



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



**November 10, 2005,
Draft Agenda**

- 7:00 pm Call to order, adopt agenda and approve previous meeting's minutes
Community Comments *(2 minutes each)*
- 7:10 **Community Presentations:**
1. Lovejoy Park Update, Director Kimberly Flowers, Department of Parks and Recreation *(10 minutes)*
2. Presentation by the DCPS Full Funding Coalition on School Modernization legislation *(10 minutes)*
- 7:30 Commissioner's Single Member District reports *(2 minutes each)*
7:42 **Officer Reports:**
1. Chair
A. Discussion of candidates presentations (councilmember / mayor) *(5 to 7 minutes)*
B. December committee meetings *(2 minutes)*
2. Vice-Chair *(2 minutes)*,
3. Secretary *(2 minutes)*
4. Treasurer *(2 minutes)*
A. Approve monthly treasurer's report and previous month's disbursements
B. Approve monthly photocopying expenses
- 8:00 **Standing Committee Reports:**
1. Alcohol Beverage Licensing *(15 minutes)*
A. Hahu Grocery, 1451 Maryland Avenue. Recommendation: If the Alcohol Beverage Control Board rules that the 400 foot rule does not apply, ANC 6A continue to protest and begin negotiations on a voluntary agreement.
B. License Renewals. Recommendations: (1) Begin negotiations with the following: 1101 Convenience Mart, DC Express, J&K Market and Lee's Grocery to sign the current voluntary agreement and (2) Protest the renewal of China House at 1601 Benning Road.
C. Accept Committee Report.
2. Economic Development and Zoning *(20 minutes)*
A. AppleTree PCS. Committee recommendations: Letter to HPRB, DCRA and DDPT on review of new preschool use and building expansion at 138 12th Street, NE..
B. Update on locating on-street spaces for carsharing
C. Committee membership.
D. Accept Committee Report.
3. Community Outreach *(10 minutes)*
A. ANC 6A advertising in Hill Rag/DC North. Recommendations: (1) Discontinue advertising in DC North, (2) Review and determine size of add for 2006, and (3) Authorize the committee to work with Hill Rag to develop layout and final advertising plan.
B. Capitol Hill Restoration Society Newsletter.
C. Update from 18th Street Block Party.
D. Update on ANC 6A flyers.
E. Accept Committee Report.
4. Public Safety *(3 minutes)*
A. No items for action.
B. Accept Committee Report.
5. Schools Committee *(2 minutes)*
A. November meeting to be rescheduled from November 22 to November 29.
B. Accept Committee Report.
- 8:50 **Unfinished Business**
8:51 **New Business.**
8:52 Community comments – Round 2 (if time permits)
9:00 Adjourn

Time limits in parenthesis are for planning purposes, to ensure we complete all required business in two hours



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Minutes

October 13, 2005

Present: Commissioners Alberti, Beatty, Borbely, Fengler, Ibangha, Mack and Rice. (Commissioner Holden was absent due to surgery.)

The meeting was called to order at 7:03 pm.

Agenda

An addition was made to the agenda as follows: to the Alcoholic Beverage and Licensing Committee: update on HaHu Grocery. On Mr. Fengler's motion, the agenda was accepted without objection.

Minutes

On Mr. Fengler's motion, the minutes for May were approved without objection.

Community Comments

a. Citizen's Summit

Mary Ann Floto, the Mayor's representative for Ward Six, announced the 2006 Citizen's Summit, to be held on Saturday, November 19th at the Washington Convention Center.

b. FY 2006 Lead Service Replacement (LSR) Program – WASA

Ms. Saunders, an engineer with WASA, gave a detailed presentation on the lead pipe replacement program now under way in parts of ANC 6A, and described the process that residents would be going through. She also spoke about what part of the pipes would be WASA's responsibility to replace, and what the resident would have to pay to replace, indicating that there were low-income subsidies available for work that fell outside what WASA would be replacing. She distributed a sheet with the streets in ANC 6A that would be affected by the project, and explained the notification process. She said that WASA will check on whether there is lead in the water, and gave a hotline number—737-2732—to see whether the house is listed in their database.

c. 2006 Washington Marathon

Michelle Mobley of the Greater Washington Sports Alliance presented a proposal for a new National Marathon to take place throughout the District, including part of 6A, next March. It will be a 5,000-person elite runner's race, and will have rolling street closures. Goodwill Industries will provide clean-up, after the runners go through. The entry fee will be \$75.

Single Member District Reports

Commissioner Rice reported that he had heard from DDOT that the proposed traffic light for 10th Street and Constitution Avenue NE is being designed. He said he is working on a Clean and Safe Project with Michael Kuiken for the corner of 8th Street and Maryland Avenue NE, and



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he is hopeful the owner of the 7-11 will clean up the trash.

Commissioner Beatty reported that construction on Lovejoy Park did not begin in August, but that Councilmember Ambrose is helping to move the construction permits along. There will be a celebration of the park on November 12th. She also reported that she is setting up a meeting with DPR to discuss making Kingman Park a pilot dog park, now that the legislation has been passed.

Commissioner Ibangha reported that Commander Diane Groomes spoke to his SMD, and she was very responsive to the attendees. Mr. Ibangha submitted a written report:

New initiatives were proposed to address these concerns and the Police will be working with the residents in the community to address them.

There were many questions from residents by phone, letters, e-mail, etc that were submitted to Commander Groomes in advance.

They included:

- a. How may SMD 6A08 participate in the pilot camera program, especially in the pervasive drug areas of the SMD?
- b. Police response to calls from residents regarding buildings that are supposed to be on "Police Special Attention"
- c. Is Police Foot Patrol a sub-set of the PSE Neighborhood Policing? If so, why has this community not seen any Police Officers on foot or bicycle patrol?
- d. Is 311 a workable or working number for residents seeking police assistance?
- e. 18th and D Streets is a notorious drug enclave. In the past, we had an annual take-back-the-neighborhood event at this location. Is such an event in the works for the area this year?
- f. Could you bring along, for distribution, updated copies of *The Role of the PSAs: Policing for Prevention Handbook*?
- g. Residents have problems with reaching the Police on weekends and after hours, including PSA Police Officials. What should/could residents do, if anything?

