

Advisory Neighborhood Commission 6A

Minutes

Miner Elementary School

November 8, 2012

Present: Commissioners Alberti, Healy, Holmes, Hysell, Lawler, Ronneberg

Absent: Commissioners Mack, Veenendaal-Selck

The meeting was convened at 7pm

1. Minutes

The minutes for October 2012 were approved by unanimous consent.

2. Agenda

Mr. Hysell asked to have a discussion of ANC support of appeal of the DC building permit for 1400 Maryland be added to New Business. Mr. Alberti requested that a discussion of an allocation of funds for advertising in the Hill Rag and the Fagon Community Guide be added to New Business. The agenda was approved as presented by unanimous consent.

3. Community Comment

New Commissioners

Sondra Phillips-Gilbert, Calvin Ward, Jay Williams and Omar Mahmud who will join the Commission in January were introduced.

4. Community Presentation

17th and 19th Street NE Safety Improvement Study

Michelle Frishberg and William Carlson reported on a study they have undertaken for DDOT on the traffic situation on 17th and 19th Streets NE between Benning Road and Potomac Avenue. The process began in May with a community meeting, followed by two charettes with the goal of making the streets safer for the schools and students as well as other users. A consensus was reached that the most effective solution involved pavement markings; bulb-outs and curb extensions, as well as more parking along both corridors, with 25 percent more 24-hour parking along both streets.

On 17th Street, additional parking, curb sections will be brought into the street. There will a raised crosswalk at Gales Street on the north side with signage at the crosswalks, Rosedale Street will have a raised crosswalk at C Street, and 17th Street south of E. Capitol will be a single lane.

It will take six months for the design phase, and they plan to implement everything simultaneously. Nineteenth St. will have one receiving lane at C Street, and there will be a joint bicycle/parking lane. Mr. Holmes assured those attending that there would be an opportunity for the community to review the plans before they are implemented. The consultants have not presented drawings to the community or commissioners, and had with them only the set they were using to illustrate their plans.

5. Officers' Reports

Chair

Barry Hearing on Litigation Postponed

Mr. Holmes reported that the hearing called by Councilmember Marion Barry on legislation he introduced that would authorize ANCs to litigate in their own behalf against the city government was once again cancelled, and is finished for the rest of this session. The ANC has voted to support the bill.

Rave Run Relocated

The Rave Run, the details of which were not defined at the last ANC meeting, is no longer being run on the streets adjacent to ANC 6A. It will be confined to the stadium parking lots, and C St. and East Capitol St. will not be used.

Volunteers for Committees

Mr. Holmes said he had sent out a message asking for volunteers for committees and he asked that the request be forwarded to listservs, Google groups, followers and friends. He said that the Community Outreach Committee was full, but that EDZ can use an additional member and ABL and Transportation need several.

Treasurer's Report

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$17,325.76 and the savings account balance was \$9044.52. There was an interest payment to the savings account of \$.15. There were disbursements of \$200 to Heather Schoell for the October 2012 agenda package (Check #1574); \$180 to Roberta Weiner for September transcription of ANC minutes (Check #1575); and \$356.98 to FedEx Office for photocopying for October 1 (Check #1576), leaving a balance of \$16,598.79 in the checking account, and \$9044.67 in the savings account.

Approval of the disbursements was agreed to by unanimous consent

The Treasurer's Report was agreed to by unanimous consent.

6. Single Member District Reports

Ms. Lawler thanked the members of the Commission for their kindness and efforts in her behalf while her husband was ill. She said she was well-taken care of and very appreciative.

Mr. Alberti reported that HPRB had denied a raze permit requested by the House of God, as it is a historic structure.

Dr. Ronneberg said he was separated by four votes from his election opponent and is awaiting the counting of the absentee and special ballots.

Mr. Healy announced that he is excited that Mr. Mahmud has won the election to replace him. He also said he is still waiting for permanent visitor parking passes.

7. Alcoholic Beverage Licensing Committee

The report of the committee was accepted without objection.

Avery's Bar and Lounge - 1370 H Street NE

Motion: The committee moved/Mr. Healy seconded a motion to accept the Committee's recommendation that the ANC protest the new license for Avery's Bar and Lounge unless there is a signed, approved VA prior to the petition date. The motion passed 5-0-1 with Mr. Alberti not voting.

XII - 1123-1125 H Street NE

Mr. Healy said that all VAs Have "Cure" provisions through which establishments are given 10 days to correct or respond to a violation of the agreement prior to a referral to ABRA, and in consultation with Dr. Ronneberg, it has been decided that is time to invoke that provision against XII. Neighbors have consistently complained about the noise, and ABRA has initiated investigations. Dr. Ronneberg believed that cracked windows that the owner has not dealt with are partly at the root of the problem, and fixing them could mitigate the problem. It was pointed out that Smith Common, when faced with a similar problem, dealt with it immediately and the problem disappeared. Calvin Ward asked what steps have to be taken by people who live nearby. Dr. Ronneberg said the establishment signed an agreement saying that it would not create excess noise in the neighborhood. Mr. Holmes added that there has been a refusal on XII's part to make certain their cracked windows are repaired. The noise can be heard in someone's home, and, he said, that's a clear violation of the law.

