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## CAPITOLSTREETS

### H Street Reformer Receives Zoning Reins

It is no secret that DCRA has been an embattled agency, having gone through three directors during the Williams administration. Mayoral candidate and Ward 4 Councilmember Adrian Fenty has said that DCRA would be the first agency he would reform — by "blowing it up and starting over."

The latest director, Patrick Canavan, hasn't made it to an ANC 6A meeting yet, but he certainly seems to have heard commission's complaints. This summer Canavan created the position of ANC liaison and hired Eric Rodgers to fill it — following a recommendation made by the ANC. The director has also won praise for starting an initiative to cross-train inspectors, who previously



Bill Crews, a former ANC 6C Commissioner, is now a zoning administrator determined to change the stance of the zoning review process.

were only trained in one of discipline such as electrical or zoning. Canavan also hired a new zoning administrator four months ago. And who got the job? None other than Bill Crews, a former ANC Commissioner from neighboring 6C and federal attorney who became interested after his own run-in with agency.

"I got interested after I worked on a case about Medlink hospital. The BZA issued a ruling there and DCRA never enforced it," sighs Crews. "I took this job to change the culture of loose interpretation, or inaccurate interpretation, whatever you want to call it — to make sure zoning review is carried out according to a strict mandate."

Crews has his work cut out for him. Canavan has provided him the authority to make four hires to bolster his staff of nine, but he says finding talented people to fill the frontline positions is difficult. He also aims to retrain the whole staff, calling existing

### HOUSING CODE VIOLATION? CALL DCRA. PREPARE TO WAIT.



In February 2005, ANC 6A Commissioner Marc Borbely received a phone call from a tenant of an apartment at 501 12th St., NE. The tenant, a mother with three children, expressed concern that the front door to her building would not lock. "My children play in the lobby, you know, so I was worried that anybody could come in the door," she says. She had reported the problem to her resident manager, but no

thing came of it, so she brought it to Borbely, her neighborhood commissioner.

A front door that does not lock is a violation of the District of Columbia's Housing Code. It is also a problem that registers personally with Borbely, whose mother had once been assaulted in their apartment lobby in New York City when she was younger.

Borbely called DCRA for the first time on Feb. 13, 2005. Now, Borbely is not a novice to working bureaucracy. He helped lead the Schools Modernization Campaign, a group of parents and educators that fought for a \$1 billion school financing bill passed on Feb. 8 — a bill that many councilmembers laughed at when it was first introduced. So he understands how to follow up with bureaucrats, how to get names and phone numbers. In fact, he posted his whole paper trail online at his website [www.anc6a06.us](http://www.anc6a06.us).

It took DCRA until Sept. 27, 2005 to conduct an inspection of the property — six months of calling and emailing. The inspection resulted in the citation of 33 housing code violations, including the violation for a defective front-door lock. The potential fine was \$6,900, according to the Housing Violation Notice.

A second inspection was held on Nov. 10, 2005. The owner still had not made the necessary repairs, including the repair on the front door. When Borbely called DCRA to see what steps had been taken to enforce compliance, the DCRA explained to Borbely that "the owner said he would take care of it right away, so we aren't going to give them a fine yet."

Come December the door was still broken, 11 months after Borbely first brought it to DCRA. In desperation, Borbely wrote an email to DCRA's new ANC liaison, Eric Rodgers, asking him to intervene immediately. "I really, really, really need to see something happen with the door. Now. Even if it means Mr. Canavan paying a locksmith out of his own pocket to make sure this gets done today."

As of Feb. 18, one year after the initial complaint, the door was still open to the public, allowing anyone who walks up to pull it open. DCRA has not issued a single fine to the owner, Independence Management of Delaware.

No one from Independence Management of Delaware returned our repeated calls for comment.

training levels "insufficient."

"I am not sure what the scope of the problem is [with regards to improperly issued permits]," said Crews, "but I can tell you I have been flooded with about 100 addresses since I started by neighbors concerned about the appropriateness of these developments."

Crews has already taken some clear steps that show he intends to drastically change the stance of the zoning review process. He decided not to fight the ANC 6A appeal of the 1124 E St., NE permit, admitting that DCRA permit regulators had made mistakes.