Commissioner Fengler reported that he is still struggling with the Saturday preachers on the corner of 8th and H Streets NE. Their amplifier violates the noise ordinance, and they have been cited several times. But now there is a new group that is equally loud and disruptive. He also reported that there is positive activity at the House of Ruth, with tree removal taking place, and the fence being repaired. He also said he met with the director of Parks and Recreation about conditions at Sherwood—lights out, not watering, a particular problem now. He also reported that the multi-agency task force on Wylie/Linden Place is making progress: the alley has been completely replaced, and the alley camera will be installed soon.

Commissioner Alberti commented on the success of the H Street Festival, saying how pleased he'd been that so many families attended, and how good the music was.

Commissioner Holden submitted, through Commissioner Borbely, a written report, as she



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was recovering from surgery:

Commander Groomes, of the First District, has designated several blocks (SMD-01) of several high crime areas that have been identified by our citizens a drug free zone. Anyone caught loitering will be arrested. Commander Groomes has provided an additional vehicle to the SMD due to the increased volume of burglaries in the last two months.

Mr. Bill Howland, Director of Public Works, was also in attendance. Mr. Howland spoke of working with residential patrons to make sure that their concerns about trash and alleyways are addressed. He discussed the household hazardous waste, electrical equipment and locations of recycling sites, as well as the leaf collection schedule. Mr. Howland will address individual claims concerning the DPW vehicles that have damaged homeowners' property.

Commissioner Borbely said that there was a status hearing on September 28th on HaHu Grocery; there will be another on November 9th. Protestants are arguing that ABRA does not have the authority to grant this license, because the establishment is within 400 feet of a school; HaHu says the 400-foot rule doesn't apply because the school is on commercial property; there is a conflict between the D.C. Code and the D.C. Municipal Regulations. He also reported that there was a D.C. Public Space Committee hearing on Carlink's application for a public space permit for its car lot on 14th and Maryland, which the ANC had strongly opposed; the applicant did not show up for the hearing. He said that he had sent a letter to DCRA and the Fire Department about a large number of housing code violations at 501 12th Street NE, and both the Fire Department and DCRA had conducted inspections and noted violations. Finally, he mentioned that on October 29th there would be a block party on the 1300 block of F Street NE.

Commissioner Mack said she had been working with the Arts Commission and DDOT on selecting an artist for the public space at the proposed Starburst intersection at Bladensburg Road.

Officers Reports

Chair: Mr. Fengler expressed his concern about the ANC's ad, saying that it was too cluttered and should be reshaped. He suggested advertising only in the Rag, and no longer in DC North, since DC North no longer targets the ANC 6A aresa. He also asked the Outreach Committee to consider whether the Committee recruitment ad should be run again.

Secretary: Mr. Borbely spoke about a dramatic decrease in the ANC's photocopying cost this month, thanks to Mr. Fengler's and the Outreach Committee's suggestion that Commissioners distribute the actual agendas rather than the full packages; he said he would be following up on Mr. Ibangha's suggestion to find a less expensive place for making copies.

Treasurer: Mr. Alberti presented the Treasurer's report. The report shows that the opening checking account balance was \$11,101.52 and that the savings account balance was \$4,142.18. **Motions:** Mr. Alberti moved that checks for the following amounts be approved: \$100.00 to USPS for PO box rental for six months (Check #1258); for \$995.80 to Delta Education (grant to Maury Elementary PTSA (Check #1259); for \$1,298.38 to Home Depot (grant to Ludlow-Taylor PTSA) (Check #1260). The motion was approved without objection, leaving a checking account balance of \$8707.36, and a savings account balance of \$4,143.54, for a closing total of \$12,859.90. **Motion:** Mr. Alberti moved to approve the Treasurer's



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Report. It was seconded by Mr. Fengler, and approved without objection.

Mr. Alberti presented a budget for ANC 6A for FY 06.

Motion: Mr. Alberti moved acceptance of the ANC 6A budget for FY06. It was accepted without objection.

Motion: Mr. Alberti moved to allocate up to \$200 per month for minute-taking services. The motion was accepted without objection.

Motion: Mr. Alberti moved to use the authority already granted to reproduce the ANC's flyer. The motion was accepted without objection.

Motion: Mr. Alberti moved that \$600 be approved for copying for ANC materials, and that up to \$50 be approved for copying each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

Committee Reports

Alcoholic Beverage and Licensing

Ms. Beatty reported the absence of a quorum at the last ABL meeting, but said that the strategy for a moratorium on the sale of singles on H Street had been discussed by the Committee, and she was presenting it to the Commission for approval. She pointed out that community input was an important part of the strategy and integral to its success. **Motion:** Ms. Beatty moved that the H Street Moratorium Strategy plan be approved by the ANC. It was approved without objection.

Ms. Beatty raised the issue of the proposal by HaHu grocery to get a liquor license, and said there would be an ABC hearing on November 9th. She said that if the license is not stopped because the store is less than 400' from a school, the community wants to move forward with a protest of the license. Mr. Alberti said that it should be sent back to the Committee for further discussion regarding whether there are grounds for the ANC to protest. Mr. Rice suggested that the Committee discuss negotiating a voluntary agreement with the store. **Motion:** Mr. Rice moved that the discussion of HaHu be referred back to the ABL Committee. It was seconded by Mr. Alberti and approved without objection.

Motion: Mr. Fengler moved adoption of the ABL Committee report. It was seconded by Ms. Beatty and accepted without objection.

