

Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
June 10, 2010

Present: Commissioners Alberti, Holmes, Mack Marshall, Robinson, Ronneberg and Schultheiss

Absent: Commissioner Beatty

1. Approval of Agenda

Mr. Holmes asked to have a resolution on Infrastructure Legislation added to New Business.

Mr. Robinson requested that presentations by MR. Harmon of the People's Counsel's Office and William Mohring, the new Mayor's Service Representative for Ward 6 be added to Community Presentations.

The agenda, as amended, was approved without objection.

2. Approval of Minutes

The minutes, as presented, were approved without objection.

3. Community Comment

There were no community comments.

4. Community Presentations

Update on DCHA Property Renovations

Angel V. Reynolds, a construction manager with DC Housing Authority (DCHA), Office of Planning and Development/DC Housing Enterprises, reported on the status of four vacant houses that are being redeveloped and sold in the ANC 6A area: 1325 F Street NE, 1326 F Street NE, 525 13th Street NE and 1357n Emerald Street NE. She said that funding has been identified and permits written for 1325 F Street and it will be sold as workforce housing at 80% of AMI. It is a three bedroom, 1½ bath house. 525 13th Street NE is a four bedroom house with two baths, and permits are pending. 1326 F Street is receiving stimulus funding through HUD and has a contractor, it will be leased with an option to purchase and is a three bedroom, one bath house. A buyer has been identified for 1337 Emerald Street, as has a lender and the closing should take place by the end of June.

Mr. Schultheiss remarked that the houses have been vacant for as long as ten years and that he had been receiving assurances for four years that development is imminent. He asked what assurances there are that this time it's happening. Ms. Reynolds replied that the difference is that funding has been identified so that the project is moving forward, and she has given Mr. Schultheiss her card so they can remain in contact.

Dr. Ronneberg asked what the difference was between DCHA and DHCD (the Department of Housing and Community Development) and was told that DCHA deals with public housing and Section 8 housing, and DHCD is responsible for block grants and scatter site housing.

Office of the People's Counsel

Mr. Harmon, of the Office of the People's Counsel, which serves as advocate and liaison for the citizens of the District with public utilities, presented information on an upcoming PEPCO plan to begin installing a "smart grid" in the District. In September, they will begin replacing all electric meters with meters that will enable consumers to individually control their amount of usage because a great deal more user data will be available. Customers will receive a good deal of information prior to the switchover. According to MR. Harmon the first piece of the changeover will begin installing the new meters, funded 50% by stimulus funds, and 50% by consumers.

Mr. Harmon was asked whether the meters will fit residents' current meter boxes, and he said they will be about the same size and shape, but contain the new electronics. Dr. Ronneberg asked whether people will have any easy about the boxes. Mr. Harmon said that there are many questions that have to be answered. Mr. Alberti asked about notification and was told that they are working on a systematic notification plan. Mr. Alberti invited Mr. Harmon to return to the ANC when he had answers to the questions being raised, and Dr. Ronneberg suggested that he come to the EDZ Committee to make a presentation.

Mr. Robinson asked whether there was a plan to engage the community, and Mr. Harmon responded that there had been a pilot program for 2½ years, but not a broader community plan. Mr. Robinson suggested that there should be more community outreach before the installation, and Mr. Harmon said it was PEPCO's project, and they have urged greater involvement.

William Mohring

William Mohring, the Mayor's new representative for Ward 6, introduced himself. He is replacing Alex Rotan.

5. Officers' Reports

Chair

Mr. Robinson reported that there was a hearing on June 16 on the naming of the Rosedale Rec Center playing field for Mamie "Peanut" Johnson and he would testify about the ANC's support of the honor. He also announced that there would be an auction of DCHD properties on June 30.

Treasurer's Report

Mr. Albertii presented the Treasurer's Report. It shows that the opening checking account balance was \$17,124.68 and the savings account balance was \$4,200.71. There was an allotment from the District of Columbia of \$5,555.40 and an interest payment to the savings account of \$.35. There were disbursements of \$364.23 to FedEx Office (March/April 10) (Check #1463); \$200 to Heather Schoell for the Agenda package (Check #1464); and \$135 to Roberta Weiner for the May 2010 minutes (Check #1465), leaving a balance of \$21,980.85 in the checking account and \$4201.06 in the savings account. **Motion:** Mr. Alberti moved/Mr. Holmes 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.

