the meeting.

#### Community Comments

None

#### Status Reports

**200H (Dreyfus Development).** Drew Ronneberg reported that representatives from ANC 6A, ANC 6C, SPNA, CHRS and the residents of Square 752 held its second meeting with Lee Quill and engaged in direct dialogue with the project's architect, Rick Cook. The community groups also sent Mr. Cook examples of modern buildings that respected the architectural context of historic buildings in the hope that future iterations of the building's design would be more sensitive to the existing structures.

**H Street Overlay PUD/upzoning Text Amendment.** Drew Ronneberg reported the ANC 6A filed its second text amendment (ZC Case #07-22) to the H Street Zoning Overlay to prevent map amendments (upzonings) from being granted as part of the Planned Unit Development process. Dr. Ronneberg thought that the proposed amendment would protect the "scale and character" of H Street and the surrounding community and help reduce rampant land speculation that is preventing many of the old structures from being reoccupied.

**Vacant Properties.** Drew Ronneberg reported that the joint ANC 6A/6C vacant properties map had been published on the web. The map can be accessed at [http://www.communitywalk.com/washington/dc/anc\\_6a6c\\_vacant\\_properties/map/136384](http://www.communitywalk.com/washington/dc/anc_6a6c_vacant_properties/map/136384)

**Fast Food Restaurant Appeal - 1016 H St. NE.** Drew Ronneberg reported ANC 6A's appeal of the Zoning Administrator decision to issue a building permit for a fast food restaurant without going through a special exception process had been filed with the BZA. The case is BZA Case #17699.

#### Old Business

None

#### 1113-1117 H ST NE

Stan Wall, Stephanie Drake and Ernest Bland representing a team that was interested in responding to a NCRC request for proposals to develop the vacant parcel at 1113-1117 H ST NE. The group said that they were planning on submitting a proposal for mixed use retail/housing with five units of



## Committee Reports

### Economic Development and Zoning (ED&Z)

#### July Meeting



affordable housing. They were interested in getting community feedback on potential uses and design suggestions. NCRC requires that the proposed buildings be matter-of-right height and density.

The architect, Mr. Bland, said that his firm had worked on a number of challenging projects in the city including the redevelopment of the Tivoli theater on 14th St., NW. He said that the group was familiar with the H Street Strategic Plan and Design guidelines, and intended to build a four story building that was sensitive to the architectural context of the neighborhood. However, no plans or sketches were available to allow the community to evaluate.

The group said that it wanted to encourage local small businesses but that these types of businesses were difficult to support without subsidies and asked if the committee knew of any sources of funding. The committee did not know of any funds available for this purpose.

Ms. Ruffin expressed her concern that the square had an insufficient alley system, and that she thought this would create problems for the neighbors.

Proposals were due to NCRC only a few days after the ED&Z meeting. Subsequent to the meeting, Drew Ronneberg learned that two proposals (including this one) had been submitted in response to the RFP.

#### Vacant Properties

Our committee was joined by Alan Kimber, Commissioner of 6C05, as well as Charles Elliot and Tom Madison of the Vacant Properties Taskforce. Drew Ronneberg said that there had been over 400 views of the vacant properties map and that he had received 5-6 reports of properties that were reported by DCRA as vacant but were in fact occupied. The group thought that it was important to help owners of occupied properties get off the vacant properties list.

Charles Elliot reported that DCRA has not been responsive to the Taskforce's reports, despite assurances that they would investigate community-identified properties. Drew Ronneberg said that he had invited Allen Smith, director the DCRA's vacant properties division, to come to the ED&Z committee meeting, but that Mr. Smith had declined. Tom Madison said that he had the best luck getting a response when he reported a vacant property through the web. Everyone agreed that the best strategy was to use multiple means of reporting properties: through the web, through faxing the vacant property form to DCRA and having Tommy Wells office help with direct reporting to DCRA. Drew Ronneberg said that he would invite Mr. Smith to the August ED&Z meeting. Nick Alberti thought that Dan Tangherlini should also be invited to the ED&Z meeting to help put pressure on DCRA.

