

**Advisory Neighborhood Commission 6A**  
**Minutes**  
**Miner Elementary School**  
**May 9, 2013**

**Present:** Commissioners Alberti, Holmes, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams

**Absent:** Commissioner Hysell

The meeting was convened at 7pm.

**1. Minutes**

The April 2013 minutes were approved by unanimous consent.

**2. Agenda**

The agenda was approved by unanimous consent.

**3. Community Presentations**

The Office of the People's Counsel

Cheryl Morse of the Office of the DC People's Counsel (OPC) presented information on her agency and several issues it is currently working on. She said that the Office is an agency within the District government that serves as an advocate for DC residents on utility rates and works to inform and educate the community about utilities and the issues surrounding them.

She presented OPC's new DC Utility Consumer Guide (available from OPC, (202) 727-3971) which contains useful information on understanding utility bills and outlines cases OPC is currently litigating. She discussed the new "smart meters" that are being installed across the District, saying that they had lost a case they brought before the Public Service Commission seeking an "opt out" possibility for consumers. She said that what was now left for consumers was to petition the ANCs and the City Council, urging the Council to take action. She also highlighted several other pending cases.

H Street Car Project

Ron Garraffa, Construction and Engineering Manager for the H Street Trolley Project, informed the Commission that the project is on schedule and they will be installing tracks at the western end by the end of the month. They are also installing light poles at the eastern end, which are similar to the existing poles, but taller and heavier in order to take the wires.

He reported that DDOT has gone to HPRB for permission to use the car barn at the eastern end as a training center, but there are still issues they are working on with the architecture of the building. He said they will start testing the cars for up to 90 days in order to get system safety certification as early as the end of the year.

He said that the midline substation design is being reviewed by the Commission on Fine Arts. It will be a self-contained unit next to the wall at Khan's. In answer to a question from Ms. Nauden, Mr. Garraffa responded that Khan's had been consulted about, and signed off on, the potential noise levels. Mr. Holmes added that he had spoken with Khan's, and they were fine with it. Mr. Holmes said he had offered him use of the surrounding, unused space.

### Lincoln Park

Dr. Joy Kinard, of the National Park Service, gave a status report on the renovation of Lincoln Park. She reported that there is good news and bad news. The bad news is that the construction deadline has been extended to July 1<sup>st</sup>: the construction has been stopped by drainage issues that require a solution. They are getting extra funds to get two new drains installed on the plaza, but they have new budgeting systems that are causing some delay in delivering the funds.

On the other hand, she said that the steps on the eastern side of the area should be poured by the following week, and the fences around the playground should be installed. She said she is getting pressure from the National Council of Negro Women to have the project completed in time for their annual recognition of Mary Jane McLeod Bethune on July 10.

## **4. Officers' Reports**

### Chair

Mr. Holmes reported that Reyna Alorro said that the Deputy Mayor for Planning and Economic Development wants to present to the ANC the confirmation and request for support for the disposition of the surplus land at 1300 H Street NE. The developer—and plans—have already been selected, and the ANC's top choice has been picked, and the presentation will take place at the July meeting.

He also reported that he and Mr. Hysell went to speak with Scott Pearson, the Executive Director of the Public Charter School Board. He said that Options is the only school about which he receives regular public complaints. He will encourage the school to better handle the movement of students to and from the school. He pointed out that a number of the children are local, walking from various parts of 6A, 6B and 6C, as well as 5D, with a legitimate need to be on the street. There are, however, few living right around the school. He said he will look for another site to offer the school that is not surrounded by houses.

On another issue, he said he had attended the BZA hearing on 1350 Maryland Ave., and had gone thinking that a consensus had been reached among the community, Valor, DDOT, the Office of Planning and Mr. Hysell. Valor, however, added a request for an additional minor special exception (uniform height of the penthouse structure walls), which led the BZA Chair to postpone the hearing to June 13. He said it became obvious after the meeting that the alley neighbors are not reconciled to the decisions of DDOT and OP that there should be no curb cut in proximity to the intersection. There will be another meeting of the neighbors, Commissioners, Valor, and DDOT to see if a consensus can be reached. Mr. Holmes expressed his high hopes for a successful outcome.

