

Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
February 10, 2011

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

The meeting was convened at 7:02 p.m. by Chair David Holmes

1. Agenda

Dr. Ronneberg asked that the making of Phil Toomajian to the ANC 6A point of contact for vacant properties be added to New Business. The agenda was approved as amended.

2. Minutes

The December minutes were approved without objection. Mr. Holmes and Dr. Ronneberg noted that requested changes to the January minutes had not been made and consideration was delayed to the March meeting.

3. Community Presentation

DC Clean Rivers Project

Compton Douglas and Justine Carl, design managers of the DC Clean River Project, gave a presentation on the fifteen-year plan by DC Water to construct new tunnels to reduce Combined Sewer Overflows (CSOs) in DC's water system and put the District in compliance with the federal Clean Water Act.

The project consists of the construction of four tunnels:

- The first will be the Blue Plains Tunnel, a 4.5 mile tunnel, 23 feet in diameter that will run under the eastern shore of the Potomac and Anacostia Rivers. It will end at the DC Water (formerly WASA) pumping station near the Nationals ball park.
- The second tunnel will be the Anacostia River Tunnel, with construction scheduled to begin in 2013, which will start on the southeast side of the Anacostia at Poplar Point and terminate south of RFK Stadium.
- Third will be the Northeast Boundary Branch Tunnels, which will run along R Street from a shaft near Brentwood Reservoir to 6th Street NW, north along 1st Street NW and north along the CSX rail facility to the Rhode Island Ave. Metro station.
- Fourth will be the Northeast Boundary Tunnel, construction beginning in 2021, which will run from the end of the Anacostia River Tunnel north under the RFK Stadium parking lot, the Langston Golf Course, the National Arboretum, and Mt. Olivet Road to the Brentwood Reservoir shaft.

The tunnels will be buried 100-125 feet below the surface, and will allow a reduction of 98% in CSOs, with only one or two a year at Bolling Air Force Base and just below RFK. Dr. Ronneberg asked how often there was currently a CSO, and was told that it happens almost every time it rains. The Commission was told there would be no construction in the ANC 6A area, except for staging at the meadow at RFK, which will be restored. More information is available at dcwater.com.

4. Community Comment

Joshua Lopez, a candidate for the City Council At-Large position, introduced himself and gave a brief presentation on his positions.

5. Officer Reports

Chair

Mr. Holmes reported that he and Mr. Alberti had attended a briefing on ANC finances and he discovered he “had a lot to learn.”

He also announced that the Capitol Hill Restoration Society (CHRS) and the Rosedale Citizens Association (RCA) are sponsoring a public presentation about the history of Rosedale. The study on which, the presentation by EHT Traceries, was jointly funded by the ANC, CHRS and the City. It was scheduled for Tuesday, March 8 at the former Gibbs School, 519 19th Street NE, and will cover the history of the community, its architecture and developers.

Mr. Holmes reported that a community meeting had been held to discuss the renaming of the Rosedale Recreation Center, and the community that was present expressed vociferous opposition to the removal of the Rosedale name from the rec center. There was discussion about working to find a place to incorporate the name of Reginald C. (KIYI) Ballard somewhere in the building.

He reported that the hearing on 1245 G Street NE has been postponed. The people developing the property appear to be seeking to go around the zoning laws and their attempt to use fair housing exceptions should be explored.

Finally, he described the Neighborhood Investment Fund (NIF) Target Area Project Grants, a program that was passed in December 2010. One of the categories for eligible projects is “affordable housing preservation”, and H Street NE is among the target areas. More information is available from the website for the Office of the Deputy Mayor for Planning and Economic Development, www.dmped@dc.gov under Funding Opportunities.

Treasurer

Mr. Alberti reported that the problems with missing checks from the Auditor’s Office had been straightened out, and the ANC’s finances were now in order. He said that ANC 6A was one of fourteen ANCs to receive certificates from the Auditor’s Office for having its finances in good order.

Treasurer’s Report

Mr. Alberti presented the Treasurer’s Report. It shows that the opening checking account balance was \$20,410.69 and the savings account balance was \$16,248.30. There was a District allotment of \$5,555.40, and an interest payment to the savings account of \$.30. There were disbursements of \$180 to Roberta Weiner for taking and transcribing the December 2010 minutes (Check #1493); \$53.64 to FedEx Office (December ’10 statement) (Check #1494); \$200 to Heather Schoell for the January 2011 Agenda package (Check #1495); and \$25 to the ANC

Security Fund (Check #1496), leaving a balance of \$21,343.06 in the checking account and \$4,203.91 in the savings account. **Motion:** Mr. Alberti moved/Ms. Veenendaal-Selck seconded a motion to approve the disbursements. It passed without objection. **Motion:** Mr. Alberti moved/Ms. Lawler seconded a motion to accept the Treasurer's Report. It passed without objection.

