

**Advisory Neighborhood Commission 6A  
Minutes  
Miner Elementary School  
June 13, 2013**

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

The meeting was convened at 7pm.

**1. Minutes**

Mrs. Phillips-Gilbert had changes to the May 2013 minutes. The changes were accepted and the minutes as amended were approved by unanimous consent.

**2. Agenda**

Mr. Holmes asked to have the Frager's resolution withdrawn as unnecessary; and to withdraw an EDZ Committee membership approval. The changes were accepted and the agenda as amended was approved by unanimous consent.

**3. Community Comment**

Rodent Control

A representative of the Department of Health spoke about controlling the large number of rodents that appear as a result of construction in the neighborhood and distributed a fact sheet with tips for rodent control. Mr. Holmes recalled an instance where over 100 rats invaded his neighborhood. He said that a solution was to get all the neighbors to agree to allow DC's Rodent Control come onto the affected property and do their thing.

Lincoln Park

Dr. Joy Kinard of the National Park Service gave her monthly progress report on the restoration of Lincoln Park, and now reports that the project will not be done before July 1 or the last week in June because of problems they have found with underground pipes. She said that, however, they were working on the playgrounds and "last things" like trash cans and fences, and rodent control. She reported that in September, they will undertake turf renovation on Capitol Hill parks, but not Lincoln Park because it will have been closed for so long.

Community News

Michael Herman announced that Gregory Walton, who had worked at the Safeway Starbucks, had died.

Malia Salaam of DDOT announced a "Streetcar Fair" on June 27 at 6:30 pm at the Atlas Performing Arts Center for an update on the progress of the H Street Streetcar.

#### 4. Officers' Reports

##### Chair

Mr. Holmes thanked EDZ Committee member Charmaine Josiah for her efforts to develop training for ANC people, especially members of the EDZ Committee. She has worked with the American Institute of Architects and the Office of Planning to develop a course of study.

On another issue, he urged people to patronize Khan's Barbeque at 12<sup>th</sup> and H Street. They have agreed to limit their sidewalk café hours to those of the ANC's standard Settlement Agreement. These are good neighbors.

He said that Cusbah, across the street, has decided not to abide by the agreement reached last fall to revert to the Standard Agreement standard hours for sidewalk cafes when Khan's agreed to the standard hours.

He reported that the EDZ Committee will need a new chair, and he hoped to have word on that immediately. He said he has asked a senior member of the committee whether they would undertake the task. There is also another excellent choice available. Many thanks, he said, are due to Laura Gentile for her service as a committee member, which she will continue, and her service as chair. She has a new job and has less time available to undertake this very important task.

##### Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$12,268.60, and the savings account balance was \$13,715.76. There was a Quarterly allotment from the District of Columbia of \$4,607.82 and an interest payment to the savings account of \$.23. There were disbursements of \$166.08 to FedEx Office for the May '13 statement (Check # 1600); \$200 to Heather Schoell for the May '13 agenda package (Check #1601); \$180 to Roberta Weiner for transcription of the April '13 ANC minutes (Check #1602); and \$296.99 to Labyrinth to pay for games for a grant to Elliot-Hine Middle School PTSA, leaving a balance of \$16,033.35 in the checking account, and \$13,715.98 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. SMD Reports

**Mr. Hysell** Mr. Hysell reported that for the past two months he has been working with Valor Development and the Atlas District Neighbors Association to resolve their differences, and he is pleased that Valor has agreed to repave the alley at a cost of \$150,000 that will be borne by the developer. With the new development's parking feeding through the alley, repaving will help both the developer and the neighborhood. He thanked his fellow commissioner for supporting his motion to table Valor's request for zoning relief at the previous ANC meeting as it provided a great opportunity to negotiate this compromise.

**Mr. Ward** gave thanks to the District for its efforts in street cleaning on 19<sup>th</sup> Street NE. However, there are no street cleaning signs and the community would like to have them. He also reported that kids are hanging out at the school at 19<sup>th</sup> and E Streets and it's becoming a site for crime.

**Mrs. Phillips-Gilbert** reported on the opening of the exciting new playground in Rosedale. She said it is unique, arguably the only playground nationally that is designed for children with disabilities. She thanked the Chair for coming to the opening with his daughter and grandchild. She also thanked him for the circus tickets she was able to share with her constituents.