He informed the Commissioners that Khan's had signed the Settlement Agreement, limiting the hours of the outdoor café. He said there is now only one establishment with later hours—Cusbah, located directly across the street from Khan's, whose hours were extended by the ANC to conform to Khan's for competitive reasons.

Finally, Mr. Holmes urged Commissioners to attend Dr. Bear University at Children's Hospital when they are invited next year. He said it was interesting and educational, showing off the hospital, its research arm, and the network of children's medical facilities associated with the hospital, including all of their DCPS nurses. It was, he said, a grand all-day tour of the facility.

### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$12,890.52 and the savings account balance was \$13,715.52. There was an interest payment to the savings account of \$.23. There were disbursements of \$200 to Heather Schoell for the April 13 agenda package (Check #1597); \$180 to Roberta Weiner for transcription of the March '13 ANC minutes (Check #1598); and \$241.92 to FedEx Office for the April '13 statement

(Check # 1599), leaving a balance of \$12,268.60 in the checking account, and \$13,715.75 in the savings account.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to accept the disbursements. The motion passed without objection.

**Motion:** Mr. Alberti moved/Mr. Williams seconded a motion to approve the Treasurer's Report. The motion passed without objection.

## 5. Single Member District Reports

**Mr. Ward** reported that there have been complaints about crime from residents of the area around 16<sup>th</sup>/17<sup>th</sup> and C Streets NE. and would like more attention from the police. He also said that people on 18<sup>th</sup> and C are anxious to have a permanent traffic camera. He mentioned that there was a liquor store robbery at 18<sup>th</sup> and E Street.

**Mrs. Phillips-Gilbert** reported on the successful ribbon-cutting for the Mamie "Peanut" Johnson playing field at the Rosedale Recreation Center.

**Mr. Mahmud** reported that he is trying to get DDOT to do more traffic calming measures on Florida Ave. He said he has a commitment on long-term measures, which are on their way, but such steps as modifying parking, and slowing traffic should happen now.

**Mr. Holmes** reported that the Capitol Hill Classic on Sunday, May 19 from about 8am to about 11am, will close the Stanton Park area to traffic, including C Street, Maryland and Massachusetts Avenues well as 4<sup>th</sup> and 6<sup>th</sup> Streets. To leave the area, drive west to the Mall and go south, or wait for police clearance to cross East Capitol. Streets from Kentucky Avenue east will clear about 10:30am.

He also reported that the Washington Area Bicyclist Association (WABA) will have Bike Parade on June 3 around Lincoln Park from approximately 11:10 to 11:45am. The event, which will feature strangely equipped bikes and riders, will start and end at The Yards Park.

**Ms. Nauden** expressed her pleasure that there was going to be a playground at the Sherwood Rec Center and that the School Within A School was going to be the partner in it.

**Mr. Alberti** said that he has received messages of concern about the landscaping of a public space by a homeowner. The land, a small triangle, adjoins the house, the owner of which seems to have appropriated. It is not a small project, but DDOT did not notify the ANC and it is not clear that the work has been properly permitted.

**Mr. Williams** said that he has become involved with tree planting in the area, and announced that there is a June 15 deadline for fall plantings.

## 6. Economic Development and Zoning Committee

The report of the Committee was accepted without objection.

### 20 14<sup>th</sup> Street NE

This is a request for support of a Historic Preservation Review Board application. The applicant is proposing to raze an existing one-story garage structure, which includes seven covered parking spaces, and build a one-story garage structure with five covered parking spaces and several uncovered parking spaces. The building will be stuccoed concrete masonry. **Motion:** The committee moved/Mr. Hysell seconded a motion that the ANC support the proposed project to

raze an existing one-story garage structure and build a one-story garage structure with five covered parking spaces and several uncovered parking spaces. **Amendment:** Mr. Holmes moved/Mr. Alberti seconded an amendment saying that the ANC will withhold approval until the developer of Square 1035, Lot 103 agrees to use permeable paving for the open air parking pads; agrees to repair broken curbs and entrance aprons on the margins of his private property; and until a special exception for a commercial parking lot in an R-4 district is obtained from the BZA or the Zoning Administrator.

