

**Advisory Neighborhood Commission 6E  
 Public Meeting  
 Tuesday, May 5, 2020**

Advisory Neighborhood Commission 6E convened via Video Conference and/or Telephone on Tuesday, May 5, 2020 at 6:30 p.m.

Present:

- Alexander M. Padro, ANC 6E01
- Frank S. Wiggins, Vice Chair, ANC 6E03
- Rachelle Nigro, Chair, ANC 6E04
- Alex Marriott, Treasurer, ANC 6E05
- Alvin Judd, ANC 6E06
- Kevin M. Rogers, ANC 6E07

Absent:

- Michael J. Brown, Secretary, ANC 6E02

**I. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 6:31 p.m. by Chair Rachelle Nigro with a quorum present.

**II. APPROVAL OF AGENDA**

**MOTION:** Commissioner Wiggins moved and Commissioner Padro seconded that the Agenda be approved as amended, with “Settlement Agreement - Play Off Pizza, 924 5<sup>th</sup> Street, NW,” being added as Agenda Item VII, following the other ABRA cases. The Motion **passed** unanimously, 6 yeas (Commissioners Nigro, Padro, Wiggins, Marriott, Judd, Rogers) – 0 nays – 0 abstentions.

**III. PSA REPORTS – 1D, 3D**

Crime statistics for the indicated periods are as follows:

Crime Stats for 1D Police District (PSA 103)	Number of crimes reported between:		
Crime Type	4/1/19-4/30/19	4/1/20-4/30/20	Change
Homicide	0	0	↔
Sex Abuse	0	0	↔
Robbery Excluding Gun	1	0	↓
Robbery With Gun	0	0	↔
Assault Dangerous Weapon (ADW) Excluding Gun	0	0	↔
Assault Dangerous Weapon (ADW) Gun	0	0	↑
<b>Total Violent Crime</b>	<b>1</b>	<b>0</b>	↓
Burglary	0	0	↔

Theft	8	6	↓
Theft F/Auto	13	2	↓
Stolen Auto	0	0	↓
Arson	0	0	↔
<b>Total Property Crime</b>	<b>21</b>	<b>8</b>	↓
<b>Total Crime</b>	<b>22</b>	<b>8</b>	↓

Crime Type	Number of crimes reported between:		
	4/1/19-4/30/19	4/1/20-4/30/20	Change
Homicide	0	1	↑
Sex Abuse	0	0	↔
Robbery Excluding Gun	2	4	↑
Robbery With Gun	2	1	↓
Assault Dangerous Weapon (ADW) Excluding Gun	0	2	↑
Assault Dangerous Weapon (ADW) Gun	2	2	↔
<b>Total Violent Crime</b>	<b>6</b>	<b>10</b>	↑
Burglary	4	1	↓
Theft	13	14	↑
Theft F/Auto	18	7	↓
Stolen Auto	6	2	↓
Arson	0	0	↔
<b>Total Property Crime</b>	<b>41</b>	<b>24</b>	↓
<b>Total Crime</b>	<b>47</b>	<b>34</b>	↓

**3D (PSA 308):** Captain Han Kim reported the following: **(1)** Homicide - 4/29/20: 200 block of New York Avenue: Sounds of gunshots – male with gunshot wound pronounced dead; hope to have this case closed quickly; **(2)** 4/21/20: 1300 block of North Capital Street: individual fired a handgun toward New York Avenue and struck a male in foot; **(3)** Arrests: **a)** robbery on New York Avenue: woman fell asleep in her car; suspect located; **b)** Thefts from Auto – arrest made; **c)** numbers looking good: PSA 307 – YTD robbery down 64%; PSA 308 down 20%; Violent Crime PSA 307 – 38%; PSA 308 17%; Thefts from Auto – PSA 307 down 29%; PSA 308 down 28%. **(4)** Recovery of Handguns: 40 illegal handguns recovered to date; recovered handgun from 1300 block of 5<sup>th</sup> Street, NW today; **(5)** focusing on people violating social distancing order; **(6)** thanks to the community for providing meals to officers.