Economic Development and Zoning

Mr. Rice reported that a report from DCRA on the results of promised inspections of eating establishments was due by mid-September, and despite reminder e-mails, the information has not been forthcoming. He mentioned that there was a new Zoning Administrator, Bill Crews, who was a member of ANC 6C, and the Committee recommended making another attempt to get the information. **Motion:** Mr. Rice asked the ANC to approve the Committee's recommendation that the ANC send a letter to DCRA reminding them of their commitment to provide the eating establishment report; asking for a complete list of eating establishments on H Street NE; and noting any eating establishments that may require attention from DCRA because of current construction or imminent opening. Mr. Rice said the letter would put DCRA on notice that the ANC is staying on top of the situation. The motion passed without objection.



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Mr. Rice reported that the Committee had discussed new DCRA licensing requirements for small-scale rental arrangements such as rooms, English basements and single family houses, and that they are cumbersome and complex. The rules require owners to visit multiple DC offices and pay fees of \$108-150 every two years, plus additional fees if the property owner doesn't already have a Certificate of Occupancy. Housing inspections are also required for single family rentals. **Motion:** The Committee recommends that the ANC send a letter expressing its concerns about the regulations to DCRA and to the Council Committee on Consumer and Regulatory Affairs.

The report of the Economic Development and Zoning Committee was accepted without objection.

Community Outreach

Elizabeth Nelson reported that she had looked into the suggestion that grants be given for Hurricane Katrina survivors and learned that it can't be done using ANC funds because it is prohibited by DC statute (the survivors are living outside the ANC boundaries).

She introduced the committee's recommendation regarding agenda packages. **Motion:** Mr. Fengler moved that the Committee's recommendation be accepted:

- a. That the Secretary of ANC 6A order, pick up and deliver to the monthly meeting sufficient copies of the full agenda package to serve all attendees.
- b. That commissioners make additional copies of the full agenda package, if desired, on the account at Kinko's,
- c. That commissioners make copies of the agenda-only for advance distribution at "their" posting locations. The COC further recommends that the agendas include the web address where the full package can be accessed on-line and contact information for the commissioner (for those without web access).
- d. That this policy be instituted on a trial basis for the next three ANC meetings, at which time the commissioners may adopt it permanently or send it back to the COC for revision.

Mr. Borbely said it was a good plan, but that it would require a slight increase in each Commissioner's copying budget. He moved that Commissioners be authorized to make an additional \$10 in photocopying for these next three months. The amendment was accepted without objection. Mr. Alberti suggested adding an ANC map to the back of the agenda sheet. The main motion was passed without objection.

On Mr. Fengler's motion, the committee report was accepted without objection

Public Safety

Raphael Marshall, chair of the committee, reported that the committee had discussed a situation at Maury Elementary School: the schoolyard is not properly fenced, and there is a long record of illegal activity, including drug activity, taking place in the schoolyard. The police have said that it can't be stopped because of the inadequate fencing. Mr. Fengler moved the following on behalf of the committee: **Motion:** The committee recommends that the ANC send a letter (included in the agenda package) to Commander Diane Groomes, the Deputy Mayor for Public Safety; Peter Jones, Ward 6 Neighborhood Coordinator, Councilmember Sharon



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Ambrose; Lieutenant Caldrewll; Mayor Williams; and Alphonso Coles, Community Outreach, 1st District. The motion was accepted without objection.

Schools

Mr. Borbely introduced Rajiv Vinnakota and Ms. L. Poole, of the SEED Public Charter School, who presented possible plans to construct a new campus by RFK stadium. They said SEED is a public charter boarding school that has grown since its founding from 40 to 320 students, with 100% of its graduates going on to college. It is now hoping to build a second campus on a 15-acre site at the northwest parking lot of RFK stadium. Ms. Nelson raised concerns about the high cost per pupil for children attending the boarding schools. The representatives said the money would not be taken from other public school programs in the District.

New Business

Mr. Fengler updated the Commission on the progress of DPW's Digital Camera program, saying that the cameras have been ordered, and one will be located in each PSA. He said that 25 residents of Linden Place had signed a petition requesting the camera, and one would be located in the alley.

Mr. Fengler gave an update on the proposed light rail line between Minnesota Avenue and Union Station, saying that all five relevant ANCs, in Wards 5, 6, and 7, had signed the letter, and that they are "on the cusp" of having DDOT include tracks in the RFP for work in that corridor. He said the letter had gone to the Mayor and Councilmembers Orange, Ambrose, Gray and Schwartz, urging their support. In answer to a question from a resident, Mr. Fengler said that the light rail will take no street space away from traffic on H Street. Another resident expressed concern about safety, saying that a similar system in Houston had been linked to many accidents and several deaths. Mr. Fengler said he was confident that DDOT would place the highest priority on ensuring safety.

Mr. Borbely and Mr. Rice distributed a draft letter to be sent to the members of the Council Committee on Education, Libraries and Recreation, urging a significant increase in the funds available to the DC Public Schools for facilities modernization and renovation. Mr. Borbely said that since 2001, the District has allocated an average of \$201 million per year for facilities upgrades, but going forward the funding is slated to drop to \$98 million per year, for the next five years, with half going for emergency repairs. The letter does not recommend a particular plan for raising the money—the object is to support an increase but not get involved in the politics. Mr. Borbely said that the letter included significant improvements made by Mr. Rice to the letter in the agenda package. **Motion:** Mr. Borbely moved that the ANC send the letter to the Council Education Committee. The motion passed without objection.

Audience Comment

Sheldon Johnson spoke about the proliferation of rats on the Hill, and said the problem is worse than ever because of the drought. He said it's a problem all over the city, not only the Hill, but it's as bad as it's been in 20 years.

Mr. Washington, president of the Friends of Sherwood, said he would like to meet personally with Mr. Alberti. He also spoke about the group's Thanksgiving basket-distribution program and asked the ANC to provide assistance.



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Julius Johnson, who owns Jumo's Soul Food at 18th and D NE, spoke about the space he has in a building next door to Jumo's, which presents an opportunity for the creative use of the space for the community—arts, tutoring, etc. He spoke about a block party he is planning for his neighbors on October 29th.

Deborah Gist asked that the school facilities letter recommend not only agency co-location in schools but also possible co-location of charter and traditional schools as another way to save money. Mr. Borbely said this would be a controversial addition that would require further debate.

