

Advisory Neighborhood Commission 6C
Wednesday, July 12, 2023, 7 pm
WebEx Teleconference
Minutes - Final

Call to Order at 7:03 pm

Determination of Quorum and Introductions - M. Eckenwiler, P. Eguino, T. Goodman, J. Kelty, C. Kwan, L. Merkle present (J. Adelstein absent)

General Information on Webex Teleconferencing

Remove TPS agenda item Two Rivers PCS for this month

Motion to Approve Agenda as corrected, M. Eckenwiler/T. Goodman **6-0**

Reminder no August Meeting (*Sept. 13 next*)

Approval of June Minutes

Motion to Approve L.Merkle/M.Eckenwiler **6-0**

Treasurer's Report for June

Quarterly report forestalled pending OANC system update. Treasurer Kelty provided an interim financial report: \$50,516.40 in account, with sole expense of \$15.00 reimbursed to Chair Eckenwiler for P.O. Box rental, on June 12.

Treasurer Kelty did not call for a motion at this time but will apprise the Commission as details become available.

Announcements

1. Commissioner announcements – T. Goodman alerted community to a balcony collapse at the 10-yr old 300 L St. NE, building, no persons injured, DOB working with owner to coordinate structural engineer/contractor for structural survey. P. Eguino announced an explosive device detonated 700 block of H St. NE, residents concerned about terrorist activity, no further information, be aware crime is up. J. Kelty just received word of an armed carjacking in the 500 block of 5th St. NE, directly in front of Councilmember Allen's house, crime is a mounting and continuing problem; hope that this gets the Councilmember's attention and that he's more receptive to some of the community's requests for more aggressive law enforcement and support for the community's requests that the Prosecutor prosecute local crimes. L. Merkle announced neighbors bordering the Frederick Douglass Alley Court gathered on July 15 for an alley cleanup; residents in the 300 block of A St NE report flooding and sewage backup in case anyone else experiencing same, working with DC Water to resolve; Folger Library project nearing completion and parking opening up along 200 E Capitol SE. C. Kwan continues to monitor construction of FL Ave project, feel free to contact her with questions; going forward, updates will flow through 6A Transportation Committee meetings; upcoming Pave DC projects include 600 block of M St. NE and the restoration of North Alley of Orleans Place NE; a planned DDOT survey on truck signage will be posted in the chat. T. Goodman in a postscript notes the

Developers of 300 M St and Armature Works have worked out permit issues and repaving at 3rd, 4th, and M St. NE underway.

2. Other government/organization announcements

Jake Stolzenberg, Ward 6 Liaison, Mayor's Office of Community Relations, focus this month on Ward 6 concerns regarding crime, visiting businesses along H St. NE; highlighting the Emergency Public Safety Legislation which passed the D.C. Council on July 11, Jake will put a link to legislative text in the chat; other news – the mayor's DC Opportunity Scholarship, link in the chat; also aware of collapsed balcony at 300 M and car damage from falling debris.

3. Citizen comments on issues of concern

Shad Gohn, confirming opportunity to discuss 1165 3rd St, matter under “new business.”

Valerie Jablow, requesting that ANC 6C collaborate with ANC 6B to ensure private residences not slide to commercial use.

Commissioner discussion – ME: Tax coding should not matter; a corporation does not inhabit a dwelling, and vacancy not at issue; if unlicensed activities are taking place, then those addressed separately. JK: Many of these concerns could potentially run afoul of zoning regulations and it would make sense to address at the committee level; propose adding to the committee agenda for the Sept PZE meeting. ME: Concur.

Consent Calendar

Transportation and Public Space Committee (Michael Upright, Chair)

1. K St Protected Bike Lane (NOI-23-135-PSD) (Move to Plenary) Comment period open to July 31, committee recommends ANC support bike lane, with an extension beyond 2nd St. NE for safety of bikers and pedestrians; Mark Kazmierczak preparing letter for ease of commission review.

Commissioner discussion – TG: Did committee review include 200 block conversion to PU/DO? MU: Alternatives discussed, did not include. TG: Recommend pulling from consent and moving to Plenary. ME: Moving matter to Plenary.

2. NY Avenue Trail – a planned park-like project with trail, adjacent to Metrorail, and parallel to New York Ave; committee by motion advises a letter to project managers conveying disappointment in the smaller scope of project and requesting a return to the original focus and vision of the full park plan. Garrett Hennigan drafting letter for commission review.

Alcoholic Beverage Licensing Committee (Drew Courtney, Chair)

1. Chop Shop DC/Nice N Easy (class C tavern) – to protest
Follow up to a stipulated license with the full application for one establishment operating as two different branded spaces combined: one for carryout Peruvian Thai chicken, the other as a bar focused on bluegrass and folk music. Opening this week 5 nights/week, eventually 7 night/week. Owners seeking endorsement; committee focused on two main areas of discussion: 1) ensuring adequate handicap access, 2) restrictions on a large glass garage door and a need to keep door closed on weekends, particularly if music. Owner amenable to both points in Settlement Agreement.