A question and answer period followed. Commissioner Nigro stated more officers are needed in her SMD especially with the homicide that occurred during the day in her area.

Commissioner Padro asked Sgt. D. J. Terrestre about social distancing violators at 8<sup>th</sup> & O Streets, NW. Sgt. Terrestre responded that his officers are down there every night trying to enforce compliance with social distancing. P/A announcements are not working. Officers are now getting out of their cars and doing hourly checks.

**1D (PSA 103):** Lt. Steven Andelman reported on crime for the last 30 days; two Homicides; decrease in Sex Abuse and ADW. Increase in Stolen Auto; significant decrease in Theft from Auto; Homicides: **(1)** 4/15/20, 10:48 p.m., 1200 block of North Capital Street; adult female (domestic violence); suspect is known; open case – being actively investigated; **(2)** 900 block of New Jersey Avenue: cleared by arrest.

A question and answer period followed. Residents raised increased homelessness activity, drug activity, sex trafficking, and social distancing violations among juveniles.

A resident raised an issue of a man playing a trumpet after 10:00 p.m. at 4<sup>th</sup> and New York Avenue, NW.

Commander Morgan Kane (District Commander 1D) joined the call and responded to residents' concerns about the above. More messaging needs to get out to delivery drivers not to leave their vehicles running while delivering food.

**IV. 485 K STREET, NW (RASA MVT, LLC): REQUEST FOR SUPPORT FOR NEW RETAILER'S CLASS "C" RESTAURANT ABRA LICENSE [6E05]**

Rahul Vinod, co-founder, joined the meeting via phone, but the connection was bad. Commissioner Marriott stated ANC 6E's ABC Licensing Committee met and recommended approval for a new Retailer's Class "C" Restaurant ABRA license for RASA VMT, LLC, 485 K Street, NW. He received a copy of the signed Settlement Agreement which he passed on to Commissioner Nigro.

**MOTION:** Commissioner Marriott moved and Commissioner Padro seconded that ANC 6E **support** the request for support of RASA MVT, LLC, 485 K Street, NW, for a new Retailer's Class "C" Restaurant ABRA License, subject to the conditions contained in the signed Settlement Agreement, and that said support be communicated in writing to the ABC Board and ABRA. The Motion **passed** unanimously, 6 yeas (Commissioners Nigro, Padro, Wiggins, Marriott, Judd, Rogers) – 0 nays – 0 abstentions.

**V. 476 K STREET, NW (THE CLOAKROOM): REQUEST FOR SUPPORT FOR A SUBSTANTIAL CHANGE TO ITS RETAILER'S CLASS "C" TAVERN ABRA LICENSE – REQUEST TO CHANGE HOURS OF OPERATION INSIDE PREMISES [6E05]**

Commissioner Marriott stated the licensee would like to keep the establishment open later inside the premises until 5:00 a.m. No alcoholic beverages will be served after 2:00 a.m. Sunday through Thursday and 3:00 a.m. Friday and Saturday.

**MOTION:** Commissioner Marriott moved and Commissioner Padro seconded that ANC 6E **support** the request for support of The Cloakroom, 476 K Street, NW, for a substantial change to its Retailer's Class "C" Tavern ABRA License where the establishment will change its hours of operation of operation **inside** the premises from Sunday through Saturday 10:30 a.m. to 5:00 a.m. and no alcohol beverages will be served after 2:00 a.m. Sunday through Thursday and 3:00 a.m. Friday and Saturday, and that said support be communicated in writing to the ABC Board and ABRA. The Motion **passed**, 5 yeas (Commissioners Nigro, Padro, Marriott, Judd, Rogers) – 0 nays – 1 abstention (Commissioner Wiggins).