#### Historic District Expansion/Creation

ANC 6A and ANC 6C voted to take significantly different approaches on the expansion of the existing Capitol Hill Historic District or the creation of a new historic district. ANC 6A voted to authorize a survey anywhere in its boundaries and make the maximum use of volunteers. On the other hand, ANC 6C only supports surveying the residential area south of H Street and using professionals to conduct the survey. Commissioner Kimber said that residents in his SMD were opposed to a historic district and they didn't want the additional restrictions that accompanied a historic district. Commissioners Holmes and Alberti were concerned that residents in 6C might change their minds



## **Committee Reports**

### **Economic Development and Zoning (ED&Z)**

### **July Meeting**



quickly when large scale developments started changing the neighborhood, but that the time required to survey would mean that significant areas of residential properties would be lost. Ms. Ruffin stated that she knew quite a few people who lived north of H Street who were interested in Historic District Designation. Drew Ronneberg said that he was worried that the 400 and 500 block of H Street was vulnerable to lot consolidation and demolition without Historic District protection. He also said that in the 3 joint ANC 6A/6C meetings on Historic Districts that people became much more comfortable with the idea as they learned more about the process and the requirements.

Mr Chad Ernst, who lives on the 500 block of H Street said that he was interested in the adding on a 3rd story to his building and that he was willing to do this in a manner that was “historically sensitive.” However, HPO said that additional floors could only be added if they were not visible from the street. David Holmes and Nick Alberti thought that the standards were looser for historic designation of commercial areas and that HPO might not fully understand the difference in standards between residential and commercial areas. It was agreed that this matter should be investigated further with HPO.

**Next Scheduled ED&Z Committee Meeting:**  
**Tuesday, August 28, 2007**  
**7-9 PM**  
**900 G Street, NE**  
**Community Room of the Capitol Hill Towers**



## Committee Reports

### Economic Development and Zoning (ED&Z)

### August Meeting



#### REPORT OF THE ECONOMIC DEVELOPMENT AND ZONING COMMITTEE OF ANC 6A August 28, 2007

Present: Commissioners David Holmes  
Resident Members Drew Ronneberg, Linda Whitted, Heather Scott, Rich Luna, Queen Laney, Annie Swingen, Jeff Fletcher

Drew Ronneberg chaired the meeting.

#### Community Comments

None

#### Status Reports

**200H (Dreyfus Development).** Drew Ronneberg reported that representatives from ANC 6A, ANC 6C, SPNA, CHRS and the residents of Square 752 were continuing the mediation with the Dreyfus architect.

**H Street Overlay PUD/upzoning Text Amendment.** Drew Ronneberg reported the setdown hearing date has not been announced but that OP was likely not to support the text amendment.

**Vacant Properties.** Several people reported that properties targeted by the Vacant Property Taskforce appear to have been “spruced up” after receiving letters from the group.

**Historic District Expansion/Creation.** Annie Swingen described the work she had done to understand the process of historic district surveying and designation. She asked how we should collaborate with 6C on applying for grant money and for making a nomination. Drew Ronneberg thought that 6C wouldn't be interested in applying for joint grants because all of the money to survey the area between 2<sup>nd</sup> and 8<sup>th</sup> south of H would come from the Dreyfus PUD. However, it would be worthwhile to work with 6C on a potential nomination.

**Fast Food Restaurant Appeal - 1016 H St. NE.** Drew Ronneberg reported DCRA issued Tropicana Eateries a new building permit that removed references to a fast-food restaurant.

**NCRC RFP for 1113-1117 H St NE.** Drew Ronneberg reported that there were two proposals submitted to this RFP and that the proposals would be presented at a public meeting on Sept. 12<sup>th</sup>.

#### Old Business

None



## Committee Reports

### Economic Development and Zoning (ED&Z)

### August Meeting



#### Vacant Properties

Neither Mr. Allen Smith nor any DCRA representative was present at the meeting.

#### 1016 H St. NE

DCRA issued building permit #109404 for 1016 H St. NE that allowed Tropicana Eateries to “renovate existing building to accommodate a restaurant”; thus corrected the error in the original building permit for renovations for a fast-food restaurant. Drew Ronneberg said that in order to continue the appeal, ANC 6A would have to prove that the establishment met the zoning code’s current definition of a fast-food restaurant. This means that ANC would have to show that more than 10% of the customer accessible floor area was for queuing area or that 60% of the food was prepared before the customer placed an order. Dr. Ronneberg thought meeting these standards would be very difficult, especially since ANC 6A lost the Cluck-U case. Rich Luna agreed. In light of DCRA’s action, Dr. Ronneberg thought that ANC 6A should withdraw its appeal.

**Recommendation:** The committee unanimously recommends that ANC 6A withdraw its BZA appeal for 1016 H St. NE.

#### 1001 D St. NE

Because the applicant requested the case before the Public Space Commission be continued until October, this public space application will be handled by the Transportation and Public Space Committee.