**Mr. Mahmud** announced he would be holding an SMD meeting on the third Monday of the month at 6:15 pm at the Sherwood Recreation Center. He also said he has had reports of abandoned housing.

## 6. Community Presentation

### Mayor Vincent Gray

Mr. Holmes introduced Mayor Gray, who began by thanking Mr. Holmes for his “great” service, and said he earned every dollar the ANCs were being paid by the City.

He said that the City was generally doing very well by putting the focus on fiscal stability. The City was in a challenging position at the start of the administration: there was not a single discretionary dollar available in the escrow fund to dip into if needed. He said he had rebuilt the fund and there is more than \$1 billion in the fund now, which includes the standard that the fund contain at least 60 days operating funding for the city budget. He said this is the only city in America that will have that kind of reserve.

He then discussed his One City, One Hire program, which he calls a bridge to economic development, and has now put 6,480 people back to work, and has 907 employer partners.

He talked about going to Las Vegas for the shopping center conference to attract new business to the District, and he was struck by the construction cranes he noted here last year as a sign of economic development. He said there are currently 61 cranes working in the District.

In the area of public safety, homicides are down to 88. There were 41 at this time last year, and it is at 34 this year.

He then addressed his Sustainable DC Plan to deal effectively with the proposed growth of the city. He said that by 2032 there will be 875,000 people in the District, and the Plan focuses on economic development, health and wellness, the environment and equity and diversity. He said he would like to add 100,000 jobs and used Costco as an example, not contributing to “retail leakage” and adding revenues to the city’s coffers, and providing more amenities for the residents of the city.

From there he segued into the trolley, saying it will provide a transportation alternative, more of which are needed. He said they will begin testing the trolleys soon on test tracks off of South Capitol Street. At the end of three months, the federal Department of Transportation will come in and inspect and test the system. The test tracks will become part of the Anacostia line, another part of what will become a 37-mile system. Within the next two years, parameters will be set for the scope of the system. He said the District can’t take any more cars and alternatives must be found. He mentioned the success of the Bikeshare program, and that he is committed to 100 miles of bike lanes.

He said he is trying to make sure that Frager’s can get back into business as soon as possible, and is working with them to get their permits as quickly as possible. He has made the Dept. of Employment Services available to them for their employees.

He introduced the team from DDOT and said they are working on Maryland Avenue to design short-term improvement and at the same time doing long-term planning. He said they are making progress on C Street, reducing lanes, etc. and the design plans are at about 90%. He reported that

the design is complete for 17<sup>th</sup> and 19<sup>th</sup> Streets and there are plans for a meeting on June 27<sup>th</sup> at Pilgrim AME Church.

He mentioned the 12,000 square foot Rosedale playground and said it's the first accessible playground in America, and said that at the opening Mamie Peanut Johnson lectured him that she was a baseball player and complained that her recently named field is for football, not baseball.

He reported that there is work being done on Florida Avenue. They are planning to address the Whitfield death with a HAWK traffic signal. He said it is low cost, has flashing lights, stops traffic and is pedestrian-friendly. There will also have infrastructure improvements on Florida Avenue from Benning Road and the Starburst all the way down to New York Avenue.

The Mayor then reeled off a list of areas where the District excels nationally: first in LEED-certified buildings; first in tech employment; first in retail development; first in college students; best-educated city; first in women's economic development; and 180 million tourists last year.

He then addressed medical marijuana, which he said may be the only existing program on the east coast. It's a great example of what it means to be a DC citizen, it took ten years but the citizens succeeded. He said that credit cards will not be able to be used—the credit card companies won't honor the cost. But ATMs will be installed at dispensaries.

He said that they closed 15 more schools because they don't want them to be vacant, and said that having competition among schools is a good thing. He pointed out that DC now has the most robust early childhood program in the country, with 90% of four-year-olds enrolled. He said he wants to be able to do more, to have longer school days with fewer after-school programs—they should just be called school. A longer school year is also needed—school vacations were instituted because kids had to work on the farm which they don't have to do any more.