The meeting was adjourned at 9:05.



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October 31, 2005

Dr. Patrick J. Canavan, Director
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 2200
Washington, DC 20002

Re: Basic Business License Requirements for Small-Scale Property Rental

Dear Dr. Canavan,

On October 13, 2005, Advisory Neighborhood Commission 6A voted to send a letter expressing concerns regarding new DCRA licensing requirements for small-scale property rentals such as rooms, basement apartments, and single-family houses.

It is our understanding from factsheets at <http://mblr.dc.gov> and calls to the (Basic Business License (BBL) Information Center that the new rules require owners to pay several fees and file paperwork with various parts of the DC government, in particular DCRA. Fees range from \$120-\$188 every two years, plus additional one-time fees if the property owner does not yet have a Certificate of Occupancy. After a review of the requirements, ANC 6A is providing these comments:

1. DCRA could simplify the application process with "one-stop shopping." The Business Resource Center could provide copies of all necessary forms and route the forms as necessary to the Office of Tax and Revenue, Housing Regulation Administration, and Building and Land Regulation Administration instead of sending the customers themselves. If the application needs additional paperwork, the file could be accepted as pending while the additional paperwork makes its way through the other offices.
8. The Basic Business License Fee component is higher for renting out a basement apartment (\$63) than for renting out an entire house (\$35). It is not clear why renting a portion of a house should trigger higher fees than renting an entire house. This is particularly true given that owners of single family rental units are required schedule a housing inspection with the Neighborhood Stabilization Office, which would seem to create additional costs to the District.
9. All applicants are required to register with the Housing Regulation Administration (HRA). HRA administers rent control, which does not apply until a property owner rents out more than four properties. In most cases, an owner of a single property will pay \$40 per unit every two years even though the rent control regulations would not apply to this property owner. If the interest is for HRA to have records of all rental properties, it would be more efficient for aggregated information from BBL applications to be provided to the HRA, rather than requiring each applicant to file a Rent Control Registration Form and pay a renewal fee every two years.
10. The required Rent Control Registration Form is not available on the DCRA website and HRA does not return phone messages to the number listed on the website and Tenant's Guide (442-4610), nor to the number (442-4477) provided through the DCRA main line.



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11. The ANC has concerns about the requirement to inspect every One Family Rental Unit, regardless of its complaint status. DCRA seems to have trouble responding to units with complaints in a timely manner. This requirement seems likely to clog the inspection pipeline, and DCRA should focus on responding to units with complaints.
12. The Application Requirement Factsheet for “One Family Rental Unit” states that “Owners/lessors of owner-occupied residences with one rental unit are required to have a Home Occupation Permit as well as a Certificate of Occupancy Permit for the rental unit.” This requirement seems redundant when the owner is also required to obtain a Basic Business License and a Certificate of Occupancy, either of which could trigger any required zoning review.
13. Some attention needs to be devoted to other rental arrangements and how this compliance effort relates to them. How is DCRA going to deal with the many in-law suites that effectively provide affordable housing with no complaints by the occupants, but do not have Certificates of Occupancy? The licensing requirements and associated fees may adversely affect affordable housing by creating disincentives for small-scale rental arrangements.

Overall, the new requirements seems like they will require too many trips and phone calls to too many DC government offices. Aside from revenue generation, the value added from the \$120-\$188 biannual fees is not readily apparent. Ironically, the fees associated with the new BBL requirements are 2-3 times more expensive and require more paperwork than the Master Business License fees that they replace.

It is our hope that these comments will be considered before a large-scale compliance effort begins. Thank you for your attention.

Respectfully yours,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Jim Graham, Chair of the Committee on Consumer and Regulatory Affairs
Councilmember Sharon Ambrose



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October 31, 2005

Dr. Patrick J. Canavan, Director
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 2200
Washington, DC 20002

Re: Overdue Report on Inspections of H Street NE Eating Establishments

Dr. Canavan:

On October 13, 2005, Advisory Neighborhood Commission 6A unanimously voted to request that DCRA honor its commitment to provide a report on this summer's inspections of eating establishments in the 200-1500 blocks of H Street NE. As you may recall, the report was: 1) to identify all eating establishments along H Street NE, 2) to determine what use their Certificates of Occupancy allows, 3) to specify what violations were identified at each establishment, and 4) to detail how violations have been addressed. Despite reminder emails from Commissioner Rice on September 16 and 23, the report has never been delivered.

At the current time, two additional eating establishments are under construction or near opening which may not have been inspected during the previous effort: Birdland at 1118 H Street NE and H Street Cafe at 1253 H Street NE. It is our hope that DCRA will make a timely and careful determination of whether these establishments meet the criteria established by the Board of Zoning Adjustment (BZA) for fast-food restaurants.

As new eating establishments open along the H Street NE Corridor, the need for DCRA to identify the fast-food restaurants prior to issuing building permits has become acute. Earlier in the summer, DCRA was notified of two new fast-food restaurants: Taste of Jamaica at 538 H Street NE and Cluck-U Chicken at 1123 H Street NE. The intent was to alert DCRA to the need for special exception hearings early in the process. Unfortunately, DCRA issued permits and allowed both establishments to open without the required special exception hearings at BZA. The Certificates of Occupancy for both establishments are now under appeal with BZA.

It would be preferable for all involved for DCRA to examine building permit applications more carefully to avoid this problem in the future. A more careful zoning review at the initial stages of permit application would create a level playing field and more regulatory certainty for business owners while preserving the right of residents to protect their neighborhoods from the litter, rodents, grease, traffic and noise that often come with fast-food restaurants.

Thank you for your attention. We look forward to receiving the report shortly.