#### 1309-1311 H St. NE

The owner of these properties applied for raze permits to demolish their structures. Whereas 1309 H St. NE is a 1 story non-descript structure, 1311 H St. NE would qualify as historic but currently exists in a dilapidated state. Drew Ronneberg told the committee that it is unlikely that the ANC could successfully nominate the structure as a historic landmark given the fact that Richard Layman was unsuccessful in nominating 819 and 821 7th St. NE to avoid demolition. He suggested that the committee recommend that the ANC write a letter to the owner asking that the building be preserved and refurbished. In addition, he suggested that the owner be informed that the H Street Overlay granted an additional 0.5 FAR bonus to buildings which preserved the pre-1958 facades. David Holmes suggested that the letter mention Federal Rehabilitation Tax Credits and Annie Swingen thought that it should also mention the L’Enfant Trust façade easement and the New Market Tax Credit.

**Recommendation:** The committee unanimously recommends that ANC 6A write a letter to the owner of 1309-1311 H St. NE asking that the building be preserved and renovated and point out various zoning and tax incentives that would make preserving the building more cost effective.



## **Committee Reports**

### **Economic Development and Zoning (ED&Z)**

### **August Meeting**



#### ED&Z Committee Roles and Responsibilities

Drew Ronneberg said that he had more responsibilities at work and would have less time to devote to ANC matters. He thought that in order for the committee to become a more effective body, each committee member should have ownership over issues of interest. After some discussion, it was decided that the committee members would have the following responsibilities:

Drew Ronneberg: Zoning  
Annie Swingen: Historic Districts  
Heather Scott: Vacant Properties  
Jeff Fletcher: Correspondences (As Needed)  
Rich Luna: Economic Tax Incentives, Legislation  
Queen Laney: SMD Captains  
Linda Whitted: Minutes

**Next Scheduled ED&Z Committee Meeting:**  
Tuesday, September, 2007  
7-9 PM  
640 10<sup>th</sup> Street, NE  
2<sup>nd</sup> Floor - Sherwood Recreation Center



## Committee Reports

### Community Outreach Committee (COC)



The Committee convened at 7:30 PM, at the Church of the Lord Jesus Christ of the Apostolic Faith annex, 1235 C St. NE.

Attending COC members: (quorum)

- Louis Barbash, Kenneth Wicks, Sylvie Lee, Rose Williams, Elizabeth Nelson (chair)

Absent COC members:

- Barbara Anderson, Maurice Cook

Community members:

- Annisteen Wicks

I. Feedback from July ANC meeting:

1. Funding approved for grant applications submitted by Capitol Hill Community Foundation, Schools Libraries Project
2. Membership of Sylvie Lee approved.
3. Request was made to have DCPS Beautification Day advertised on website. This has been done.

II. Thank- you letters for supporting organizations

Thank-you letters sent out last year to organizations providing meeting space and website hosting to ANC 6A, were reviewed. The committee voted unanimously to recommend that letters be sent again this year. Ms. Nelson will update letters and provide to the commissioners. If they approve sending the letters, she will request additional updates from Chairpersons.

Committee recommendation (unanimous): that ANC 6A send letters to organizations providing meeting space and/or website support.

III. Discussion of Video/audio capture of ANC meetings

Mr. Wicks is acquainted with someone who is very knowledgeable in this area. He will be asked to attend a COC meeting to share his expertise. Rich Carlson will also be invited. He has volunteered to continue to do research in this area, although he has resigned from membership on the COC. Ms. Lee has also volunteered to work on this effort. If Mr. Carlson cannot attend on the third Monday in September, the COC will schedule a special meeting so that all can be present to discuss the technical aspects of the project.

IV. Outreach to potential grant applicants

1. Ms. Nelson was contacted by Rick Uzes on behalf of the Rosedale Recreation Center. They may be interested in applying for assistance with a youth sports activity. However, no grant application has been received, to date.



## **Committee Reports**

### **Community Outreach Committee (COC)**



2. Ms. Williams has been in touch with the organizers of a gardening project at the Peabody campus of the Capitol Hill Cluster School. No grant application has been received.

The meeting adjourned 8:30 pm.

Next meeting is September 17, 2007.