Committee recommended protesting the license with intention of signing a Settlement Agreement, Michael Upright as designated representative, Tony Goodman as alternate. Would like to flag that due to stipulated license, if the protest letter is entered before Settlement Agreement is signed, owner could lose license. Suggest holding the protest letter until closer to the August 14 deadline, with expectation that a signed Settlement Agreement can be achieved with no break in service.

Commissioner discussion – MU: planning to meet with parties this week to sign Settlement Agreement. TG: Called particular concerns to Chairman Courtney’s attention related to handicap access to front door and tavern tables. JK: laudable, but this may not be the committee to pursue those goals. ADA issues should be addressed at the federal/DOJ level. We should be treating all applicants the same and using the same criteria. TG: This is our one tool/lever. Applicant has requested a Settlement Agreement; if we need to go to Department of Justice to resolve, I would not go there. Any applicant posing access issues to the handicapped at point of entry I would raise these same concerns. JK: Are there specific issues related to this application and handicap access? TG: Yes, front door. JK: Then I will step aside. ME: Should we move to Plenary? JK: No need to remove from Consent Calendar.

Planning, Zoning, and Economic Development Committee (Mark Eckenwiler, Chair)

1. Zoning regulations amendments (ZC 18-16 & others, consolidated)

Proposed set of rulemaking from June 16—over 200 pages long—appears not to make substantive changes to the zoning regulations, however, PZE offered two specific comments:

- Suggest deleting 11-H 903.5, specific to the city block occupied by 360 H St. NE, which imposes certain FAR limits “in the event that a grocery store is constructed.” And as the Giant is already constructed, a moot point.
- In April 2021, ANC 6C asked the ZC to explore problems with section E-206 (concerning rooftop architectural elements) and the Zoning Administrator’s questionable interpretation concerning cornices. The ZC directed OP to work on this issue and in the two years since there has been no further action or contact from OP. Recommendation at this stage is for ANC to flag the issue again with copy of the 2021 letter.

Move to adopt Consent Calendar as revised (K St. bike lanes, moved to Plenary)

M. Eckenwiler/C. Kwan **6-0**

Plenary Agenda

Transportation and Public Space Committee (Michael Upright, Chair)

1. 601 Massachusetts Ave – Capitol Bikeshare Docking Station

Owner coordinating with DDOT and Comm. Adelstein on proposed plan; no ANC 6C action requested.

Commissioner discussion – JK: for purposes of serving the public it seems like a great location, why move it, is this not public space. MU: When the new residence is built, the docking station will be almost in the front yard, although still public space. JK: I do not see the need to relocate a \$40k installation, is the developer proposing to pay for the relocation. MU: we referred the resident back to DDOT to seek a solution and asked him to liaise with Comm. Adelstein. JK: I would not be supportive of moving a piece of public transportation infrastructure for the benefit of a single property. MU: We will address when they return to the Committee. TG: the bikeshare might work better if moved to the east side in a protected

space at 6th, Mass, and C St. JK: regarding issue of ADA compliant sidewalks around 6th St – Stanton Park, propose raising with local government, and if failure to gain traction, refer to Dept of Justice. MU: The Commission awaits DDOT's response to the homeowner. Will consider ADA suggestion at next TPS meeting.

~~2. Two Rivers PCS – School Parking Zone (SPZ) removed from agenda~~

2. ANC 6A Sidewalk Survey Results

Roberta Shapiro with 6A drafting letter to DDOT and Council regarding sidewalk repairs and safety issues; no ANC 6C action requested.

3. K St Protected Bike Lane (NOI-23-135-PSD) (Move to Plenary)

Comm Goodman requested whether PU/DO zone could be accommodated.

Commissioner discussion – ME: What are competing proposals. TG: Suggest designating 200 block K St NE a 15 min. PU/DO zone to alleviate double parking, bicycle-pedestrian-commercial traffic. ME: Concur, Second St. would not be a good alternate PU/DO zone, congestion issues are as bad, if not worse. JK: Would traffic worsen if parking converted to PU/DO and would this negatively impact bicycle lanes. TG: Impact is neutral as cars are already double parking. CK: Bicycles are using the bike lanes to traverse this section, and it is already a danger zone, a PU/DO designation would be an improvement. JK: Any discussion to reversing the bike and car lanes for purposes of PU/DO. TG: Because of narrowness of K St. this would be difficult, an open car door leaves little room to maneuver next to curb. JK: Constituents would not support getting rid of all parking on K St. NE. TG: Committee recommended bike lanes be extended further east and ANC 6A will be taking this matter up.

TG: Motion to support NOI requesting that 200 Block of K St NE be converted to PU/DO Zones and that we remind DDOT that the safety of pedestrians in the underpass is more important than the potential queuing issues for cars. ME: To clarify, are we requesting drivers remain with cars at PU/DO. TG/ME/JK: Factoring in the childcare center, there must be a time limit of 10-15 min to short-term parking, otherwise potential to become long term parking, at least during the hours of operation for childcare center.