Respectfully yours,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc: Councilmember Jim Graham, Chair of the Committee on Consumer and Regulatory Affairs
Councilmember Sharon Ambrose
Bill Crews, DCRA Zoning Administrator



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October 14, 2005

Councilmembers Marion Barry, Vincent Gray, Phil Mendelson, Kathy Patterson and Carol Schwartz
1350 Pennsylvania Avenue NW

Re: School Modernization Financing Act of 2005

Dear Members of the City Council Committee on Education, Libraries and Recreation,

We write to you in advance of your October 18 committee markup of the School Modernization Financing Act of 2005 (B16-250) to express our support for this bill's goal: to significantly increase the funds available to the D.C. Public Schools to renovate and modernize the District's public school facilities.

Given the decades of deferred maintenance and outright neglect, the immediate financial cost of modernizing our school buildings is great. However, the societal and social cost of children trying to learn in run-down, crumbling, fourth-class buildings is even greater. DCPS officials have testified that they will be able to manage \$250 million per year for modernizations by FY09. We hope you will find ways to provide this funding, or as close to it as possible, so that progress can be made quickly. We understand that it will take a number of years of spending at this level to make significant progress across the entire school system.

In the interim, DCPS must create a multi-year facilities plan with reliable information on the existing conditions of facilities, forecasts of demand by students and other potential users, opportunities for co-location of other public services, priorities for modernization and component replacement, and accurate cost estimates for scheduled improvements. We support efforts to add accountability and oversight mechanisms to the bill to ensure that funds will be well spent. One possible mechanism could be an audit of FY06-FY08 modernization and renovation projects by the Chief Financial Officer to evaluate whether best practices in contract management are followed and whether cost performance conforms to industry standards. DCPS must be required to adopt management procedures that maximize quality and cost-effectiveness; we hope that we can count on the Council and the School Board for diligent oversight

The Commission does not take a position on specific funding sources that should be used, but we are confident that your Committee will identify appropriate mechanisms: either a borrowing approach, which the bill currently takes, or a "pay-go" approach, as some Councilmembers are proposing, or some combination of the two. The Committee should also explore opportunities for savings elsewhere in the capital budget by coordinating school capital spending with other public facilities such as libraries, senior centers, health clinics, and recreation centers, many of which could share space in school facilities.

Of the 14 neighborhood schools serving our area -- J.O. Wilson, Wheatley, Miner, Ludlow-Taylor, Peabody, Maury, and Gibbs Elementary Schools, R.H. Terrell, Stuart-Hobson, Eliot, and Browne Junior High or Middle Schools and Dunbar, Eastern and Spingarn Senior High Schools -- only Miner



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Elementary School has been modernized. We understand that citywide, fewer than 10 of 147 schools have been modernized. We look forward to the time, hopefully within the next 10 years, when all children in the District will be able to attend schools in buildings that are of Miner's quality.

On behalf of the Commission,

Joseph Fengler
Chair, Advisory Neighborhood Commission 6A

cc:
Chairman Linda Cropp
Councilmember Sharon Ambrose
Mayor Anthony Williams
School Board Member Tommy Wells
DCPS Superintendent Clifford Janey
DCPS COO Thomas Brady



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ANC Treasurer's Report
 October 2005

Period Covered: 10/01/05 - 10/31/05

Checking Account:

Balance Forwarded			\$	8,707.36
Receipts:				
	District Allotments		\$	-
	Interest Income		\$	-
	Transfers from Saving Account		\$	-
	Total Receipts		\$	-
Total Funds Available			\$	8,707.36
Disbursements:				
	Roberta Weiner	CK# 1261	\$	125.00
	Total Disbursements		\$	125.00
Ending Balance			\$	8,582.36

Savings Account:

Balance Forwarded			\$	4,143.54
Receipts:				
	Interest 09/30/05		\$	1.36
	Transfers from Checking Account		\$	-
	Total Receipts		\$	1.36
Total Funds Available			\$	4,144.90
Disbursements:				
	Total Disbursements		\$	-
Ending Balance			\$	4,144.90



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**Report of the
 Alcoholic beverage licensing committee (ablc)**

October 18, 2005
 Sherwood recreation center, 7 p.m.

Committee attendance

Mary beatty	chair
Patti neal	committee member
Tish olshefski	committee member, secretary
Malcolm ross	committee member
Michael herman	committee member
Lyndon bonaparte	committee member

Absent: tim carney, tolu tolu

Commissioner attendance

Gladys mack	anc6a07
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Community attendance

Lance brown; laura brown; john bucholtz; sam yu; dr. Majam faizi; yo lee; james seu

Call to order- Meeting called to order at 7:04 pm.

I) Welcome/introductions

II) Approval of the minutes

Motion: mary beatty moved to accept the minutes of the september 20, 2005 meeting. No objections. Passed.

III) Approval of the agenda

Motion: mary beatty moved to accept the agenda. No objections. Passed.

IV) Community comments

Raphael martin needed to leave early, so made his comments regarding 1101 convenience mart during this portion of the meeting. He feels that the owner is a responsible owner, and commended him for being a sponsor of the recent h street festival.

V) Update



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1) Standard voluntary agreement cr, ct, cn – rewrite

Chair beatty explained that the rewrite of the va's for on premise consumption was approved by the anc.

2) H street singles moratorium—strategy document

Chair beatty indicated that the strategy discussed at prior meetings was approved by the anc.

VI) Old business

1) Hahu grocery, 1451 maryland avenue, ne

Community has concerns and is proceeding with a protest. Anc has asked the abl committee to make a recommendation to the anc about dropping or continuing the anc protest.

Some issues:

- C. There is a class a next door that already was an exemption.
- D. Located near 400 ft. Of school.
- E. Nuisance issues raised by community. Mary beatty stated that the sense she gets from marc borbely is that the community isn't looking for a compromise on the issuance of this license. They just don't want the facility there. It currently functions more as a mini mart than a grocery.

Mary beatty moved: if the abc rules that the 400 foot rule does not apply, the abl committee recommends that the anc continue the protest and begin negotiations on a voluntary agreement. Seconded by tish olshefski. Vote passed 5 to 1.