Motion: Mr. Alberti moved/Mr. Holmes seconded a motion that \$600 be approved for copying for ANC materials, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

6. SMD Reports

Ms. Mack reported that she received a letter on June 7th from the Rosedale community requesting that Chief Lanier install a crime camera at the intersection of either 17th and Gale Streets NE or at 16th and Kramer Streets NE. She said there have been improvements over the past few years, including speed bumps in the 1500 block of Rosedale, the 1600 block of Gales, the 1600 block of Kramer Street and the 700 block of 18th Street and Gale Place. With the new Rosedale Community Center coming, drug sales and illegal behavior still exists and the placement of a crime camera may help discourage these types of activities and improve the safety of the community.

Mr. Schultheiss said that the most important thing in his SMD is the update on the four properties.

Mr. Holmes reported that crime tends to run in spurts, and crime rose 29% in his SMD last month—it was one guy, and since he was arrested there's been no crime.

Dr. Ronneberg reported that the H Street Connection issue will be coming before the Zoning Commission on July 1st. He also reported that the building at 1211 11th Street has been renovated and sold. He also said that there was an impromptu Father's Day event at the Sherwood Rec Center for Father's Day, but it wasn't a success.

Mr. Marshall reported that he had met with Lieutenant Parker about nuisance properties. He also reported that there had been several fights and drug usage at Sticky Rice. He also said that the annual Father's Day event had been moved to Fort Dupont Park on June 13th.

Mr. Robinson reported that the construction at Eastern High School is moving forward, but that workers have been parking on residential streets around the school and making the neighbors angry. He said he is working on the problem. He also reported on three juvenile incidents in his SMD: a kid with a gun chased someone down the street and ran right in front of an officer; there was a gang-related incident; and a melee on East Capitol Street.

7. Committee Reports

Public Safety

Mr. Robinson announced the resignation of Ms. Sibilila from the committee, and said that the ANC would have to discuss the Committee's future.

Community Outreach

Ms. Nelson reminded Committee Chairs that she needed their July meeting schedules for the monthly ad.

The report of the Committee was accepted without objection.

Transportation

Motion: Mr. Robinson moved/Mr. Holmes seconded a motion to accept the Committee's recommendation to send a letter to DDOT Director Gabe Klein supporting a community request for traffic calming measures at Maryland Avenue and 10th Street NE. The motion passed without objection.

The report of the Committee was accepted without objection.

Economic Development and Zoning

1222 Constitution Avenue NE

This is a request for support of a Historic Preservation application for the construction of a rear basement staircase on public space, and of side and front basement window wells.

Dr. Ronneberg said that this is a house at the end of a row, and the steps the owner wishes to construct would extend into public space. The owner says he would like to conserve as much of his back yard as possible for their own use. All the window wells—one in front, and three on the side, are on public space. The owner says that discussions he has had with Public Space seems to indicate that the plan would be satisfactory to them. The house has been a vacant property for many years and the neighbors are happy with the project.

The committee was divided, and divided their motion into three parts: they voted to support the side window wells (5-0); and oppose the front window well (4-1); and the staircase (3-1-1).

Mr. Schultheiss said he didn't agree with those in opposition to the stairs, saying that it's a corner property and there are many examples of such construction. He said the committee took it one step too far, and not being fair to the applicant, and so, he said, he could not vote for a motion to oppose.

Dr. Ronneberg said that the point is that there is sufficient land to build the staircase on the applicant's property and he shouldn't use public space. Mr. Alberti asked how close to the street the stairs would be and was told it was two feet. He said that in his SMD, people are concerned about how close to the sidewalk stairs are because of the safety concerns. He said he felt the applicant had sufficient space to build the staircase on his own land. Dr. Ronneberg added that the sidewalk is not private property and there are good alternatives.

Motion: Mr. Holmes moved/Ms. Mack seconded a motion to divide the ANC's motion into three sections, like the Committee's motions. The motion passed without objection.