**VI. 601 K STREET, NW (JEMAL'S EAST 451, LLC [AC HOTEL]: REQUEST FOR SUPPORT FOR NEW RETAILER'S CLASS "C" HOTEL ABRA LICENSE. ESTABLISHMENT WILL HAVE A SUMMER GARDEN WITH 60 SEATS. LICENSEE IS REQUESTING TO HAVE AN ENTERTAINMENT ENDORSEMENT, INCLUDING DANCING, INSIDE AND OUTSIDE [6E05]**

Commissioner Padro stated that the application had been amended to reflect restrictions imposed by the Board of Zoning Adjustment order for the building, which precludes entertainment on the rooftop and restricted hours there. ANC 6E's ABC Licensing Committee met and recommended approval of the licensee's amended application. The hours of alcoholic beverage sales, service, and consumption and live entertainment inside the premises will be Sunday through Thursday 8:00 a.m. to 2:00 a.m., Friday and Saturday 8:00 a.m. to 3:00 a.m. The hours of operation, alcoholic beverage sales, service, and consumption for the Summer Garden will be Sunday through Thursday, 8:00 a.m. to 12:00 a.m., and Friday and Saturday 8:00 a.m. to 2:00 a.m.

**MOTION:** Commissioner Marriott moved and Commissioner Padro seconded that ANC 6E **support** the request for support of Jemal's East 451, LLC (AC Hotel) for support for new Retailer's Class "C" Hotel ABRA License with a Summer Garden per the hours noted above and that said support be communicated in writing to the ABC Board and ABRA. The Motion **passed** unanimously 6 yeas (Commissioners Nigro, Padro, Marriott, Judd, Rogers, Wiggins) – 0 nays – 0 abstentions.

**VII. SETTLEMENT AGREEMENT - 924 5<sup>th</sup> STREET, NW (PLAY OFF PIZZA): REQUEST FOR SUPPORT FOR A NEW RETAILER'S CLASS "C" TAVERN ABRA LICENSE TO ADD SPORTS WAGERING TO ITS OPERATIONS. ESTABLISHMENT WILL HAVE THREE KIOSKS AND MOBILE GEO FENCED APPLICATIONS INSIDE THE PREMISES. ADDITIONALLY, LICENSEE REQUESTS TO OFFER THE DRAGON'S ASCENT ELECTRONIC GAME OF SKILL AT THREE GAME MACHINES. LICENSEE IS ALSO REQUESTING ENTERTAINMENT ENDORSEMENT [6E05]**

Commissioner Marriott stated that at the March 3, 2020 ANC 6E Public Meeting, the Commission voted to protest the request for a New Retailer's Class "C" Tavern ABRA License to Add Sports Wagering to its Operations, pending the signing of a Settlement Agreement and to also discuss security. ANC 6E's ABC Licensing Committee recommended that they have a security guard stationed at the front door at all times.

Mark Brody of Play Off Pizza stated they are not planning to have a cash cage and therefore a security guard was not needed at all times. He did, however, note that they will have security on the weekends.

ANC 6E's ABC Licensing Committee met and noted that having a security guard at all times was one of the conditions of the Settlement Agreement that was shared today. The Committee would urge security at all hours of operation.

Commissioner Marriott suggested that the consideration of the Settlement Agreement be **tabled**. The Commission agreed to **table** the matter until the June meeting or if a Special Meeting is called.

**VIII. 1840 7<sup>TH</sup> STREET, NW, LOTS 53 AND 54, SQUARE 417: REQUEST FOR SUPPORT TO REZONE THE PROPERTY FROM RF-1 ZONE DISTRICT TO ARTS-3 ZONE DISTRICT. THE PROPERTY IS IN ANC 1B ADJACENT TO 6E01.**

Leila Batties with Holland & Knight, LLP stated that on 12/9/19, ANC 1B voted to support the request to the proposed map amendment to rezone Square 417 lots 53-54 from RF-1 to ARTS-3. A public hearing is scheduled for May 15, 2020. The applicant has presented twice to ANC 6E's Zoning Committee. She and Commissioner Padro have exchanged emails. They are seeking full ANC 6E support.