He also supported a clarification to zoning laws in response to the concerns about the Apple Tree Charter School case, resulting in a major victory for ANC 6A that will make it much more difficult for charter schools to locate in residential zones without a special exception. The Zoning Commission approved the substantial recommendations on a temporary basis and will schedule public hearings on the issue. *(Ironically, Crews said that although he is still reviewing the Apple Tree construction permit application, "I don't think it actually would have qualified under the old rules ... and I am pretty sure it won't qualify under the new ones.")*

### By-the-Book Generates Real World Controversy

The one major issue that remains substantially unresolved is the issue of fast-food restaurants on H Street. Unlike the challenge to the school and the apartment conversion, which are pretty unanimously supported by residents in the community, the appeals to BZA to overturn the certificates of occupancy for restaurants Cluck U and Bird Land have encountered a lot more controversy among residents.

In the public debate, the controversy has focused more on whether or not the restaurants are good for the neighborhood, not on the technical question of whether they qualify as fast food restaurants according to current regulations. Many neighbors have expressed concern that the ANC is targeting two new businesses, both started by black entrepreneurs, on a street that still has empty buildings.

And the technical zoning question couldn't be more personal to Cluck U Chicken owner Barnard Gibson and his brother, who grew up in the H Street neighborhood and have invested over \$250,000 into the venture. Located at 1121 H St., NE, the establishment has a young urban vibe, with yellow paint on the walls, BET's hip-hop music videos on the TV and young patrons sitting at its tables and standing at its counter. If the ANC's appeal of the certificate of occupancy succeeds, Gibson says he can't be sure what will happen.

"My whole livelihood is based on this. My credit, my mortgage. I quit a

good job to start this business, and I have created jobs here for people in the community," says Gibson. "I would have never come here if I thought I was not wanted. Never."

But Fengler argues that it is the ANC's responsibility to represent its constituents' concerns. "We want the rules to be the same for all restaurants. We are filing these appeals because we get complaints from neighbors ... these are high volume stores, with lots of trash, traffic and grease," says the commissioner.

Anwar Saleem, the chair of H Street Main Street and a longtime H Street resident who was also pivotal in the H Street revitalization planning, says he would have never supported C-2-A zoning in the overlay if he thought it would be used against restaurants like Cluck U Chicken. "They are using those zoning rules against us. We supported them to allow our mom and pop retailers to compete against McDonald's, not to keep our mom and pop places out."

Even within the ANC there has been dissent. ANC 6A06 Commissioner Marc Borbely, also a newcomer to the neighborhood, has voted against appealing the certificates of occupancy. "I think that these are not fast food restaurants, and that they add something to the community," he says.

Borbely adds that he believes that the debate over the fast-food restaurant zoning exposes different visions of H Street and some of the underlying class and racial tensions.

"Just look at the ANC. It changed from predominantly black to predominantly white, and professional; there is no way around it. There has been a huge shift in who is basically speaking for and running the neighborhood."

The BZA appeals for the two restaurants will likely be decided in the spring. But regardless of what happens with Bird Land and Cluck U Chicken, it seems possible that other restaurants will not have to go through the process.

According to Crews, the District will seriously explore ways to change the zoning code so as not to make the definition based on operating characteristics, another suggestion of ANC 6A.

Mary Spencer, a longtime resident and H Street activist, agrees that the fast-food zoning disputes reflect the stresses occurring on H Street. "I feel bad for the young man who started Cluck U," she says. "But I also understand the cause of the residents who have to live behind him."

"Maybe though," she adds, "This will make people realize how important it is to get involved in these little things, because they really do make a difference in what happens to the neighborhood." ■

*Gabriel Pacyniak is a staff writer for Hill Rag and East of the River. He can be reached at gabriel@hillrag.com.*

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Metro's budget for the coming fiscal year includes a lot of great things for our customers. If you'd like to find out more about it and have a chance to comment, don't miss our Budget Information Session.

You can view the budget information by visiting our Web site at [MetroOpensDoors.com](http://MetroOpensDoors.com). Click on Metro's fiscal year 2007 proposed budget. You can register to speak at the session (three minutes per speaker) by emailing [public-hearing-testimony@wmata.com](mailto:public-hearing-testimony@wmata.com) or by faxing your request and contact information to 202-962-1133 by 2 p.m. on Tuesday, March 21.

**Budget Information Session**  
Tuesday, March 21, 2006

Open House 6:30-7 p.m. ■ Budget Session 7-9 p.m.

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