VII) New business

- 1) License renewals anc 6a—discussion and public comment
 - A) Yon lee/1101 convenience mart/1101 h street, ne (6a02)
 - B) Dr. Fazi/dc express/1504 east capitol street, ne (6a04)
 - C) China house/1601 benning road (6a07)
 - D) James su/j&k market/234 15th ne
 - E) Sam yu/lees grocery/1025 7th ne

Chair beatty explained that every 2 years every license comes up for renewal, and that the abl committee would schedule each for a community hearing. A hearing provides an opportunity for the community to give input in the renewal process. Committee will hear comments and give store owners an opportunity to speak

Community comment:

Lance brown 16th street, re: china house

Lives three houses from china house. Don't oppose their having a liquor license. Observed that their establishment seems to be the source of a broken glass problem in the neighborhood. Do sell glass bottles and do sell singles. A lot of the neighborhood drinkers who drink in public, discard their bottles and cause problems on the street and yards. Can an agreement be struck to see a reduction/elimination of glass containers in that establishment? (response: all of the standard voluntary agreement can be modified.)



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Gladys mack. Anc commissioner. China house is in her neighborhood. Not sure if she is opposed or just wants them to straighten up their act. Things coming out of that store that are not legit. They are selling liquor and cigarettes to minors. Has a lot of litter. Garbage disposal is on public space. Quite greasy around that area. Does try to keep it clean in the front. It is ada accessible which is a positive. Can a carry-out operate that type of license?

Laura brown. Live a few houses down from china house. It's affordable, it's good. They are polite. It's not an awful establishment in that regard. I come home late at night. I see kids age 15 and younger holding bottles of liquor, walking down the street chugging these things. I don't think that killing the liquor license or the china house in general is the answer, but would rather they not sell glass. Need to address the concern about selling to minors. Want to see their renewal agreement more stringent about enforcing their license. (response: we could ask for an investigation on selling to minors.)

John bucholtz: speaking on behalf of j&k grocery. It's a true grocery. We have a newborn and a two year old and they have a lot of things that we need. Clear signs in front. No loitering, no pan handling, no drugs, etc. There continue to be problems with this though even though the owners call the police consistently. In terms of license renewal they are a good custodian of the community. (response: wednesday night there is going to be the public safety committee, and later is the psa for this area.)

Committee comments:

Patti: made observation that usually if there is a problem the public comes to protest. there were not many people there....so perhaps people are happy with these stores.

Lyndon: 4 of the 5 have said that they are willing to negotiate a new voluntary agreement.

Mary: we need to investigate china house and what type of establishment it is. May need to recommend a protest of china house to get a ruling about violations, selling to minors, etc.

Comment on moratorium strategy from owner of j&k when he first started the business 20 years ago they weren't selling as many singles. Clientele has not changed, it wasn't pushed by the manufacturers to sell singles but now it is. They are responding to a need from the community based on what the manufacturers are pushing. Rappers advertise it.

Commissioner mack commented that those who sell singles prey upon her people.. By targeting the poorer members of the community, they negatively impact their health.

Yon lee of 1101 convenience mart commented that the moratorium should include a larger area, even include the entire ward. He thinks if a store owner signs an agreement to not sell singles, that they should be supported by the community.

Motion: the abl begin negotiations with 4 of these licensees on a 1101, dc express, j&k & lee's to sign a current standard voluntary agreement; that the anc protest the renewal of china house. Second by mike herman. Unanimous vote.

VIII)Adjourn 8:15 pm. Next meeting is november 15 at 7:00 pm



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**REPORT OF THE
ECONOMIC DEVELOPMENT AND ZONING COMMITTEE
OF ANC 6A
October 25, 2005**

Present: Commissioners Nick Alberti and Cody Rice; Resident Members Rich Luna, Drew Ronneberg, Bill Schultheiss, and Mary Spencer.

Commissioner Rice chaired the meeting.

HPA #05-522: AppleTree PCS at 138 12th Street NE

The committee heard a presentation by representatives of AppleTree Early Learning Public Charter School. AppleTree has purchased a building at 138 12th Street NE and applied for permits to expand the building for a preschool language and literacy program for 3 and 4 year olds. Because the building is in the Capitol Hill Historic District, the application has been referred to the Historic Preservation Review Board (HPRB) for design review. The HPRB hearing is scheduled for November 17, 2005.

AppleTree PCS was chartered by the DC Public Charter School Board (DCPCSB) in 2005 and is operated by the AppleTree Institute for Education Innovation, Inc., a 501(c)(3) nonprofit organization. AppleTree currently has a charter preschool for 35 children at Riverside Baptist Church at 680 I Street SW. They purchased 138 12th Street NE in May 2005 for a program expansion and administrative offices. Admission to their preschools is by lottery from applications for 3 and 4 year olds who reside in DC. There are no additional requirements aside from age and residency. There is no tuition and funding comes from a per-pupil allotment of District tax dollars. Currently, ten families from Capitol Hill have applied for enrollment.

Since AppleTree has already received their charter, they only need to file with DCPCSB to expand their operation to a new building. No DCPCSB hearing is required. AppleTree has received an initial determination from the Zoning Administrator in the Department of Consumer and Regulatory Affairs (DCRA) that the use, number of students, and size of the expanded building would be a matter of right in the R-4 zone district. Commissioner Rice has requested that the Zoning Administrator provide a written determination of whether there have been any errors in interpretation or application of the zoning regulations (see attached letter) for this application.

According to AppleTree's submission to HPRB, the existing 4,320 sq. ft. building has two-stories plus basement with dimensions of 36' x 40' on a lot that is 36' x 117.5'. This corresponds to 34% lot occupancy. The plans call for an expansion to dimensions of 36' x 94' with an additional 800 sq. ft. third floor set 32' back from the front of the building, a patio and a rooftop outdoor play area. This corresponds to 80% lot occupancy and 10,952 interior sq. ft. plus over 1,000 sq. ft. of usable roof space. The expansion would leave room for 3 parking spaces in the rear and a covered entrance.