Motion: Mr. Alberti moved/Mr. Hysell seconded a motion to appropriate up to \$75 to replenish the checks, including a new binder. The motion passed without objection.

Quarterly Report

Motion: Mr. Alberti moved/Mr. Healy seconded a motion to approve the Quarterly Report for the 1st Quarter of FY11. The motion passed without objection.

6. SMD Reports

Mr. Healy reported that he will have an SMD meeting on March 7. He said that he has been working on parking issues on Wylie and 12th Street with DPW. He also reported that there was a productive PSA 102 meeting about crime issues in his SMD, and that the sergeant has already followed up on issues with concerned residents.

Ms. Lawler reported that she has launched her website, which will have information on SMD meetings, which will be held quarterly at the Options School, and she will also have "office hours" once a month in the morning at SOVA. She said there will be a community walk-through on February 17. She also reported that the satellite campus for Options School is in ANC 2C, and she will continue meeting with the administration of the school.

Dr. Ronneberg reported that there will be a hearing on XII's liquor license on March 16. He also said the AutoZone property has been sold to Westmill Capitol, who will come to the EDZ meeting to talk about their plans. He reported that some blocks in his SMD have resident-only parking and others do not, and that DPW has been unresponsive on enforcing the resident-only parking signs. He said that the Father's Day event at Sherwood Rec Center had its permit denied last year by the Department of Parks and Recreation and they are trying again this year.

Mr. Alberti reported that there is a five-unit apartment building in the 100 block of 15th Street that has apparently started construction without permits, and expressed his concern as well that it may exceed the 40' height limit. Dr. Ronneberg suggested it be brought up under New Business.

Ms. Veenendaal-Selck said she is working on the location and frequency of her SMD meetings, and reported that there has been drug activity on 16th and 17th Streets, and she is working with Naomi Mitchell on that.

Mr. Hysell reported that he attended a Zoning Commission hearing with Dr. Ronneberg on the ANC's request for application of the H Street Zoning Overlay to the portion of Maryland Avenue just west of 14th Street, ending just past 15th Street on Benning Road and to downgrade the zoning from C3A to C2A. The ANC sought the change in response to residents' interests. The Office Planning supported the request in order to maintain the distinct aesthetic of Maryland Avenue and prevent excessive density from overwhelming surrounding homeowners. Under the C2A zoning drive through restaurants and gas stations will be precluded from the area. He reported that, by a divided vote, the Zoning Commission approved the ANC's request.

Commissioner Peter May, a resident of Capitol Hill himself, did an excellent job of articulating the ANC's position and was instrumental in winning a majority. In addition, the H Street overlay was also applied to the northeastern corner of 13th Street and the corner of H Street and Florida Avenue NE that about 14th Street. He also thanked Dr. Ronneberg for his work on the issue. He said they have attended meetings with OP and Zoning Commission hearings going back to last summer, and Dr. Ronneberg's dedication to pushing the rezoning made a real difference.

7. Committee Reports

Community Outreach

Elizabeth Nelson reported that the ANC 6A ad on The Hill is Home has gone live, but that she is still in a holding pattern with The Informer as far as advertising goes. She also said that they are working on a new brochure, which has not been printed, but is on the website.

The report of the Community Outreach Committee was accepted without objection.

ABL

Mr. Healy presented the update of the revised Voluntary Agreement that the Committee has been working on containing new language on the section of the agreement concerning reimbursable details. **Motion:** Mr. Healy seconded the Committee's recommendation to approve the revised VA, including the new language on reimbursable details.

Mr. Alberti asked whether, if the ANC votes to require a reimbursable detail, it is automatically required that the licensee get one? Mr. Healy said that was true, that if there are complaints, it comes to the ABL Committee, which hears the complaints, then votes and then it comes to the full ANC for a vote. Mr. Alberti replied that while it seems fair on the surface, the City will only pay a portion of the detail, and the costs have recently gone up. He said he would not advise anyone to sign a VA with that language, because there's too much opportunity for a rogue action by the ANC to cause an unreasonable financial hardship for the licensee.