The floor was then opened for questions: John Hill had problems with getting trees trimmed, and was referred to the DDOT team to be directed. Andy Wild, who has been working with Mr. Hysell, has an ongoing problem with a house her children own that is located in a commercial zone, and a developer has taken over the property. The Mayor referred the problem to Chris Fitzgerald.

Calvin Ward said that the main issue in his SMD is crime. There was a murder two days ago at 18<sup>th</sup> and D Streets, and there have been robberies and the neighbors are very upset. He said he had met with Commander Hickson but wants a concerted effort. Mayor Gray said that he is aware of the problems because he reads the crime statistics every morning. Commander Hickson, who was present, noted that the area was in the 5<sup>th</sup> District, not his. Mrs. Phillips-Gilbert said that when the neighborhood was in the 1<sup>st</sup> District, things were under control, but under the 5<sup>th</sup> District the residents don't know what is going on. She said it was very stressful—the shots were heard. The Mayor said that what's needed is to have an analysis and a plan.

Nikki Bowen thanked the Mayor for all the help he is giving to the Rosedale neighborhood, with DDOT coming out and working for needed changes.

Mr. Holmes thanked the Mayor, who agreed to take additional questions in the hall.

## **7. Transportation and Public Space Committee**

The report of the Committee was accepted by unanimous consent.

### Chupacabra - 9<sup>th</sup> and H Street NE

This is a request for support of a public space permit for a sidewalk café at Chupacabra, a new Mexican/Latin restaurant at the corner of 9<sup>th</sup> and H Streets NE.

**Motion:** The committee moved/Mr. Mahmud seconded a motion that the ANC send letter of support for Chupacabra's public space application proposing use of the space as a patio, but only so long as Chupacabra agrees to the following conditions (to be set forth in a gentleman's agreement between the owners and ANC 6A). In the alternative, if Chupacabra does not agree to these conditions, the ANC shall oppose the proposed use to the DDOT Public Space Committee.

Chupacabra will:

1. Install fencing around the perimeter of the public space patio designed to contain trash and other items, particularly by eliminating large spaces at the bottom of the fence;
2. Regularly maintain the tree box and keep all areas in front of the business clean, including the adjacent alley, sidewalk and street gutter;
3. Adjust the patio public space plans, if necessary to ensure the sidewalk area adjacent to the patio is at least the same width as the sidewalk along the rest of the west side of the 800 block of 9<sup>th</sup> Street NE;
4. Implement a detailed trash plan for the site, which shall be presented for review and approval by ANC 6A;
5. Limit the hours of use of all outdoor patio space to the same hours contained in the ANC 6A Voluntary Use Agreement, which are currently Sunday to Thursday until 11pm and Friday and Saturday until midnight.
6. Not place tables in the patio area north of the front door entrance (as shown in the plans) or utilize this area for any other use that will encourage customer use of the area; and
7. Take steps to mitigate customer noise, particularly at the north and northeast end of the public space patio at all times, including the closure of an overhang wall or window flaps after 10pm each night, or at some other time as reasonably agreed to by the owners and the ANC. There will be no music or other amplified sound in the patio area.

Kevin Bombardier, one of the restaurant's owners was present at the meeting and gave a description of the space, which had been a detailing shop. He said he had upgraded the building, put in lights, and is working with MPD to develop a security plan. He said he had limited space but had built an 8' fence to enclose the trash area. He said he will have five-day trash pick-up, and has plans for recycling and rodent control behind the DTLR shoe store across 9th Street.

He said that he is submitting his hours to the ABL committee, and disagrees that the TPS Committee is the place to discuss hours and would like to remove that discussion from Public Space. Mr. Mahmud said that at the time of the committee meeting Mr. Bombardier had not applied for a liquor license, and the Committee had to deal with what was in front of it. Neighbors had come to the meeting and were concerned. Unlike other establishments, the patio area extends into the neighborhood. There's no Settlement Agreement, but there was a hope that the business would make a goodwill gesture and agree to the hours. Mr. Bombardier responded that he is very aware of the noise and vigilant about it and can even provide the ANC with tons of data.