Motion: The Committee moved/Mr. Healy seconded a motion to invoke the cure provision of the ANC's VA with XII (Twelve) located at 1123-1125 H Street NE, due to continued noise complaints from neighbors. An official letter should be sent saying they had been invited to appear, and now corrections are expected within 10 days or it will be reported to ABRA. Recommendations for correcting the problems (e.g. fixing cracked windows) should be included in the letter. The motion passed 5-0-1, with Mr. Alberti not present.

8. Economic Development and Zoning Committee

The Committee report was accepted without objection.

Gallaudet Campus Plan

This is a request for support for Zoning Commission approval of a 10-year campus plan, which is required every 10 years. They have already received support from ANC 5B and will seek support from ANC 6C. The school is physically located in 5B, but borders on the other commission areas. (The complete summary of the plan can be found in the Committee's report.) **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation to send a letter of support to the Zoning Commission for the Gallaudet campus plan. The motion passed unanimously, 6-0.

1133 Park Street NE

This is a request for support for a Historic Preservation case which would increase the size of a kitchen and create an improved connection to the back yard. The proposed renovation will enclose an existing dogleg. The house is the only wooden structure remaining on the block. Letters have not yet been received from neighbors. **Motion:** The Committee moved/Dr. Ronneberg seconded a motion to adopt the Committee's recommendation and write letter of support to the Historic Preservation Review Board, contingent on receipt of letters of support from neighbors. The motion passed unanimously, 6-0.

901 D Street NE

Two motions were presented to the ANC as a result of actions at two EDZ meetings concerning 901 D Street NE. First was a motion in support of the concept presented by the developer for the

massing and density of the project, to be considered by the HPRB, which was discussed again at the second meeting, with emphasis on the window heights and the facades of the townhouses.

Motion: The Committee moved/ Dr. Ronneberg seconded a motion that the ANC adopt the Committee's recommendation that it support the conceptual massing and design of the redevelopment of 901 D Street before HPRB. The motion passed unanimously, 6-0.

The second, which came after a lengthy discussion at the October 23 EDZ meeting, caused by the addition of several units to the project, necessitating consideration of zoning variances and parking requirements. Questions remained as to what the cap would be on the number of apartments, and the amount of parking that would be provided.

The committee voted to recommend that the ANC

- Not agree to greater density than is allowed by-right;
- But authorize the Chairs of the EDZ Committee and ANC to continue further negotiation to provide limits on the street parking to be permitted to residents of 901 D Street NE;
- That the future fee-simple residence, to be located to the west of 913 D Street NE, incorporate a dogleg to provide adequate light and air to the next door residence.

Motion: The Committee moved/Mr. Holmes seconded a motion that the ANC adopt the Committee's recommendation that it oppose before the BZA increased density at 901 D Street NE unless the Chairs of the Commission and the EDZ Committee jointly are able to negotiate with the developer a lessened impact on parking in the neighborhood; and that the future 913 D Street NE incorporate a dogleg. The motion passed unanimously, 6-0.

R.L. Christian Library Site

A special EDZ Committee meeting was held after an earlier presentation meeting sponsored by DMPED to introduce six potential developers for the R.L. Christian Library site to the community. This meeting was to select two developers that would be asked for best and final offers by DMPED. Members of the Committee asked questions and commented on the various proposals and then each member voted for their top three choices: Proposals by Argos and Rise Developers each received five votes, with the other four ranging between two and no votes. (The complete discussion appears in the EDZ Committee minutes of October 23, 2012.)

Motion: The Committee moved/Dr. Ronneberg seconded a motion that the ANC adopt the Committee's recommendation that it support the selection of the Rise and Argos groups' proposals for the RL Christian site redevelopment and request that DMPED issue a call for "best and final offer." The motion passed unanimously, 6-0.

409 15th Street NE

This is a request for support for a BZA variance to operate a deli at this address. This address was previously erroneously issued a Certificate of Occupancy (C of O) as a deli despite being in an R-5-B district. The current tenant, Alex Cho, operating a taco carry-out, signed a five year lease, but has had his C of O flagged for being in an illegal zone and has been told he requires a zoning variance in order to operate. Mr. Cho says he was not aware of the issue when he signed the lease, and he intends to use the space as a carryout operating until 9pm. A neighbor suggested that lighting in the front and in the alley, and surveillance cameras would mitigate the situation. **Motion:** The committee moved/Dr. Ronneberg seconded a motion that the ANC accept the Committee's recommendation that it support a variance limited to five years with the conditions that the deli be open from 11am to 9pm for service and that the owner provide lighting and surveillance cameras at the front and at the alley. The motion passed unanimously, 6-0.

