

Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
July 14, 2011

Present: Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Mack, Ronneberg and Veenendaal-Selck

The meeting was convened at 7 pm

1. Agenda

Dr. Ronneberg asked that two resignations be added to the Economic Development Committee report. The agenda as amended was approved by unanimous consent.

2. Minutes

The minutes were accepted by unanimous consent.

3. Community Presentation: George Nichols, DC Sustainable Energy Utility (DC SEU)

George Nichols presented information on the DC Sustainable Energy Utility (DC SEU), which provides low-cost energy retrofits for income-qualified multifamily buildings throughout the District. The program, using trained contractors, installs energy-efficient equipment such as efficient lighting, water heater wraps, low flow showerheads and aerated faucets. The program creates benchmarks for energy efficiency and creates green jobs. The goal is to have the work done by CBE, and have the jobs created locally. The program began in March 2011 and will run until September 30.

They also have a commercial program, and a single family program that provides \$500-700 worth of work for a \$100 co-pay. The program is designed to test-market new products and to see what works. The funding for the program is being provided by PEPCO and Washington Gas; it's a set aside of the Sustainable Energy Trust Fund and the money comes from utility bills. The goal of the program is to develop programs to lower energy levels. This program is the result of legislation passed by the DC Council in 2008.

4. Officer Reports

Chair

The Chair reported that on August 20 DCPS would be holding its School Beautification Day, and said that the public was being urged to participate in making the schools ready for students to return.

He also said that on July 21 ANCs 6A and 6C were holding a Smart Meter Education Workshop.

He also noted that new bike stations were being added in Lincoln Park and Stanton Park.

Vice Chair

The Vice Chair reported that there is illegal construction going on at 1216-1218 H St. NE. The building specs do not follow the H St. Overlay, and DCRA has been unable to find the plans. The situation is being pursued.

Treasurer

Mr. Alberti presented the Treasurer's Report. It showed that the opening balance in the checking account was \$26,522.79 and the savings account balance was \$4,204.88. There was an interest payment to the savings account of \$.18. There were disbursements of \$4,000 to the Washington Musial Center for a grant to the Eastern High School PTSA (check #1516); \$1,000 for a grant for the Friends of Sherwood Rec Garden to the Capitol Hill Garden Club (Check #1517); \$200 to Heather Schoell for the June agenda package (Check #1518); and \$180 to Roberta Weiner for May 2011 minutes (Check #1519, \$204.42 to FedEx Office for June 2011 copying (Check #1520), leaving a balance of \$20,938.37 in the checking account, and \$4,204.88 in the savings account.

Motion: Mr. Alberti moved/Ms. Lawler seconded a motion to approve the disbursements. It passed without objection.

Motion: Mr. Alberti moved/ Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

Quarterly Report

Mr. Alberti presented the Quarterly Report for the 3th Quarter FY11. **Motion:** Mr. Alberti moved/Mr. Hysell seconded a motion to accept the Quarterly Report as presented. The motion passed without objection.

5. SMD Reports

Dr. Ronneberg reported that Khan's patio is opened, at 12th and H St. He also said that despite the lack of official permission, a spontaneous Father's Day party was held on 10th St. NE. He further reported that XII asked the BZA to reconsider their recent order mandating that XII not distribute promotional flyers and fund a reimbursable detail when it was providing entertainment.

Mr. Alberti reported that 1518 Constitution Ave. was put on a blighted property list last winter, and the neighbors are suspicious at what is happening to it. There is now an 8' sq. hole in the roof, standing water and other damage that makes it a danger to the community.

Ms. Lawler announced "office hours" on July 29 at 7:30 am at Sova H St. NE between 13th and 14th Sts. NE.

6. Committee Reports

Community Outreach

Chair Elizabeth Nelson said that it was important to thank the many individuals and institutions who provide services to the ANC. **Motion:** Mr. Hysell moved/Mr. Alberti seconded a motion to send letters of appreciation to those who have generously given assistance to ANC 6A in the course of the year. The motion passed unanimously.

Alcoholic Beverage Licensing

1200 H St.

This is a request for support of a wine and cheese bar, as yet unnamed, at 1200 H St. NE, with outdoor hookah availability. The owner is the same as Souk. They will soon apply for a CT license. They will seek a public space permit for an outdoor café. They are willing to sign a VA, but have not done so yet. **Motion:** The committee moved/Mr. Healy second a motion that the ANC accept the committee's recommendation and protest the license for 1200 H St. NE, unless a voluntary agreement is approved and signed prior to the protest date with the stipulation that the hours of service for the outdoor patio on public space be limited until 11 pm Sunday through Thursday evenings and 12 am on Friday and Saturday evenings. The motion passed 6-0-1 with Mr. Alberti not voting.