Commissioner Padro noted this review was initially presented to the Zoning Committee on 1/30/20 and 4/30/20. As ANC 6E abuts this location, they were seeking our support as the development would be impacting ANC 6E01 and, therefore, they are seeking support to rezone this property from RF-1 to ARTS-3. Since ANC 1B has already given their support for their rezoning request, this rezoning is the only opportunity ANC 6E has to address the concerns and issues resulting from this redevelopment. The issues ANC 6E highlighted were: **(1)** Community benefits for the neighboring school; **(2)** Prohibiting RPP; **(3)** Alley widening; and **(4)** Addressing contractor parking on residential streets. The representatives felt that these concerns were not applicable to the rezoning and should not be addressed as part of the rezoning request. They refused to make any written commitments to either community organizations or the Commission, stating that such written commitment would amount to "contract zoning." Commissioner Padro believes that this matter is legally acceptable and should be addressed by the developer at this time due to the fact that this would be ANC 6E's only opportunity to address these concerns. Once the developer has its zoning approvals, no other ANC approvals are required. Commissioner Padro offered to inquire with the Attorney General's office as to whether or not written assurance from the developer was allowed. The 4/30/20 meeting ended without a motion and would reconvene after hearing back from the AG.

On Monday, 5/4/20, the Committee reconvened following receipt of the AG's response. The OAG's opinion was that it is allowable for the developer to address issues in writing at this time. The Committee unanimously voted to recommend that ANC 6E **oppose** this zoning application.

Ms. Batties responded by stating: **(1)** the developer did submit a letter to Cleveland Elementary School; **(2)** complying with certain conditions is outside of legal review; **(3)** ANC 6E cannot condition zoning on matters outside the scope of legal review.

**MOTION:** Commissioner Padro moved and Commissioner Judd seconded that ANC 6E **oppose** the zoning application submitted by 1840 7<sup>th</sup> Street, NW, Lots 53 and 54, Square 417, and that said opposition be communicated in writing to the Zoning Commission of the District of Columbia. The Motion **passed** 3 yeas (Commissioners Padro, Judd, Rogers) – 0 nays – 3 abstentions (Commissioners Marriott, Nigro, Wiggins).

**MOTION:** Commissioner Padro moved and Commissioner Marriott seconded that ANC Commissioner Alex Padro be appointed to represent ANC 6E at the proceedings before the Zoning Commission. The Motion **passed** unanimously 6 yeas (Commissioners Padro, Marriott, Nigro, Wiggins, Judd, Rogers) – 0 nays – 0 abstentions.

**IX. LOT 252, SQUARE 620: REQUEST FOR SUPPORT FOR THE PROPOSED DEDICATION OF LAND FOR THE FIRST STREET, NW RIGHT-OF-WAY [6E06]**

**MOTION:** Commissioner Judd moved and Commissioner Padro seconded that ANC 6E support the application of Lot 252, Square 620 for the dedication of land for the First Street, NW right-of-way and that said support be communicated in writing to Office of the Surveyor for the District of Columbia. The Motion **passed** unanimously 6 yeas (Commissioners Padro, Marriott, Nigro, Wiggins, Judd, Rogers) – 0 nays – 0 abstentions.

**X. PRESENTATION BY THE DISTRICT OF COLUMBIA OFFICE OF PEOPLE'S COUNSEL**

Cheryl Morse, Ward 6 representative for the Office of People's Counsel spoke. The Office of the People's Counsel is an independent agency of the District of Columbia that advocates for consumers of natural gas, electric, and telephone services. The Office also represents the interest of District utility ratepayers before the DC Public Service Commission, Federal Energy Regulatory Commission, Federal Communications Commission, other regulatory bodies, and the courts.