Motion: Ms. Mack moved/Mr. Holmes seconded a motion to oppose the construction of the front window well on public space. The motion passed 6-1, with Mr. Schultheiss opposed.

Motion: Ms. Mack moved/Mr. Holmes seconded a motion to support the construction of side basement window wells. The motion passed without objection. **Motion:** Ms. Mack moved/Mr. Holmes seconded a motion to oppose the construction of a staircase on public space. The motion passed 5-2, with Mr. Marshall and Mr. Schultheiss in opposition.

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to send a letter to the Historic Preservation Review Board reflecting the position of the ANC and authorizing Dr. Ronneberg to represent the Commission in this matter. The motion passed without objection.

MOU for H Street Connection 7-11

Dr. Ronneberg reported that representatives of the proposed 7-11 at the H Street Connection were present at the EDZ meeting, as well as members of the community, and there was a lengthy discussion about the store and the steps they will take to discourage loitering, crime and to keep the area clean. Dr. Ronneberg presented a proposed Memorandum of Understanding with 7-11 that had been unanimously approved by the Committee. **Motion:** Dr. Ronneberg moved/Mr. Alberti seconded a motion that the ANC support the MOU for the H Street Connection 7-11. The MOU contains the following provisions:

1. Detail and implement debarment procedure.
2. Banning certain tobacco products, including mini-cigars and rolling papers
3. Some system to address late night hours and concerns about opening 24/7.
4. Minimum staffing levels.
5. Active enforcement of no-loitering.
6. Limit sales of fast food items (chicken wings).
7. Minimum security standards in and around the facilities (cameras, lights that don't affect residential neighbors)
8. Cleanliness standards.
9. Participate in police detail.
10. Installing physical barrier to reduce foot traffic spilling over on to 10th Street.
11. Voluntary enforcement of provisions if violations of agreement are identified.
12. Agreement carries over if/when store transfers to a franchise.

Margaret Hallowell mentioned that the re-imbursible police detail (No. 9) is not applicable because the 7-11 doesn't qualify—it is only for restaurants and liquor serving establishments. **Motion:** Mr. Robinson moved/Mr. Holmes seconded a motion to approve the draft MOU with the understanding it will come back to the ANC for final approval. The motion passed without objection.

New Committee Members

Motion: Dr. Ronneberg moved/Mr. Robinson seconded a motion to approve the nomination of Sharee Lawler (6A05), Charmaine Josiah (6A08), and Jedediah Bodger (6A02) to be members of the Committee. The motion passed without objection.

The Committee's report was accepted without objection.

ABL Committee

The Red and the Black – Substantial Change

The Red and the Black and Palace of Wonders plan to combine the operations of the two establishments. Which would enable them to establish one kitchen and a larger stage. The VA applying to the Red and the Black will apply for the joint operation, as they will apply for the joint operation under the Red and the Black license. **Motion:** Mr. Robinson moved/Ms. Mack seconded a motion to accept the Committee's recommendation and take no action on the application for a substantial change for the Red and the Black. The motion passed 6-0-1. with Mr. Alberti not voting.

Kahn's Barbeque- 1125 H Street NE

This is a request for support for a CR license for a restaurant that will serve Asian BBQ. They do not plan to have entertainment and will use recorded music in the background. They plan to open for breakfast, lunch and dinner, but will not serve liquor until after 11 a.m. **Motion:** Mr. Robinson moved/Mr. Holmes seconded a motion to accept the Committee's recommendation that the ANC protest the application for Kahn's BBQ unless there is a signed, approved VA prior to the petition date of June 14th. The motion passed without objection.

Langston Bar and Grill – Substantial Change

The Langston Bar and Grill wants to open an 18-seat summer garden. There will be no entertainment on the patio, but will have recorded music. There have been some concerns about the VA, including a trial period with shorter hours on the patio, and the VA was not yet signed by the time of the meeting. **Motion:** Mr. Robinson moved/Ms. Mack seconded a motion to approve the Committee's recommendation that the ANC protest the substantial change in the license for the Langston Bar and Grill for an outdoor space unless the ANC receives a signed, approved Addendum to its VA prior to the petition date of June 28. The motion passed 6-0-1, with Mr. Alberti not voting.