As proposed, the expanded building would have capacity for 72 students and 16-20 staff. There would be room for 4 classes of 18 students each. Each class would have 3 teaching staff. In addition, there would be a principal, a special education coordinator, 2 additional administrators with responsibility for organizational development, and potentially other part-time staff in the afternoon. Program hours



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would be from 8 am to 6 pm with cleaning occurring after school hours until 7:30 or 8 pm. The program would initially run during the school year, but may expand to a summer program of 4-5 weeks. Student drop-off would be staggered and could occur in the front or rear. AppleTree has not requested a front loading zone and the three rear parking spaces would be for drop-off and pick-up. AppleTree is seeking other parking spaces off-site and would provide a transit subsidy to employees.

Several parents with current or prospective students spoke in favor of the effectiveness of the AppleTree program and the convenience of the new location to where they live. Some of these parents noted the number of young children in the area and stated that this is a use that the neighborhood needs and that schools belong in neighborhoods.

A large number of residents who live near 138 12th Street NE expressed opposition to the use of the building as a preschool. Concerns expressed by residents or committee members included:

- that this is an inappropriate use in the middle of a residential block with little parking and no buffer from surrounding residential properties like public schools usually have;
- the amount of traffic that would be generated by parents dropping off up to 72 children;
- potential blocking of the street, alley, and garages in the morning and evening while parents extract children from car seats, walk them into the building, and make the hand-off to staff;
- safety in the alley with additional traffic presenting a risk to children with yards that back up to the alley;
- extra traffic on several surrounding streets due to the difficulty of navigating one-way streets and Lincoln Park to reach the site;
- concerns about traffic/pedestrian safety related to the nearby unsignalized intersections at 12th & Constitution Ave NE and at Lincoln Park;
- noise from children playing on the rooftop recreation area;
- safety of children on the rooftop recreation area;
- effects on light and air of a 2+ story party wall extending past the rear of adjoining properties;
- that the proposal is trying to squeeze in a building that covers 80% of the lot when neighboring residential properties are limited to 60% by right;
- the visibility of the third story addition and play equipment on the roof;
- the compatibility of a building of this scale on the residential character of the historic district;
- the complete lack of green space in the rear of the property;
- no on-site parking for staff and the increased parking demand in the surrounding area;
- operation will require food catering and trash pick-up, but the plans do not account for these needs;
- the possibility that AppleTree may go out of business and leave a vacant, non-conforming building;
- impact on the new preschool program at Maury ES; and
- that slots for 3 and 4 year olds are not universally available and are being allocated through lottery system rather than by need of the student or family.

Recommendation: 1) That the ANC send a letter to HPRB requesting a) that the hearing be delayed until DCRA makes a written determination of whether the proposal is a matter of right or requires zoning relief and b) opposing the proposed design because of incompatibility with the surrounding



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neighborhood; 2) That the ANC send a letter to DCRA explaining the need for this project to receive special exceptions and variances from the Board of Zoning Adjustment; and 3) That the ANC send a letter to the District Department of Transportation asking them to require a traffic study for this proposal.

DDOT Request for Opinion Regarding Carsharing Spaces

Due to the late start in discussing this item, the committee decided to table discussion until the next meeting. In the interim, it would be helpful if Commissioners and residents would forward nominations to the committee (via Commissioner Rice) for on-street or off-street spaces that might be good locations to park carsharing vehicles. According to DDOT guidance, the on-street spaces should not be on streets with rush hour, street cleaning, Residential Permit Parking, or snow route restrictions. It was agreed that it would be helpful to invite representatives from DDOT, Zipcar, and Flexcar to the next committee meeting to answer questions about carsharing and the designation of on-street parking spaces for carsharing.

Next Scheduled ED&Z Committee Meeting:

Tuesday, November 29, 2005

7-9 PM

900 G Street, NE

Community Room of the Capitol Hill Towers



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October 6, 2005

Bill Crews
Zoning Administrator
Department of Consumer and Regulatory Affairs
941 North Capitol Street NE, Room 2000
Washington, DC 20002

Re: Attention to Permits for Child Development Center at 138 12th Street NE

Dear Mr. Crews:

I am writing to bring your attention to a new child development center planned for 138 12th Street NE in an R-4 District. My concern is that DCRA will incorrectly issue building permits and a certificate of occupancy for a “public school” use at this location.¹

According to the zoning regulations, a public school must be operated and maintained by the DC Board of Education. By definition, if a building is operated or maintained by another entity, then it cannot be a public school for zoning purposes.² In this case, the building will be operated and maintained by the AppleTree Institute for Education Innovation, a nonprofit organization seeking a charter through the DC Public Charter School Board for a pre-school educational program. Therefore, the building will not be operated and maintained by the DC Board of Education (which also has charter authority), and DCRA should not treat it as a public school for zoning purposes.

Instead, DCRA should recognize the intended use of the building as a “child development center.” This use encompasses other educational uses such as child care centers, pre-schools, nursery schools, and before-and-after school programs.³ Child development centers are permitted in an R-4 District as a matter of right per 11 DCMR 330.5(d), provided that the center shall be limited to no more than sixteen (16) individuals. A child development center may serve additional children if the Board of

¹ Public schools are matter of right use beginning in the R-1 District per 11 DCMR 201.1(k) and may exceed 60% lot occupancy per 11 DCMR 403.1, subject to certain limitations.

² 11 DCMR 199.1 reads in relevant part: “School, public - a building operated and maintained by the District of Columbia Board of Education for educational purposes and such other community uses as deemed necessary and desirable.”

³ 11 DCMR 199.1 reads in relevant part: “Child/Elderly development center - a building or part of a building, other than a child development home or elderly day care home, used for the licensed care, education, counseling, or training of individuals fifteen (15) years of age or less and/or for care of elderly individuals, totaling six (6) or more persons, who are not related by blood or marriage to the caregiver and who are present for less than twenty-four (24) hours per day. This definition encompasses facilities generally known as child care centers, pre-schools, nursery schools, before-and-after school programs, senior care centers, elder care programs, and similar programs and facilities.”