Mr. Holmes said that if there is no objection the request will be postponed for one month, and then, if the ANC is satisfied with the applicant's answers, it can approve the request. Paul Geiser, representing the applicant, in answer to a question, said that the current use of the structure is storage. He said the plan is to sell individual lots to neighborhood residents. He also indicated that he has no problem with using permeable paving. The amendment, and the full motion, both passed 6-0-1, with Mrs. Phillips-Gilbert abstaining.

#### 1423-1425 North Carolina Avenue NE

This is a request for support of a BZA application to allow the construction of a two level raised deck at the rear of an existing one-family row dwelling in the R-4 district. The relief sought includes: special exception from lot occupancy; b: special exception from the rear yard requirements; and c. special exception from the non-conforming structure provision.

The existing structure has a rear yard setback of 8.42 feet (less than the required 20 feet) and 62% lot occupancy. The proposed project would increase the lot occupancy to 70% and would increase the setback to 11.58 feet. The current plan was presented as a result of previous opposition by the ANC to a similar plan submitted a year ago. Mr. Alberti expressed his concern that it had been pointed out at the earlier meeting that one of the decks was illegal and the applicant was asked to modify the plan. He said that he didn't see how they can be trusted because it's been over a year and hasn't been changed and said he would suggest returning to the ANC when serious changes have been made. **Motion:** Mr. Holmes moved/Mrs. Phillips-Gilbert seconded a motion to recommit the request for zoning relief for 1423-1425 North Carolina Avenue NE to the EDZ Committee. The motion passed unanimously, 7-0.

#### New Member

**Motion:** Mr. Holmes moved/Mr. Alberti seconded the nomination of Brian Carlson, an architect, to serve as a member of the EDZ Committee. The motion passed unanimously.

### 7. Alcoholic Beverage Licensing Committee

The report of the Committee was accepted without objection.

#### Khan's -1125 H Street NE

Mr. Holmes explained that Khan's signed a new settlement agreement, incorporating the ANC's standard closing hours for patios—11pm for Sunday through Thursday, and midnight for Friday and Saturday. This is part of the Commission's efforts to enforce identical sidewalk café standards within its jurisdiction. Mr. Holmes also mentioned that the owner raised all the normal objections to XII, saying that the noise, rowdiness on the street, aggressive patrons at the entrance to both establishments and lack of outdoor cleanliness should not be laid at his door, and Mr. Holmes acknowledged that he had a point.

**Motion:** The committee moved/Mr. Williams seconded a motion to approve the signed settlement agreement with Khan's, 1125 H Street NE. The motion passed 6-0-1, with Mr. Alberti not voting.

## 8. Community Outreach Committee

The report of the Committee was accepted without objection.

### Eliot-Hine Middle School PTSA Grant

Committee Chair Elizabeth Nelson described the grant which would provide \$300 to Eliot Hine Middle School PTSA for the purchase of educational games which will be used for indoor recess, by teachers in the classroom to support instruction, for after school activities, or borrowed from the library for use at home. Labyrinth, the Capitol Hill game store, has offered the Eliot Hine PTSA a 35% discount on their purchase. Dorcus Lawrence represented the PTSA. **Motion:** The committee moved/Mr. Holmes seconded a motion to approve a grant of \$300 to Eliot Hine MS PTSA for educational games. The motion passed unanimously, 7-0.

## 9. Transportation and Public Space Committee

The report of the Committee was accepted without objection.

### Letter to DDOT re Florida Avenue NE Traffic Calming Measures

**Motion:** The committee moved/Mr. Mahmud seconded a motion that the ANC approve the Committee's request to send a letter to DDOT head Terry Bellamy requesting emergency implementation of traffic calming measures on Florida Ave. NE.