Respectfully submitted,

Elizabeth Nelson



**Committee Reports**  
Community Outreach Committee (COC)



**DRAFT LETTER**

Lavonne Taliaferro-Bunch, Principal  
Miner Elementary School  
601 15th St. NE  
Washington DC 20002

September xx, 2007

Dear Ms. Taliaferro-Bunch,

For over four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



**Committee Reports**  
Community Outreach Committee (COC)



DRAFT LETTER

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

September xx, 2007

Minister Thompson,

For the past four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



**Committee Reports**  
Community Outreach Committee (COC)



DRAFT LETTER

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

September xx, 2007

Dear Ms. Barner,

For over four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



**Committee Reports**  
Community Outreach Committee (COC)



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

September xx, 2007

Dear Ms. Page,

For over four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



**Committee Reports**  
Community Outreach Committee (COC)



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

September xx, 2007

Dear Ms. Page,

For over four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



**Committee Reports**  
Community Outreach Committee (COC)



DRAFT LETTER

New President's Name  
Gallaudet University  
800 Florida Ave. NE  
Washington DC 20002

September , 2007

Dear,

For the past four 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.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



## Committee Reports Public Safety Committee (PSC)



### ANC6a Public Safety Committee NOTES Sherwood Recreation Center July 18, 2007

Committee members present: Stephanie Nixon (Chair, Commissioner ANC6A08), Annie Earley, Daniel Wolff

Committee members absent: Laura Brown, Mark Laisch, Joe Bellino

Commissioners: Gladys Mack, ANC6A07

Police officers - Sgts Weaver and Martello (MPD-1D)

Government representative(s): Alicia Washington - Office of the Attorney General (Neighborhood and Victims Services)

A quorum was not achieved

Ms. Nixon called the meeting to order at 9:07 PM

#### Letters to be submitted:

1. Any letters not submitted from last months meeting. All should be sent out prior to September meeting.
  - a. Committee member Laura Brown researching how many agencies accept email requests (e.g., OAG, DCRA, Chief of Police, etc.)
  - b. Laura Brown volunteered to write a letter to the DC Dept. of Health regarding nuisance properties on Gales Street

#### Action items:

1. Discuss cooperation opportunities on the proposed Graffiti Reduction Act with ED&Z Committee Chair Drew Ronneberg.
2. Laura Brown researching DC agencies availability (24 hours/day?)
3. Dan Wolff to report on preferred format for online DC Community Resource guide

### No ANC 6a PSC meeting in August

#### A. Office of Unified Communications (OUC)

1. The committee will continue to work with the OUC in an effort to schedule a visit to a PSC meeting.
2. The committee would like to better understand the validity and reliability for the coding of calls for service - what is the procedure?
  - a. Ms. Nixon noted that when calls for service are placed, they are routed to the OUC.



## Committee Reports

### Public Safety Committee (PSC)



- b. She also noted that some neighborhoods track time and reason calls are placed and follow up to see what OUC reports.
- c. OAG uses calls to determine what, for example, is a drug nuisance property. So if community reports are not coded properly, they are not helpful in making a case- OAG needs to be able to identify drug-related nuisance properties.

#### B. Office of the Attorney General - Alisha Washington, Chief of the Neighborhood and Victims Division

- A. Criminal section: prosecute adult traffic offenses, quality of life offenses (e.g., drinking in public, public fighting, etc.)
- B. Juvenile section: prosecutes all juveniles under 18 for all criminal offenses. If he/she is 16 and commit serious offenses, he/she can be charged as an adult and prosecuted by the US Attorney's Office.
- C. Neighborhood and victims' services section: Deal with civil litigation, nuisance properties, drug nuisance properties (with US Attorney), prostitution, housing code violations, slum lords, lead base paint abatement cases, etc.
  - a. OAG provides attorneys for core teams in various wards
  - b. Cases cannot be papered by OAG if US Attorney General's office is to pick up case (e.g., 16 year old criminal offenses)
  - c. **Nuisance properties:**
    - i. OAG works with DCRA, DHS and MPD when dealing with nuisance properties. Thus, it is important to have consistent coding and reporting of complaints of nuisance properties to increase efficiency and effectiveness in prosecuting true nuisance properties.
    - ii. The OAG focuses on the TOP 24 nuisance properties in DC.
    - iii. House seizure is the last option. Only occurs when there exists significant drug problems in a house and the owner is involved. Most problems are related to absentee owners.
  - d. Ms. Washington promised to send the committee juvenile crime statistics and quality of life charges for 2007
    - i. Such information may be of use when dealing with issues such as the H Street single-sale moratorium
- D. Questions from the committee:
  - Q. What is the threshold to get police to visit a suspicious house?
    - A. *MPD has no threshold. If they believe that suspicious activity is occurring, they will send a vice unit to monitor the property. Problem lies in limited resources*
  - Q. How do the police choose what properties on which to follow-up?
    - A. *If MPD receives multiple complaints regarding a nuisance property, they are more likely to investigate.*
  - Q. Often OAG decides not to prosecute - what does USAO pick-up?
    - A. *USAO picks up cases concerning minors who have been accused of committing serious crimes. DC statute gives US attorney power to prosecute minors as adults - so have to "no paper" such cases.*