607 14th Place NE

A building permit has been issued improperly for this address. The Committee determined that it should be appealed to BZA because DCRA issued the permit in error, as the project requires a variance. **Motion:** The committee moved/Dr. Ronneberg seconded a motion that the ANC accept the Committee's recommendation to send a letter of appeal to the BZA stating that the project at 607 14th Place NE requires a variance. The motion passed unanimously, 6-0.

9. New Business

ABRA Change to Spot on H Street VA

ABRA reviewed a VA signed by the ANC and the Spot on H and modified several sections, which have not previously been changed in any other VAs submitted by the ANC. Mr. Healy questioned why the changes were being made, when they are not universal:

- **Section 1 (Public Cleanliness...):** Remove subsection f.
- **Section 2 (Business Operations and Practices):** Remove subsection i.
- **Section 3 (Music, Dancing/Entertainment):** Modify the following sentence from subsection d: "if the patio has been open for business...expanded hours of operation on the patio," so that it reflects that the ANC will consider modifying the Voluntary Agreement to allow for expanded hours on the patio, rather than the existing language that indicates the licensee may submit a change of hours application. (The language was modified and approved by ABRA).
- **Section 3 (Music, Dancing/Entertainment):** Remove subsection g.
- **Section 7: (Enforcement):** Remove subsection b.

Motion: Mr. Healy moved/Dr. Ronneberg seconded a motion to send a letter to ABRA accepting the modifications, but questioning the reason why the changes were made and requesting an explanation. The motion passed 5-0-1, with Alberti not voting and not present.

Bylaws Change

Mr. Holmes announced that bylaws changes would be presented for a vote at the December meeting.

One change, motivated by the fact that the ANC's position on an important issue cannot be heard if a hearing is called on short notice and the Commission has not previously authorized someone to represent the body, would enable the Chair or other representative of the ANC to testify.

The other change, suggested by Gottlieb Simon, states:

New Article VIII, section 2 (b) 3: "If two candidates for any office are tied, then the term of office will be divided equally between the two. If one is an incumbent in the officer position, then that candidate will continue in that office for the first six months of the calendar year. If neither is an incumbent in the office in question, then the candidate with recent continuous seniority as ANC Commissioner will take the first six months of the calendar year. If the two have the same time in office, then a coin toss will determine who takes the office for the first six months of the calendar year. If more than two candidates for any office are tied, then the drawing of lots shall determine the victor.";

and renumber the old VIII, section 2 (b) 3 as VIII, section 2 (b) 4.

1400 Maryland Avenue NE Building Permit Appeal

Motion: Dr. Ronneberg moved/Mr. Hysell seconded a motion to appeal the a second DCRA building permit this one granted for constructing a convenience store at the site of the gas station at 1400 Maryland Avenue NE. The motion passed unanimously 6-0. Mr. Hysell said he had spoken with Councilmember Wells about supporting the effort.

Gas Tank Investigation

Mr. Holmes said that the gas tanks for the gas station have been put into the ground and he has doubts that any testing was done. He said there appears to have been no inspection of the site and no one knows what's in there. **Motion:** Dr. Ronneberg moved/Mr. Hysell seconded a motion to send a letter to the acting director of the District Department of the Environment requesting information on whether underground tanks had been removed and installed at 1400 Maryland Avenue NE without a permit. The motion passed unanimously, 6-0.

Letter of Support to Valor Development

Valor Development is going where the ANC is not authorized to go, and is taking the gas station to court, as it is across the street from an apartment house they are building. (Mr. Holmes pointed out that this is the situation that Councilmember Barry's postponed legislation attempts to cure.) **Motion:** Mr. Hysell moved/Dr. Ronneberg seconded a motion to send a letter of support to Valor Development if they take the case to court. The motion passed unanimously, 6-0.

Allocation of Funds for Advertising

Motion: Mr. Alberti moved/Mr. Hysell seconded a motion to allocate up to \$3,815.00 for monthly ANC ads in the Hill Rag, and a quarter-page ad in the Fagon Community Guide. He said the Rag provides one of the two ways the ANC is required to advertise its meetings. Mr. Alberti also pointed out that the ANC is given a substantial discount and favorable placement of the ads. Ms. Nelson added that the Rag staff creates the layout of the ads (which not all publications do) and is very flexible about last minute changes to the text of the ads. Ms. Lawler said that she is not convinced that the Rag is a good source for us. Sondra Phillips Gilbert asked about other advertising sources such as the Afro-American. Ms. Nelson said that the committee had looked into it and it wasn't cost-effective, but that she was perfectly happy to look into it again. The motion passed unanimously, 6-0.

The meeting was adjourned at 9:10 pm