She noted that the Office of the People's Counsel (OPC) staff are working remotely. OPC can be reached at 202-727-3071 or [www.opc-dc.gov](http://www.opc-dc.gov). During the Covid-19 Pandemic, all the utility companies have agreed to a moratorium and no consumers will be cut off. PEPCO has agreed to extend their moratorium to June 1, 2020. Washington Gas has waived all late fees on bills. Washington Gas has halted pipe construction for the time being. Verizon is waiving late fees for its customers. DC Water can be reached at 202-354-3600. Internet and cable companies have also agreed to a moratorium. She warned customers to look out for third party supplier scams.

Commissioner Padro recognized the work that OPC has done on behalf of his constituents in payphone removal cases against Verizon.

**XI. PROPOSED K STREET, NW PROTECTED BIKE LANE (7<sup>TH</sup> STREET, NW TO 1<sup>ST</sup> STREET, NE) [ANC 6E TRANSPORTATION ADVISORY COMMITTEE]**

Alex Lopez, Chair of ANC 6E's Transportation Advisory Committee (TAC), stated that DDOT filed a Notice of Intent on April 23, 2020 and comments are due by June 5, 2020. DDOT provided a slide presentation at the April 28, 2020 Transportation Advisory Committee (TAC) meeting. The next Transportation Advisory Committee (TAC) meeting is on May 26, 2020 and the committee will make recommendations on DDOT's Notice of Intent. He encouraged the commissioners to reach out to their constituents about this. All comments must be filed in writing and submitted by post mail to Mike Goodno, DDOT/PPSA, 55 M Street, S.E., 5<sup>th</sup> Floor, Washington, DC 20003 or by email to [mike.goodno@dc.gov](mailto:mike.goodno@dc.gov).

**XII. RECOMMENDATION FOR TEMPORARY SIDEWALK EXTENSIONS NEAR GROCERY STORES AND ESSENTIAL BUSINESSES [ANC 6E TRANSPORTATION ADVISORY COMMITTEE]**

Mayor Muriel Bowser announced that DDOT will temporarily extend sidewalks near grocery stores and other essential retailers to allow pedestrians enough space to practice social distancing during the coronavirus (COVID-19) public health emergency. Temporary sidewalk extensions will be located in all eight wards of the District, based upon DDOT's evaluation and suggestions from the public.

Alex Lopez, Chair of ANC 6E's Transportation Advisory Committee (TAC), presented TAC's sidewalk extension recommendations.

**MOTION:** Commissioner Marriott moved and Commissioner Padro seconded that ANC 6E **support** the temporary sidewalk extension at the Safeway, 400 L Street, NW, and that said support be communicated in writing to the District Department of Transportation (DDOT). The Motion **passed** unanimously 6 yeas (Commissioners Padro, Marriott, Nigro, Wiggins, Judd, Rogers) – 0 nays – 0 abstentions.

**MOTION:** Commissioner Rogers moved and Commissioner Padro seconded that ANC 6E support the temporary sidewalk extension at the Walmart, 99 H Street, NW, and that said support be communicated in writing to the District Department of Transportation (DDOT). The Motion **passed** unanimously 6 yeas (Commissioners Padro, Marriott, Nigro, Wiggins, Judd, Rogers) – 0 nays – 0 abstentions.

**XIII. OLD BUSINESS**

**ANC 6E Grant Program:** Chair Nigro stated that ANC 6E's Grant Program needs to be more actively promoted to non-profit organizations in the Commission's jurisdiction. It has been given greater visibility on the ANC 6E website. There is currently \$12,000 allocated for Grants in ANC 6E's FY 2020 Budget.

**XIV. APPROVAL OF MINUTES OF THE 4/7/2020 MEETING**

**MOTION:** Commissioner Nigro moved and Commissioner Padro seconded that the Minutes of the **April 7, 2020** ANC 6E Public Meeting be approved as amended. The Motion **passed** unanimously, 6 yeas (Commissioners Padro, Wiggins, Marriott, Nigro, Judd, Rogers) – 0 nays – 0 abstentions.