## Committee Reports

### Public Safety Committee (PSC)



#### C. Graffiti Reduction Bill (Daniel Wolff)

1. The bill was introduced on June 29 by Councilmember Vincent Gray and is directed at neighborhood clean-up.
2. Mayor Fenty and his delegates have committed to enforcing a clean-up of graffiti around the city regardless of whether property owner is responsible.
3. The bill proposes that property owners are warned and granted a certain amount of time to clean-up property. If they do not respond or clean-up graffiti, they will receive a citation,

#### D. Public Safety Research

1. Commissioner Nixon introduced the work of sociologist Debra Furholden.
  - a. Ms. Nixon is currently in contact with Ms. Furholden in an effort to conduct a trial study of DC's neighborhood demographics and public safety issues.

#### E. Old Business

1. Concerns regarding repeat offenders
  - a. Definitions: probation - not sentenced to jail, but penalized. If violate probation, they must return to court and potentially be sentenced to serve time.  
parole - served time in jail and released. Regularly monitored.
2. Motorbikes - police officers present at the PSC meeting clarified questions brought up at our June meeting
  - a. Anything 49 CCs or under is considered a moped
  - b. No motorized vehicle may be driven on the sidewalks (with the exception of segways) and it is illegal to drive recklessly
  - c. Police officers confirmed that they cannot chase bike riders
  - d. If motor bikes are parked on private property, police cannot confiscate them
  - e. All motorcycle riders must wear helmets.

#### F. Updates

1. DC Guide - committee exploring online options (google,yahogroups etc.)
2. Teen Summit LIVE - 40 days of peace
3. National Night Out - First Tuesday of each month. Each PSA plans on organizing events
  - a. PSA 103 is meeting at Rosedale Recreation Center
  - b. PSA 102 is walking down H St NE
4. School supply donations are needed for schools in ANC6a
5. Community fight back- community fight back at 18<sup>th</sup> and D Streets, NE. Food will be provided. Details forthcoming.
6. DC School Beautification Day - August 25, 8AM-1PM. Contact Naimah Beyah at (202) 727-0488 to register or for more information visit:  
[www.k12.dc.us/community/beautificationday2007.htm](http://www.k12.dc.us/community/beautificationday2007.htm)



## Committee Reports

### Public Safety Committee (PSC)



#### G. Community Comments

1. Property damage at 17<sup>th</sup> and Gales Street, NE. Neighbor (victim) is requesting a police report. The committee recommended that the neighbor go to the 1D substation and speak with police about the incident and her request.
2. Community members can now track requests made via 727-1000 or online at the DC Service request center
  - a. The PSC suggested that illegal construction and photo functionality be added to the site. It was added that this would help contest parking citations

The meeting adjourned at 8:25 PM



## Committee Reports

### Transportation and Public Space



ANC 6A Transportation & Public Space Committee Meeting Minutes  
Capitol Hill Towers (900 G Street NE)  
July 23, 2007

Chairman Mahmud called the meeting to order at 7:07 pm **without a quorum**

Committee members present: DeLania Hardy, Diane Hoover and Omar Mahmud (Chair)

Committee members absent: Lance Brown, Sean Lovitt, Victor McKoy, Marlon Smoker and Warner Sterling

Also in attendance was ANC 6A Commissioner David Holmes

#### Announcements

Mr. Mahmud announced that the August meeting has been cancelled.

#### New Business

Request City Officials Expedite Placement of Public Space Complaints on the Citywide Call Center Website.

Commissioner Holmes announced that he has already attended to this item at the ANC level.

Create List of Top Public Space Violations for Director Moneme

The committee discussed common violations in our ANC and came up with the following preliminary list:

Illegal driveways - Unpermitted cuts and excessive width. The prime example mentioned was 701 10<sup>th</sup> Street NE.

Illegal parking in public space - Prime examples include 1401 Maryland Ave. NE and Horace & Dickies.