New York Liquor, 1447 Maryland Ave. NE

New York Liquor, 1447 Maryland Ave. NE has requested an exception to the single sales ban. **Motion:** The Committee/seconded by Mr. Healy moves that the full ANC not support an exemption from the Ward 6 singles sales ban for New York Liquor. Dr. Ronneberg said he strongly believes there should be no exemptions to the ban. Mr. Holmes asked if the exemption was just for establishments in 6A and Mr. Healy said he wasn't certain whether the exemption was only for a year. The resolution passed 6-0-1, with Mr. Alberti not voting.

Outdoor Space Hours

Motion: The Committee made/Mr. Healy seconded a motion to request the full ANC to amend the standard voluntary agreement to restrict hours of businesses for outdoor patios on public space to 11 pm for Sunday through Thursday evenings and until 12 am on Friday and Saturday evenings.

Kevin Bombardier of Sticky Rice Restaurant asked why the ban on exemptions was put in place, and asked whether there was record of complaints from residents the Commission was reacting to. Mr. Healy replied that there have been a number of noise complaints, that people have their windows open as well as people with private patios are having problems. Commissioners Hysell and Ronneberg had complaints. He said that they're taking a hard line, but every case is different and there's room to negotiate. He also said that another point is that there is a difference between public space and private space, and there's very little that can be done about private space. It was suggested that the discussion of the restriction be put off until another meeting, after a scheduled PSA

meeting on noise, which came out of the ABL committee meeting. Dr. Ronneberg said there is no linkage between the ANC and the PSA meeting.

Mr. Hysell said that lately there has been a lot of difficulty getting ABRA to enforce its regulations, and the VA will provide a template for them. Ms. Mack said she likes the uniformity of having the same regulation apply to everyone. Anwar Saleem of H St. Main St. said that he is concerned about it being blanket and uniform. He said that H St. is a very creative quarter, and the change in the VA will stifle that creativity. He said it should be put off and discussed in the context of the PSA forum. Mr. Hysell said that the forum is not geared to patios, but to noise and the noise law. He said there had been a pretty extensive and robust discussion at the ABL committee last month. Mr. Holmes said he was eager to hear from the H St. restaurateurs how to improve the resolution, David Belcher from Sticky Rice said that it was not a good idea to make it a blanket statement, particularly in a three-year liquor license. It could be a problem, he said. The motion passed 6-0-1, with Mr. Alberti not voting.

Dangerously Delicious Pies, 1339 H St. NE

This is a request for support of a CR license for Dangerously Delicious Pies, 1339 H St. NE, which is seeking to expand its seating by 99 seats on the 2nd floor, including a summer garden permit off the 2nd floor, with live entertainment. **Motion:** The Committee moved/Mr. Healy seconded a motion to accept the Committee's recommendation to protest the CR license application for Dangerously Delicious Pies unless a voluntary agreement is approved and signed before the protest date. The motion passed 6-0-1, with Mr. Alberti not voting.

Economic Development and Zoning

Special Exception for 213 8th St. NE

This was a request for support of a special exception in a BZA case. Dr. Ronneberg said that the item was moot, that the committees had approved, but that the BZA met before the Commission had the opportunity to act, and a letter was sent conveying the spirit of the Committee's decision.

Mr. Alberti said that the ANC could have protested but wasn't allowed the time, and is concerned that BZA didn't provide 45 days' notice as is required. Because of the special circumstances, the 45 days should be required, and the ANC is giving mixed signals to BZA which will come back to haunt the ANC. In 2004 and 2005, he said, the ANC worked diligently for notice and now we're not getting it. Dr. Ronneberg said that the item was on the consent calendar, which was intended to fast-track special exception cases when there were no objections. If there were any objections, it would be removed from the consent calendar and the ANC would have its 45 days to respond. He felt that cases shouldn't be unnecessarily delayed. **Motion:** Mr. Alberti moved/Ms. Mack seconded a motion to write to BZA expressing concern about the lack of timely notification, and requesting that it be given in the future. The motion passed 6-1, with Dr. Ronneberg in opposition.

7. New Business

Redistricting Representation

Mr. Holmes said that a commissioner or more should be designated to represent the ANC before the Redistricting Task Force. Dr. Ronneberg said every commissioner is authorized to show up and speak. Mr. Alberti said that this will insure that at least one commissioner will be present at every meeting. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion that Commissioner Holmes and any other Commissioner/s be appointed to represent ANC 6A before the Redistricting Task Force.

Invitation to Kingman Park to Organize as Part of Ward 6

Motion: Mr. Holmes moved/Ms. Mack seconded a motion to invite Kingman Park (7D 01) to join a Ward 6 ANC in redistricting.