Sticky Rice/Taylor Gourmet

Mr. Marshall raised the issue that there have been several incidents at Sticky Rice, and that Taylor Gourmet had stayed open after hours, and there has been no action taken by ABRA against either establishment. Mr. Alberti said that the ABC had reviewed the situation at Sticky Rice and took no action. The Board understands, he said, that things happen that are out of control of restaurant staff, but they done everything right in terms of reporting and handling the situation. He said that Taylor Gourmet had been caught selling to a minor and staying open after hours.* Mr. Alberti said that the ABL committee is requesting information on the incidents from the ABC. Mr. Marshall said it's the third incident at Sticky Rice, and he would like to request that the Committee have both Sticky Rice and Taylor Gourmet come to the Committee to discuss the incidents. Mr. Robinson referred the matter to the ABL Committee so it can deal with them. Ms. Mack added that establishments should be treated alike, and that black-owned establishments are not being treated the same as white-owned establishments. Mr. Marshall said he would like the issue on the July agenda.

*Mr. Alberti subsequently withdrew his comment.

The report of the Committee was accepted without objection.

8. New Business

Four-Way Stop Sign at 10th and Massachusetts Avenue NE

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to send a letter to DDOT Director Gabe Klein requesting that a four-way stop sign be installed at 10th Street and Massachusetts Avenue NE. Mr. Holmes said that it is a notorious corner for speeders coming from Lincoln Park. He said he has signed petitions. The motion passed without objection.

Transportation Infrastructure Act

Mr. Holmes offered the following resolution:

I move that ANC 6A support and testify in favor of the “Transportation Infrastructure Amendment Act of 2010”, introduced by Councilmember Wells.

First, the bill repeals the 1888 and 1889 laws that prohibited overhead wires and re-establishes the provisions as local law. Legal analysis clearly concludes that Council has the legislative authority to repeal the 1880s laws and re-establish the prohibition under local law.

Second, the bill creates authority for the Mayor to allow aerial wires deemed necessary to power transportation infrastructure projects. The bill limits the Mayor’s authority to use aerial wires to a strictly defined H Street/Benning Road NE segment until the Mayor develops a citywide plan, subject to Council approval for the use of aerial wires for additional streetcar routes with special attention paid to view corridors of the federal monumental core.

Third, the legislation requires the Mayor to submit a report by January 2014 on the feasibility of converting to non-aerial power where any aerial wiring has already been installed.

Finally, the bill requires that any installation of aerial wires must comply with the Height Act and the Mayor must comply with statutory obligations to consult with the Architect of the Capitol, the National Park Service, the Secret Service and the National Capital Planning Commission where necessary.

The “Transportation Infrastructure Amendment Act of 2010 will bring local control and accountability to the District as it continues the development of the streetcar transportation system – a system designed to serve our residents, to better connect our neighborhoods and to support our local economic development.

The completion of the H Street/Benning Road Line is crucial for the economic development and transportation needs of ANC 6A.

The resolution was seconded by Dr. Ronneberg.

Mr. Alberti said that he would oppose the resolution as he is opposed to overhead wires. He said there will be technology within five years, and wires will distract from the historic fabric of H Street. Beyond that, the guarantees in the bill do not apply citywide. Omar Mahmud said that the legislation makes clear that the issue will be revisited as the technology becomes more widely available. Elizabeth Nelson added that “revisit” has no enforceability and it’s meaningless when there’s no definition.

Diane Lingle, who is on the WMATA Advisory Council said that the streetcar is at least two years away and doesn’t know why it needs to be rushed. Charmaine Josiah said that she works for an engineer and there are only two countries in the world that have wireless systems. She said it is necessary to be conscious of funding issues, and pushing the momentum to make sure it gets done. The timely technology has not yet caught up. MR. Mahmud added that there are

federal funds available now. Mr. Schultheiss added that this isn't a new issue, the tracks are installed and there are no underground wires, and the project needs to get started. The motion passed 5-2, with Mr. Alberti and Ms. Mack in opposition.

9. Community Comment

Margaret Holliwell announced that on June 17th, there would be an art walk on H Street, with open galleries and a temporary installation. She urged everyone to attend.

10. Adjournment

The meeting was adjourned at 8:41 p.m.