Excessive fence height

Utility companies failing to properly restore roads and sidewalks after performing utility repair work

Utility boxes installed in public space, usually on fences or walls in front yards

Illegal temporary parking permits

Illegal parking in car share parking spots



## Committee Reports

### Transportation and Public Space



After weighing each choice at length, the committee decided to promote options one, two and four for inclusion in the letter to Director Moneme.

Mr. Mahmud brought a motion that the committee recommend the ANC send a letter to Director Moneme regarding the top three public space violations noted above. Ms. Hardy seconded the motion.

#### Updates

##### H Street Transportation Management

Mr. Mahmud reported that Commissioner Schultheiss has no updates for the committee.

##### SMD Captains

Mr. Mahmud reiterated the need to recruit volunteers for this effort.

In addition, he informed the committee it may need to recruit a new volunteer to write a "recruitment story" for the Hill Rag and/or Voice of the Hill now that Jennifer Flather has resigned.

Ms. Hardy volunteered to help write the story with Mr. Mahmud's assistance.

##### Illegal Parking in Flexcar Designated Parking Spots

Ms. Hardy updated the committee on her efforts to re-engage DDOT on this issue since the person she worked with before seems to have left DDOT.

Ms. Hardy volunteered to draft a new letter on this issue so it could be sent to the new contact at DDOT.

The committee also discussed suggesting a harsher enforcement regime for car sharing parking violators since current penalties and enforcement do not seem to be adequate.

Ms. Hardy made a motion that the committee recommend the ANC re-submit a letter on this topic to DDOT. Ms. Hoover seconded the motion.

Mr. Mahmud adjourned the meeting at 7:50 pm



## Committee Reports

### Transportation and Public Space



#### DRAFT LETTER

July \_\_, 2007  
Director Emeka C. Moneme  
District Department of Transportation  
2000 14<sup>th</sup> St NW, 7th Floor  
Washington, DC 20009

Re: Car Share Parking Enforcement

Dear Sec. Moneme:

At our regularly scheduled public meeting on October 12, 2006, our Commission voted [unanimously] to support your efforts to implement greater enforcement of car-share parking spaces. Neighbors using car share parking spaces in our ANC continue to raise concerns, and in particular the parking space located on 12<sup>th</sup> Street NE, just south of H Street owned by the District Department of Transportation. Since that time, 8 months ago, we have observed no notable improvement to the situation.

Flexcar owns and manages the vehicle located at 12th Street NE, and continues to express frustration with removal of illegally parked vehicles in car share spaces. This is an enforcement problem that is District-wide. As noted in our previous letter, enforcement is far more problematic in the District than other jurisdictions in Virginia and Maryland. Therefore, we request your efforts to coordinate with other city agencies in working toward a creative solution to this problem. In our previous letter to your department, we suggested the possibility of allowing private tow companies to tow illegally parked cars, as is done in Arlington County. Lacking true and continued enforcement by Parking Enforcement and the Metropolitan Police Department leads us again to look outside of existing mechanisms and to authorize private tow companies to remove illegally parked cars immediately. This may provide a greater deterrent to this illegal parking problem.

We look forward to assisting in resolving this issue. If you have any questions, please contact Omar Mahmud at (202) 546-1520.

On behalf of the Commission,

Joseph Fengler  
Chair, Advisory Neighborhood Commission 6A



## New Business



1. **Motion to authorize presentation to the Congress of a request to return control over the Public Charter School Board (PCSB) and of the appointment of Board members to the District of Columbia. (Holmes)**

Joseph Fengler and David Holmes are authorized to act on behalf of the Commission in this matter.

This ANC and others around the City have been doing battle over the inappropriate siting of charter schools. The Board has turned a deaf ear to ANC 6A and others. I believe that part of that reason follows from the lack of city control over this very important Board. Fully 25% of the city's public school students and 32% of its education money is given to the charter schools, but neither the Mayor nor the Board of Education has any voice in operations. The PCSB is totally independent of the city, and its funding is controlled by federal law.

That conceivably might have been appropriate in 1996. But now the city's finances are in order, and the Mayor has dedicated himself and his political viability to improving the city's schools. It is time that the PCSB return to city control, to require that all members be resident citizens of the District, and to allow the city taxpayers a voice in how charter school funds are spent. This is a first step towards reclaiming city control.

Current law: the PCSB is authorized to have seven members. The nomination of candidates for the Board is made by the U. S. Secretary of Education. Three candidates are selected for each vacancy, and the Mayor, with the advice of the City Council, must choose from among those nominated. There is no requirement that PCSB members be residents of the District of Columbia. Currently several are not.