Ms. Nelson said that it would be excellent to have Kingman Park in Ward 6, but it would be a mistake to say they're going to be in 6A, and she suggested that the motion say Ward 6, and that it refer to "the neighborhood known as" Kingman Park. Mr. Healy suggested further that it be referred to the current 7D01. Mr. Alberti asked who gets precedent in terms of inviting Kingman Park to join the Ward. He said he would abstain because he hasn't had the chance to figure all that out. The motion passed 6-0-1, with Mr. Alberti not voting.

Skateboard Park

Mr. Holmes said that he and Ms. Mack had gone to a meeting about the development of a skateboard park in parking lot 3 at RFK Stadium, and that everyone is enthusiastic about it. He said the project will offer significant recreation possibilities to our children and young adults. It is close to Eliot-Hine and Eastern. There are no nearby residences to be affected by noise, the construction will be funded by a private business and will become a public park, and we encourage very tight security in lighting, TV security cameras and the presence of safety personnel. We also ask that toilet facilities be available, since there are no public facilities within blocks, Ms. Veenendaal-Selck said she wants to be involved in it. **Motion:** Mr. Holmes moved/Ms. Mack seconded a motion to write a letter of support for the skateboard park. The motion passed without objection.

H St. Commercial Historic District Funding Allocation

Motion: Mr. Holmes moved/Dr. Ronneberg seconded a motion that the ANC provide an additional \$4000 for outreach, education and the preparation of documents that could lead to the nomination of H St. NE as a commercial historic district.

Mr. Holmes said that H St. is not part of the proposed Capitol Hill Historic District. He feels that H St. is rapidly losing historic buildings—and its branding, like Georgetown and U Street. It makes eminent business sense, but it only can happen if H St. owners agree to it—and that's agreeing to outreach and education, not a historic designation. Ms. Lawler said that it's necessary to get the documentation, and have a history of H Street. She mentioned that the trains ran down K Street, and the Waterworks and Mead's Row. She said it's largely one but has to conform to the legal procedures and has to be done by

experts. The total cost will be \$10,000, but grants may be available. The ANC can't do it alone, but it can start with a \$4000 allocation. The motion passed without objection.

1216-1218 H St. NE

Dr. Ronneberg raised the issue of illegal construction at 1216-1218 H St. NE. The construction is of a building that is taller than those surrounding it. He said the plans cannot be located, that plans had been found that were not the same, and they disappeared again at DCRA. **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion to appeal the building permits for 1216-1218 H St. NE because they do not comply with the zoning regulations, including the H St. Overlay. The motion passed without objection.

ABRA Protests

Mr. Holmes said that the ANC should appoint Mr. Healy as its agent to deal with any liquor license protests that may emerge during July and August when the commission is not meeting. Mr. Alberti said it would be good to give someone authority to protest licenses on their merits. Mr. Healy said that in the past, ABL changes were signed by the Committee chair. Mr. Holmes said similar motions have been adopted many times in the past, and they have had no practical effect but are needed. **Motion:** Mr. Holmes moved/Mr. Healy seconded a motion to appoint Mr. Healy an agent for the ANC in matters regarding liquor licenses. The motion passed without objection.

Street Sweeping Petition

Motion: Mr. Holmes moved/Mr. Healy seconded a motion to enable the ANC to transmit a petition from the residents of the 900 block of 12th St. NE regarding street sweeping. The motion passed without objection.

XII

The ABC Board has issued a decision in the matter of XII which prohibits the club from circulating flyers and leaflets about their shows, and which requires that XII hire reimbursable detail off duty police officers. XII is protesting the decision and Mr. Healy has drafted a letter responding to XII's protest. Mr. Healy presented the letter, which says that not only should XII be prohibited from distributing flyers but so should third-party promoters, within a five mile radius of the club. Additionally, it states that the club should have a reimbursable detail every Thursday, Friday and Saturday, and any other evening there is an event at which 50 or more people will be present. The letter states that XII may have already violated their agreement by having entertainment at the establishment without hiring a reimbursable detail.

XII's attorney said they are making a reasonable effort, but they need clear and precise standards, and that ABRA has shifted to the establishment whether it has a reimbursable detail. Mr. Healy said that the Board order reflects the testimony of the police at the hearing.

Mr. Sadat wanted to know what the issue is with passing out flyers, and he was told that it is litter in the neighborhood. The vote was 5-1-1, with Mack in opposition and Alberti not voting.

Tommy Wells Letter

Mr. Holmes said that with Councilmember Wells' loss of the chairmanship of the Transportation and Public Works Committee, Ward 6 has lost a great deal. **Motion:** Mr. Holmes moved/Mr. Healy seconded a motion to send a letter to the Chair of the City Council and its members to reconsider its action in removing Councilmember Wells and to reinstate him immediately. Mr. Hysell said it's never happened before, it's without precedent and he is the most competent person to run the committee. Ms. Mack said she was not voting because she did not know all the facts. The motion passed 6-0-1 with Ms. Mack abstaining.

The meeting was adjourned at 9:05.