Mr. Alberti said he was a little perturbed about where they are negotiating within the ANC, and think it may be a red herring. Mr. Holmes said 11pm on weeknights, midnight on weekends - the hours will be the same no matter where they're negotiated and he wanted to know what the problem was with where they were negotiated. Mr. Williams asked whether it meant that he's not going to agree to the hours, and Mr. Bombardier said he didn't know because he doesn't know enough about the hours.

Mrs. Phillips-Gilbert asked who, without a liquor license, enforces noise and was told by Mr. Mahmud that it's DCRA, with the agreement. The motion passed 8-0, unanimously.

### Residential Parking Permit Hours

**Motion:** The Committee moved/Mr. Mahmud seconded a motion that the ANC accept the Committee's recommendation to send a letter of support to DDOT regarding the petitions submitted by the residents of the 900 block of L Street NE to extend residential parking permit (RPP) hours of enforcement and to implement Resident Only parking restrictions. The motion passed unanimously, 8-0.

## 8. Economic Development and Zoning Committee

The report of the Committee was accepted by unanimous consent.

### 803 9<sup>th</sup> Street NE

This is a request for support of a BZA application for a roof for an existing open carport that was on the property when the owners purchased their home. The roof would increase the lot occupancy to 69.5% but has no other impact on the property. **Motion:** The Committee moved/Mr. Holmes seconded a motion that the ANC support the Committee's recommendation to write a letter to the BZA in support of the plans to construct a roof for a carport at 803 9<sup>th</sup> Street NE. The motion passed unanimously, 8-0.

### Membership

**Motion:** Mr. Holmes moved/Mr. Mahmud seconded a motion to elect Cody Rice as a member of the Economic Development Committee. The motion passed unanimously, 8-0.

## 9. New Business

### Taking Public Parks for Private Use

Mr. Alberti introduced a letter to DDOT's Public Space Administration detailing three instances where DDOT has issued permits and divided public land so that private individuals can use the property. In one instance part of a corner triangle park is being planted by an abutting private property owner. He said he has gotten nowhere in dealing with DDOT, including no response to a simple FOIA request. Of particular concern is a piece of land belonging to the National Park Service, which can be used by DDOT only in very limited ways. The letter says that while the ANC is not opposed to seeing the public take responsibility for the parks, they shouldn't be appropriated for private use and it should be done with DDOT assistance and after presentation to the appropriate ANC. Finally, the letter requests that DDOT send a representative to the next ANC Public Space meeting to discuss the matter. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to approve the sending of the letter to DDOT. The motion passed unanimously, 8-0.

### Proximity Preference for School Within a School

Mr. Mahmud excused himself from the meeting prior to this discussion. Ms. Nauden presented a motion requesting that School Chancellor Kaya Henderson be asked that proximity preference be invoked for School Within a School, moving to her SMD. She said that people are bused in from across the city, and neighbors of the school within the community should be enabled to be part of that school community. Mr. H—the decisions have been made by DCPS. The school has no neighborhood boundary but is citywide. ANCs 6A and 6C had not been notified, he said, and could have had a useful role to play. Mr. Alberti said he is generally in favor of neighborhood preference but this could have unintended consequences. Ms. Nauden said that everyone wants to go to this school and the proximity preference should be restored to what it always was at Peabody.

Elizabeth Nelson said that it was her understanding that it used to be a charter school within the Cluster - albeit a DCPS charter school, and a small debate—unresolved—ensued as to whether it had been a charter. Ms. Nauden said it was very American to have neighborhood schools with kids going to school close to home. Phil Toomajian said that there should be a 3000' boundary set, which is what the school has always had. Kids were turned down this year that live close by. Mr.

Alberti said he was sorry there was no larger public discussion. He would have liked to have heard from someone from DCPS. There are a lot of tough questions that need answers.

Another parent raised the point that he wants his child close to home and this would be good start. Margaret Holwill pointed out that Capitol Hill schools suffer disproportionately because they are in demand. Someone from the DCPS Critical Response Team has been invited to address the ANC next month.

**Motion:** Ms. Nauden moved/Mr. Holmes seconded a motion to send a letter to Chancellor Kaya Henderson requesting that proximity preference be reinstated at the School Within a School. The motion passed 6-0-1, with Mr. Alberti abstaining and Mr. Mahmud not present or voting.

The meeting was adjourned at 9:25 pm.