**XV. APPROVAL OF TREASURER'S REPORT**

Commissioner Marriott stated that as of April 30, 2020, the balance in the checking account is \$45,545.52. No checks have been cashed.

**XVI. APPROVAL OF EXPENSES**

**MOTION:** Commissioner Marriott moved and Commissioner Padro seconded that the invoice submitted by Karen Jehle in the amount of \$250.00 for recording services for the **ANC 6E May 5, 2020 Public Meeting** and website maintenance be approved. The Motion **passed** unanimously, 6 yeas (Commissioners Padro, Wiggins, Marriott, Nigro, Judd, Rogers) – 0 nays – 0 abstentions).

## XVII. ANNOUNCEMENTS

- A. Commissioner Padro stated that District residents who have not already responded to the 2020 Census should do so now: <https://2020census.gov/>
- B. Mikaela Ferrill, Ward 6 Liaison, for the Mayor's Office of Community Relations and Services (MOCRS), stated the following: **(1)** information can be found on how DC is responding to the Covid-19 health emergency by visiting: <https://coronavirus.dc.gov/>; **(2)** Mayor Bowser launched an on-line survey for ReOpen DC: <https://coronavirus.dc.gov/release/mayor-bowser-launches-online-survey-reopendc>; **(3)** the District Department of Health is hiring for contact tracing teams - the deadline is May 6, 2020 – investigators are being hired on a temporary basis; **(4)** on March 24, 2020, Mayor Bowser launched the application for the new \$25 million microgrant program to provide relief to local small businesses affected by the coronavirus (COVID-19). Applications are being accepted through May 8, 2020. Visit: <https://dmped.dc.gov/release/mayor-bowser-launches-application-new-25-million-microgrant-program>; **(5)** On #GivingTuesday, Mayor Bowser Announced Grant Funding for Local Non-Profits to Support Volunteerism in Response to COVID-19; the deadline is May 29, 2020 at 5:00 p.m. Visit: <https://serve.dc.gov/release/givingtuesday-mayor-bowser-announces-grant-funding-local-non-profits-support-volunteerism>
- C. Jamaal Jordan, Public Affairs Manager at PEPCO, stated the following: **(1)** with respect to the Capital Grid Project, work has begun on the Mount Vernon Triangle Substation. He expressed his appreciation to Commissioner Rogers for contacting him about rodent abatement there. He advised there will be a community meeting about the Capital Grid Project in the MVT area; **(2)** As the coronavirus (COVID-19) pandemic continues to impact the District of Columbia, residents are working together to stay at home for our collective safety and, as a result, are on-average using more electricity to power work, school and their daily lives. This increased energy usage may not only be impacting bills, but also contributing to climate change. As part of a united effort, environmental, business, community groups and the District's leadership have come together to launch a new initiative, "Reduce Energy Use DC," to educate DC residents on ways they can use energy more efficiently, take steps to reduce energy use at home, and save money while helping fight climate change. All District residents can take the Reduce Energy Use DC pledge. Participants will be entered into one of more than 25 random drawings beginning in May for a chance to win a \$300 credit on their energy bill. District residents can sign up now and take the pledge by visiting: <https://www.reduceenergyusedc.com/>, texting "SaveMore" to 52886 or calling 202-872-2020 or toll-free 855-673-3823.



- D. Commissioner Nigro thanked Marcus Whitaker and Ed Andersen for serving as co-hosts of the Zoom Videoconference for tonight's ANC 6E Public Meeting.

**XVIII. NEXT MEETING**

Tuesday, June 2, 2020, 6:30 p.m.

**XIX. ADJOURNMENT**

**MOTION:** There being no further business to come before the Commission, Commissioner Nigro moved and Commissioner Padro seconded that the meeting be adjourned. The Motion **passed** unanimously, 6 yeas (Commissioners Nigro, Padro, Wiggins, Marriott, Judd, Rogers) – 0 nays – 0 abstentions.

Respectfully submitted,

Karen Jehle  
Recording Secretary  
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