Mr. Holmes said that a letter from DDOT Administrator Bellamy outlining the traffic calming measures DDOT is undertaking on Florida Avenue, and to assure this plan moves forward expeditiously. These are the same measures that have been proposed for Maryland Ave. and for 17<sup>th</sup> Street. In this case, as with Maryland Ave., the changes are provisional and will be tested to make sure they work, don't have any unforeseen consequences, and the resulting traffic patterns are safe. Without approval from 5D and 6A, the protection of pedestrians and traffic calming will take much longer to start. The motion passed unanimously, 7-0.

## 10. New Business

### Authorization for Specific Actions by Officers

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion that during the period from May 9-October 13, 2013 the Chair is

- Authorized to object to the placement of items not considered by the ANC on the BZA, ZC, HPRB or ABC Board consent calendars, and that
- The Chairs of both the Commission and the ABL Committee be authorized separately or together, to evaluate and, if necessary, protest on behalf of the Commission any substantial change, renewal or new application filing if the full ANC would not otherwise be able to act before the petition date.

On the first item, Mr. Holmes said that a similar motion had been adopted in 2011 and 2012. There is limited time to respond to consent calendar items in particular. The Chair will simply register a request to push back the date of consideration by the agency until the ANC has had a chance to vote and receive its great weight.

On the second item, Mr. Holmes commented that the ABC Board proviso is again to protect the ANC against bad timing—a placarding that has a protest dated during a time the Commission is in recess or is timed so as to not allow timely sequential consideration by the ABL Committee and then the full ANC. With all of the Tavern permits about to be renewed, the ANC vote could possibly take place between the protest date and the hearing. The Chairs can invoke the standard legitimate reasons for opposition—litter, noise, traffic obstruction, parking, decrease in property values—and then the ANC can formalize its specific objections at its regular monthly meeting. Mr.

Alberti added that there are no actions taken that can't easily be undone. At the least, this can be revisited in October. The motion passed unanimously, 7-0.

#### Cusbah - 1128 H Street NE

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion to protest a new license for Cusbah, 1128 H Street NE, in the absence of a Settlement Agreement that incorporates the ANC's standard closing hours for sidewalk cafes - 11pm Sunday - Thursday, and midnight on Friday and Saturday.

Mr. Holmes noted that Cusbah is the sole exception to the hours, which was granted solely to enable it to stay competitive with Khan's across the street. Even the Argonaut, he said, with its closest neighbors away across 15<sup>th</sup> and Florida, agrees that the hours should be consistent. The motion passed 6-0-1, with Mr. Alberti not voting.

#### Sol Mexican Grill -1251 H Street NE

**Motion:** Mr. Williams moved/Mr. Holmes seconded a motion to protest a new license for Sol Mexican Grill, 1251 H Street NE, in the absence of a signed Settlement Agreement before their protest date. If the Settlement Agreement is approved by the ANC, the ANC agrees to a stipulated license, subject to the hours and conditions of the signed Settlement Agreement.

Mr. Holmes noted that the owner originally failed to pay his license fees, resulting in the cancellation of his license. That, in turn, swept away a VA that had been negotiated with the Commission, without which no stipulated license can be issued. There is no reason for the ANC to oppose a new Settlement Agreement and also a stipulated license until the full license is issued by ABRA. The motion passed 6-0-1, with Mr. Alberti not voting.

#### Playground at Sherwood Recreation Center

**Motion:** Ms. Nauden moved/Ms. Phillips-Gilbert seconded a motion to communicate with School Chancellor Kaya Henderson and Mayor Gray the support of the ANC and the urgency of the need, for a new children's playground at Sherwood Recreation Center, the use of which will be shared between School Within a School and the Recreation Center.

The reprogramming of the necessary funds is being asked to happen immediately. In previous resolutions adopted by the ANC, the request was made to DPR. The School Within A School (on the same square) wants a playground for its students, as much as the ANC wants one at Sherwood Recreation Center. The motion passed 6-0-1, with Mr. Mahmud not voting.

The meeting was adjourned at 8:50pm.