Mr. Healy said this was not his idea, and that Ms. Beatty had spoken with MPD, and it had been discussed four or five times by the ABL Committee. Commander Kamperin suggested it. Mr. Alberti said he will be curious to see how new licensees react and the kind of negotiations that will take place prior to signing a VA.

Dr. Ronneberg said he strongly supports the language, as did Mr. Hysell who said that the redraft of the language is very good. He said that it is incumbent on the ANC to take a strong position to represent the ANC's residents.

Margaret Holwill said that a consortium of owners had hired a reimbursable detail in the past and it didn't work. The officers didn't show up, and officers are still on call even if they're off duty, and the cost is really high. Ms. Nelson said she has a problem with the language, which

says that the licensee must have a reimbursable detail, but doesn't say what it is, for how long it has to be in effect, no standard that has to be met, and no indication of the number of officers that have to be present. Mr. Alberti added that its weakness is that it doesn't really say the number of hours. MPD is not unbiased, and it is MPD that comes to the ABL Committee and says what hours and days of the week the detail should be activated. MPD requires no less than 4 hours and a two-person detail minimum. He suggested that the committee have an on-going discussion about the issue, and perhaps bring in the owners to get their input. Mr. Healy pointed out in the draft language that MPD would present their suggestion as to the number of days and hours a reimbursable detail should be required and how much it would cost an establishment. Mr. Healy said all of that information would be available and taken into account by the ABL Committee and ANC when making a decision.

Ms. Lawler said that she appreciates the flexibility of the language because it lets the community set the guidelines. However, it was a good point about the coverage not received when it was paid for. Michael Herman, a member of the committee, said that there was strong support in the committee. The motion passed 6-0-1, with Mr. Alberti abstaining.

The report of the ABL Committee was accepted without objection.

Transportation and Public Space

National Marathon. Committee Chair Omar Mahmud began by noting the effort that has been made by the Marathon organizers to reach out and meet the ANC 6A community's needs.

Motion: Mr. Mahmud moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation and send a letter to the Emergency Management Task Force in support of the National Marathon on Saturday, March 26.

Ms. Veenendaal-Selck said that she appreciates the efforts that have been made but is concerned about what steps are being taken to communicate with the residents of the affected area. Diane Thomas, director of community outreach for the Marathon, said there would be door hangers both on the race route and feeder streets in the area around the stadium, there will be signs on course streets, posters will be up the day before the race, and they are willing to make robo-calls.

Mr. Holmes said that he has never supported the Marathon because it goes through his district blocking residents, and he will not support it this year. Ms. Nelson said that they have made promises and never kept them, and things have never gone the way they said they would. She pointed out that last year she cleaned up three large trash bags of discarded outwear that had been left on the route and not picked up after the cleanup had been promised. Mr. Alberti said that he had supported the race for the past six years, but not this year. He said that the ANC has been told that they are showcasing Ward 6, but the changes that have been made to improve the route have been instituted by the ANC. People are now trapped in the area for 2 to 4 hours; the route had been changed because it once trapped people for five hours. The race staff has not thought about the pain of the people who live on the route. For example,

the race organizers speak of ways they have accommodated the dialysis center, but those changes do not require any concessions by the race organizers, they only involve the dialysis center's patients changing their schedules. He suggested that the race people start looking for a new route that could be substituted for the current route every two years.

Ms. Thomas said that she does understand the residents' pain. She said she's been a DC resident for 22 years, and that this is her fourth year in front on the ANC. She said the race goes through six out of the eight wards, so it's not just problems in 6A that have to be solved, but they are trying. Mr. Alberti said that Ms. Thomas has been wonderful to work with, but race organizers have not been proactive in identifying and solving problems - they just don't try hard enough.

Mr. Mahmud said that the race provides a great opportunity to showcase the neighborhood, and Ms. Thomas has done everything she's been asked to do. Dr. Ronneberg said he voted against the race last year, but the main outreach issues had been addressed this year, so he will support it. Ms. Veenendaal-Selck said she's not opposed to the race, but that she does need more information on a communications plan. Ms. Lawler said that a communications plan is a good idea, and that she loves the idea that there's a race coming to the neighborhood. Mr. Hysell said he appreciates the effort that has been made and he will support it.

Ms. Thomas said there will be an ad in the Hill Rag, they will reach out through local listservs and blogs like DCist, and they will have signs and will use WUSA and other broadcast outlets. The motion passed 5-2, with Mr. Holmes and Mr. Alberti in opposition.