Members of the PCSB should be nominated by the Mayor and confirmed by the City Council. This is done for all other City boards and commissions.

Modify Subtitle B, Section 2214 (a) (2) of Public Law 104-134 (The School Reform Act of 1996) to read:

"The Mayor, in consultation with the District of Columbia Council, shall appoint individuals to serve on the Board."

All references *in* the remainder of Section 2214 (a) to any role to be performed by the Secretary of Education shall be deleted.

2. **Motion to authorize a letter to the Public Charter School Board asking that the Board abide by the current regulations of the District of Columbia in siting new and expansion charter schools. (Holmes)**

This letter is to be conveyed by Nick Alberti or David Holmes.

The Zoning Commission has approved two changes to the zoning regulations governing the siting of public schools in residential neighborhoods. The new requirements specify minimum lot size, the number of parking slots to be required, the minimal size of street frontage, etc. The PCSB is not, however, fully bound to abide by city regulations. Should the AppleTree Institute be able to obtain a permit by claiming that their application predates the change in



## New Business



regulation, I would like the ANC to request that the PCSB honor the city's laws and regulations, and publicly state that no school shall be permitted to site a charter in violation of the city's then-current regulations.

- 3. Authorize opposition to Curtis Etherly's nomination to the Zoning Commission. The ANC may be represented in this matter by any Commission officer. (Holmes)**

Mr. Etherly failed to recuse himself from participation in the Board of Zoning Adjustment (BZA) hearing and vote on AppleTree's appeal of the decision of the Zoning Administrator, BZA #17532. He appropriately disclosed that he was on the Board of Washington Mathematics, Science and Technology Public Charter High School, a charter school, and this ANC did not object to his participation because of that affiliation. He failed, however, to disclose his board membership with DC Action for Children (DCAC), an organization that opposed the Zoning Commission's rules regulating charter schools in residential neighborhoods.

DCAC had joined in writing letters to the Zoning Commission (ZC) in opposition to the Commission's consideration of changes to regulations that would prohibit charter schools from locating on inadequate lots. The director of DCAC also filed to the organization's listserv and, I believe, sent the same message by email to the organization's board, calling for letters and other actions to prevent the Commission's adoption of these new regulations.

As vice president, it is difficult to believe that Mr. Etherly did not know of the organization's actions on a matter of such importance to the charter school community; that a letter on behalf of DCAC in the files of the ZC did not circulate to him; or that he did not read his organization's listserv or any email from DCAC on this topic directly addressed to him.

This is an obvious conflict of interest, but it results from Etherly's failure to offer the topic of his continued participation in the case to all of the parties for discussion. Had we known this at the time, we would certainly have objected to his participation in the BZA hearing or vote.

I also believe that Mr. Etherly's participation was a violation of the city's employee conflict of interest requirements. Members of the BZA receive \$6000 per year compensation from the city.

- 4. I move that ANC 6A request that the City Council adopt the following provisions (Holmes):**

\*to ensure that no funds shall be expended for office equipment provided for the use of Commissioners away from the Commission office. Exceptions may be sought through a ruling by the ANC Office, based upon publicly announced criteria. ((This is an obvious source of misappropriation of City funds. There may be a need for exceptions. The policy should be set by written regulations and explicit opinions from the ANC Office.));

\*to require 30-day notice to the local ANC (or any ANC located within 200 feet of the proposed site) of any consideration by the Public Charter School Board of



## New Business



a possible location of a new charter school or the expansion of an existing charter school;

\*to adequately fund the ANCs, preferably at the level adopted in the original authorizing legislation; and

\*to amend Section 16 (f) of the Advisory Neighborhood Commissions Act of 1975, effective October 10, 1975 (DC Law 1-21; D C Official Code 1-309.13 (f) is amended so that the second sentence reads as follows: “No expenditure of any amount shall be made without the specific authorization of the Commission; provided, however, that a Commission may provide reimbursements for purchases made with credit cards.”.