Motion made, and amended, **6-0**

Alcoholic Beverage Licensing Committee (Drew Courtney, Chair) No additional business

Environment, Parks, and Events Committee (Joe McCann, Chair)

1. NPS properties (**non-voting**)

- NPS indicated that it was amenable to transferring jurisdiction of Reservation 315 to the District government. Superintendent Morrison confirmed that NPS remains open/amenable to this transfer. NPS is still waiting for a letter from the District requesting the transfer.
- Chair McCann reported on general repair and updates to Stanton Park and access to National Park Service/Superintendent Tara Morrison.
- Additional NPS updates to follow in the fall.

Commissioner discussion – ME: Greene statuary in Stanton Park does not just need cleaning, the right stirrup strap is broken, hanging down, repair is needed. Regarding off leash dogs, a citation is a criminal offense which should give offenders pause. Would like to see paths along the desire

lines, it is clear where people want to walk. JK: Agree, some pea gravel paths; trash cans have always been a problem, rat resistant containers and regular pickup, and dog enforcement. TG: desire lines good, dog enforcement needed, work with DDOT to block inner lanes for pedestrian-bike lanes.

TG: for Sept meeting, to review NoMa BID \$75k available funds. Chair McCann and Comm Goodman will be coordinating with 6B to present a united front on considered options. ME: please also check into illegally parked cars blocking bicycle and pedestrian thoroughfares adjacent to 6B and L St underpass, particularly on weekends, alert DPW for follow up.

Planning, Zoning, and Economic Development Committee (Mark Eckenwiler, Chair)

1. 616 7th St. NE (BZA 20928) – rear deck

Owners request an area variance from the lot occupancy requirements and a special exception to the rear yard requirements to construct a rear deck on an attached, two-story. Owners have support for variance from CHRS, and several neighbors including direct on either side.

Commissioner discussion – TG: strongly supports application, this is a small non-conforming lot, and an excellent way to gain outdoor usable space for this house. Refers interested parties to his own house which has the only legal deck on his block, at 98 percent of the lot. Office of Planning used “the intent of the regulations” determination to make the outdoor space work for his residence. JK: reiterates the point made in the committee meeting, sympathetic to desire to make better use of the small lot but primary concern is with the setting of precedent that we used on other projects in the future. My belief is that it has been the policy of this group to oppose requests for zoning relief on the order of 100 percent occupancy. Also laid out that from the regulatory standpoint would we approve this if it were an enclosed room. We would likely all say “no.” Maybe not Tony. I am sympathetic to the desire but not supportive. ME: share Comm Kelty’s opinion. Would owners accept as a friendly the proviso from the committee correcting lot occupancy figure? Yes.

Motion to support with proviso, no designation of witness – T. Goodman/L. Merkle **4-2**

Grants Committee (Victoria Lord, Chair)

1. Capitol Hill Cluster/Peabody

Refreshing and restoration of habitat gardens for students at Peabody and students at visiting schools. Requesting support for \$1,103 grant to protect trees, refresh plants, restore roof, educational signs.

Committee discussion – JK: encourages grantee to file final report and supporting documentation in a timely fashion in order to meet reporting deadline.

Motion to accept committees’ recommendation MEckenwiler/PEguino **6-0**

New Business

1. Proposed letter on 1165 3rd St. NE (Comm’r Kelty)

Long history of illegal construction and zoning violations at this address, to that end, Comm Kelty prepared a draft a letter to DOB highlighting the issues. DOB has declared the rooftop structure an illegal and unsafe addition, therefore existing permits voided, and owner must start from beginning. The project has essentially been abandoned. Owner has been given

much leeway and avoided paying fines for years. Going forward Comm Kelty is requesting DOB put a 3-year time limit for any new permits or extensions. Further he is requesting the agency maintain oversight on permitting and inspections process and not delegate to a 3rd-party.

Commissioner discussion – TG: appreciate Comm Kelty’s persistence and help in drafting letter so quickly. Support this effort. ME: what were the stop work orders for. JK/SGohn: tearing down stop work orders, illegal structure

Mary O’Neal – adjacent neighbor, affected by activity at 1165 3rd St NE for 17 yrs. Hope that future permits will not go through based on past experience. A dangerous, unmonitored structure.

Shad Gohn – adjacent neighbor, by owner’s own admission this is an illegal structure. It is intrusive and unpermitted. Nothing done since 2021. List of concerns is long. He proposes to increase the height of building, there is a pattern of non-compliance. Owner requires strict oversight. Would encourage a tighter, more restrictive 1-yr time limit if possible. There was a fire in the backyard, near the fence.

Motion to send letter to DOB with modification that owner be required to complete construction in 1 year, if regs permit, if not then, as is.

J. Kelty/M. Eckenwiler **6-0**

Additional Citizen Comments dispensed with due to late hour

Adjourned at 9:14 pm

Next Meeting on Sept. 13, 2023, 7 pm