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Zoning Adjustment (BZA) grants a special exception and may expand beyond 40% lot occupancy if BZA grants a variance.

It is important to the residents of the neighborhood that DCRA correctly treat this property as a child development center and take steps to determine the number of children to be served at the location. If incorrectly treated as a public school, the neighbors of the property will have no effective venue for input on traffic, pedestrian safety, noise and parking demand associated with facility operations, nor on potential impacts to light, air, and property values of adjacent properties from expansion of the existing building to 80% lot occupancy as detailed in submissions to the Historic Preservation Review Board.

Based on these concerns, I am requesting a review of any pending applications or issued building permits for this property to ensure that your staff has not made any errors in interpretation or application of the zoning regulations to this property. I would greatly appreciate the courtesy of a written response within two weeks.

Thank you for your attention to this matter. If you have any questions or need further information, please contact me at 202-544-3734 or rice6A03@verizon.net.

Respectfully yours,

//original signed//

Cody Rice

Advisory Neighborhood Commissioner (6A03)

cc: Councilmember Sharon Ambrose
Emily Paulus, Historic Preservation Office



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**ADVISORY NEIGHBORHOOD COMMISSION 6A
Community Outreach Committee
Minutes for October 17, 2005**

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

Attending COC members: (quorum)

- Barbara Anderson
- Elizabeth Nelson (chair)
- Marissa Irwin

Absent:

- Louis Barbash
- Rose Williams

Community member present:

- Dr. Andrew Lightman, Managing Editor of the Hill Rag (published by Capital Community News)

I. Discussion of future meeting schedule

We will go forward with the normal third Monday of the month schedule indefinitely.

II. Discussion of advertising copy – at request of Commissioners

Dr. Andrew Lightman spoke with us about the current ANC6A ad that runs in the *Hill Rag*, particularly the blurriness/layout, size, and location. The problem with the blurriness of the ad is due to the format of the copy we send him. The copy needs to be sent in Microsoft Word format. The resolution (dpi) of the logos is also an issue. The COC will attempt to produce enhanced images. Dr. Lightman suggested reworking the layout to improve the message. He also suggested that a “frame” could be developed with specific content submitted monthly (as is done for *The Voice* ad). We discussed if the 1/8-size ad we are using is too small for the information we are presenting. If we purchase a 1/4-size ad, Dr. Lightman told us the ad is more likely to be run alongside the ANC reports based on how they appear on the page. Dr. Lightman said he could commit to an upper-right-hand-corner placement if the larger size is purchased. The 1/8-size ad costs \$145 and the 1/4-size ad will cost \$250 (both prices are based on advance pay and discounts). We did not feel comfortable making a recommendation as to which size ad should be purchased for 2006 because there are no data regarding the current ad’s effectiveness. At future ANC meetings, we will ask attendees how they learned of the meeting both before and after the new ad runs in an attempt to estimate effectiveness. In any case, the COC recommends discontinuing the DC North ad as that publication is no longer distributed in ANC 6A.

- The COC decided to create ads in two sizes in order for the ANC Commissioners to be able to make a decision on whether a larger ad should be purchased for 2006. Barbara will rework in Microsoft Word format the original 1/8-size copy. Marissa will work on a new 1/4-size copy. Once the ANC has decided on the size to be used, the COC will meet with *Hill Rag* staff to design a final draft ad and work out transmission details. The deadline for final ad design is December



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20, 2005.

- Dr. Lightman gave business cards to Elizabeth to distribute to all the Commissioners. He is available to speak with any of the Commissioners about circulation issues and story ideas. He needs our input, especially for circulation problems.
- The COC will investigate the possibility of using a *FAGON* listing in place of the annual ANC6A “recruitment” ad. This will be on the agenda at the November COC meeting.

Committee recommends:

- 1) that advertising in DC North be discontinued and
- 2) that ANC 6A Commissioners review the sample ads and decide which size to use for 2006.
- 3) that the COC be authorized to work with *Hill Rag* staff to develop layout of final ad and plan for transmission of content, subject to the approval of Commissioner Fengler, Chair ANC 6A.

The meeting adjourned at 8:55 pm.
Next meeting is November 21.

Respectfully submitted,
Marissa Irwin



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Schools Committee Report
October 26, 2005
7 pm, Miner Elementary School

Committee Attendance: Commissioners Marc Borbely (6A06) and Mfon Ibangha (6A08), and Resident Member Audra LeBlanc (6A06)

Guests: Brenda Artis (6A07)

Absent: Committee members Andre Taylor (6A03) and Mark Laisch (6A05)

Ms. LeBlanc suggested putting together a summary sheet reviewing the grants that the ANC has awarded to school PTAs, to give to other PTAs in the area in case they have need of funds. She will contact Elizabeth Nelson, chair of the Outreach Committee, about putting something like this together.

Commissioner Ibangha expressed interest in having the ANC continue to work on school facilities issues, as they remain a clear public concern. The committee agreed unanimously to ask the ANC to invite a speaker to its next meeting to update the ANC on the latest on the school modernization bill moving through the City Council.

The committee discussed DCPS's plans for Eastern Senior High School, at 1700 East Capitol St. NE, in ANC 6A08. Board member Tommy Wells has said he expects the school to undergo a reconstitution process next year. According to DCPS, a school undergoing reconstitution may be put under the control of a private management company, and/or its faculty may be radically revamped. The committee intends to devote its next meeting to the future of Eastern SHS. The committee will invite Cathy Reilly of the Senior High Alliance for Parents, Principals and Educators, Lee Glazer of Save Our Schools, DCPS Superintendent Clifford Janey, school board member Tommy Wells, Jacquelyn Williams, principal of Eastern, Marsha Kramer, Washington Teachers Union representative at Eastern, and parent representatives John Gibson and Mark Roy. The meeting will be held at a location close to the school, instead of at Miner Elementary School.

The next meeting will be held on Wednesday, November 30, at 7 p.m., instead of on the regular date of November 23, to avoid a conflict with the Thanksgiving holiday.