5. I move that David Holmes or any officer of the ANC be authorized to present to the City Council a comprehensive package of the motions previously adopted urging changes and reforms to benefit the ANCs, and to work with other ANCs and Councilmembers towards adoption of the package. (Holmes)
6. I move that the ANC recommend a location for 1D Metropolitan Police Station. (Nixon)
  - (a) Judiciary Square (per OPM)
  - (b) Logan School (3rd & G NE, emergency DCPS location)
  - (c) multi-use facility on H St NE
  - (d) vacant lot on 17th St NE between D and E St NE
7. I move that the ANC request DPW enforcement of the signs, posters, and placards provisions of the DC code within the entire ANC6A within 30 days. A proposed letter to DPW is included for consideration. (Schultheiss)



## Questions for DCRA Director Argo



ANC 6A Questions for DCRA Director  
September 13, 2007

1. **Specific Property Issues**
  - a. 138 12th Street, NE - AppleTree.
    - i. What is the status of the permits?
    - ii. What is the policy regarding granting permits for a "school use" for additional matter of right benefits without the obtaining the approval for a charter school at that location from the Public Charter School Board?
  - b. 701 10th Street, NE. What is the status of certificate of occupancy in light of the pending space permit application for a curb cut to satisfy the off-street parking for a three unit condo?
  - c. 901 Maryland Avenue, NE. What is the result of the investigation of potential business operations at this property? Have fines been issued? If so, what was the amount?
  - d. 1429 Ames Place, NE - illegal deck
  - e. 1308 Corbin Place, NE - illegal deck
  - f. 722 8<sup>th</sup> Street, NE. There is a stop work order on this property because the developer illegally demolished the building. What is the next step?
2. **Illegal additions.** What is the policy of dealing with recently built additions that violate matter of right requirements?
3. **Number of inspectors.**
  - a. The inspection division is severely understaffed. What can be done?
  - b. Our Commission already passed one resolution asking that all vacant inspectors' positions be filled with qualified individuals. Has there been any progress?
  - c. Why does the under-staffing continue?
4. **Web-based Service Request Center.** Will you support the following reporting options to the service request center list
  - a. Illegal Bed and Breakfast operations
  - b. Illegal Rooming House operations
  - c. Illegal Construction
  - d. Illegal Demolition
  - e. Working on Sundays
  - f. Business Inspection Request
5. **Vacant property.**
  - a. What is the status on the vacant property assessment?
  - b. Will there be a publicly maintained database that is easy for citizens to determine vacancy and tax status?
  - c. Will it include reasons for exemptions?
  - d. What is the timeline for finishing inspections and starting the clock on the vacant property classification for an individual home?



## Questions for DCRA Director Argo



- e. Does DCRA plan to coordinate with the service request center? (existing calls for dumping on a vacant property are not reported to DCRA)
6. **Title Disputes.** How is DCRA planning to deal with homes owned by multiple owners that have title disputes?
7. **On-line building permits.** Can DCRA post, and maintain the previous 12 months, building permits and certificate of occupancy requests in a searchable format?

September 12, 2007

Department of Public Works

Attn: William Howland, Director  
Franklin D. Reeves Center  
2000 14th Street, NW, 6th Floor  
Washington, DC 20009

Re: Removal of posters, signs, and placards within ANC6A

Dear Mr. Howland,

We are writing to request that DPW enforce the regulations related to the posting of posters, signs, and placards within the boundaries of ANC6A within the next 30 days. The owner should remove signs that are illegally posted or DPW should remove them.

It is our view that DPW has been extremely tolerant of the illegal posting of signs throughout the city and in particular within ANC6A. Our neighborhood is overwhelmed with signs posted to light poles, utility boxes, sign posts, bus shelters, and even vacant buildings(Please see attached photos). At times entire blocks such as H Street can have every available surface filled with these postings.

It is clear that some of the posting groups make no effort to remove the signs, which leads to unnecessary expenses for the taxpayers and visually clutters our neighborhood. Signs left up slowly deteriorate and contribute litter to our streets.

It is our desire that the public spaces of our ANC be kept clean and that our public space be respected. In particular we are concerned about the very real probability that the visual clutter contributes to visitor's perceptions that portions of our ANC such as H Street are not safe.

We appreciate your attention to this matter.

Sincerely,

Joe Fengler, Chair ANC6A

Cc: Honorable Council Member Wells, Ward 6  
Honorable Adrian Fenty, Mayor

All photos taken on September 12, 2007



Corner of Mass and 9<sup>th</sup>, NE  
poster from fall 2006 event covering another poster from an earlier event



800 block of H Street, NE  
posters from various groups posted to vacant building, light poles, and utility corridors



Corner of H St and 8<sup>th</sup>, NE  
resulting defacement and damage to public property resulting from tolerance of postering



Corner of H St and 8<sup>th</sup>, NE  
Posters glued to utility pole in violation of law