Snow Removal Legislation. Mr. Mahmud proposed that the ANC support legislation currently before the City Council that would fine residents no less than \$25 and businesses no less than \$250 for failing to clear snow from their adjacent sidewalks any later than eight hours after daylight following a snowstorm. Currently the Office of the Attorney General can sue to recover snow removal costs; under the legislation MPD and DPW can issue citations. **Motion:** Mr. Holmes moved/Dr. Ronneberg seconded a motion to accept the Committee's recommendation to support the legislation and submit written testimony to the City Council. Mr. Holmes offered an amendment that non-profit organizations and houses of worship be specifically included in the legislation.

A question was asked about how it would affect people on business travel and others such as the elderly who may have problems, and it was suggested that a person could be hired to shovel the street for less than the fine, and there were neighbors and others who would volunteer to help out. Ms. Nelson said that as a pedestrian without a driver's license, she is dependent on walking and appreciates how important the legislation will be. The motion passed without objection.

The report of the Transportation and Public Space Committee was accepted without objection.

Economic Development and Zoning

809 D Street SE. This is a request for support of a BZA application for a special exception to construct a 2nd story addition that will expand a non-conforming court (dogleg). The owners, Patrick and Allison Cooke, presented photos of the existing conditions, plans for the construction, and letters of support from their neighbors. The Committee agreed that the addition met the test for special exception, that it not unduly impact the light, air or privacy of the neighbors. **Motion:** The committee presented/Dr. Ronneberg seconded a motion to accept the Committee's recommendation and support the application for a special exception at 809 D Street SE. The motion passed 7-0.

906 Maryland Avenue NE. The owner wants to construct a detached garage at the rear of the property. Variances are required because the garage will be closer than 12 feet from the alley centerline and the lot occupancy will be greater than 70%.

The architect explained that setback variance was being sought because, in order to comply with this regulation, it would require moving a brick retaining wall and losing a mature tree that shades the neighbors' yards. The variance from lot occupancy is being sought because a neighboring structure actually occupies 2% of the lot. If the neighboring structure did not encroach on the lot, the lot occupancy would be less than 70%. In addition, the architect said that the neighboring properties had non-conforming garages built to the alley property line, so the proposed garage would not extend past the neighboring structures. **Motion:** The Committee resolution moved/Dr. Ronneberg seconded a motion that the ANC support the Committee's recommendation to support the variance requests for 906 Maryland Avenue NE. The motion passed 7-0.

617 16th Street NE. The Committee requested potential changes to the submission to build a garage with a roof deck that requires variances. A suggested request for a postponement of the hearing was met with the approval of the Applicant and discussion of the case was postponed until a future date.

Adoption of 2011 ED&Z Goals. **Motion:** The committee resolved/Dr. Ronneberg seconded a motion to accept the committee's recommendation and approve the 2011 Goals of the ED&Z Committee. The motion passed without objection.

8. New Business

New ED&Z Committee Vacant Property Representative

Motion: Dr. Ronneberg moved/Mr. Alberti seconded a motion to appoint Phil Toomajian as the official Vacant Properties Representative of the ED&Z Committee. Dr. Ronneberg said this was being done so he could deal with City agencies. The motion passed without objection.

125-131 15th Street NE

Mr. Alberti said he is unsure of how to proceed on these buildings because he hasn't been able to assess the situation at the house. He said he would like to leave it open-ended, and if he finds the permits for the structure are not in order, then he would take action. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to appeal the permits for 125-131 15th Street NE if they are found to be deficient. The motion passed without objection. Mr. Ronneberg said that he's been told that ANC Commissioners can get plans without charge.

Homeslice Pizza -1387 H Street NE

This is a request for support of a public space permit for a patio and the installation of dumpsters for a new establishment that plans to open on March 31st. The owner, Mr. Ulsan, gave two days' notice prior to coming to the Public Space and Transportation Committee, with photographs of the space, but no schematics nor a public space application. Margaret Holwill asked whether he could present his request with the proper documentation to the full ANC, given the month's delay to appear before the Committee again. Mr. Mahmud was told it's time-sensitive, but he replied that the application has to go to DDOT Public Space Committee. Mr. Ulsan told Mr. Mahmud that he would provide the drawings, but has not yet done so.

Dr. Ronneberg said he had several concerns, one that the dumpsters are not screened. He said he will not vote for the project unless the dumpsters are screened. Mr. Alberti said that because the opening is scheduled for March 31, the approvals can be done next month. If the dumpsters are not screened, however, it's a non-starter for him. Mr. Holmes said that it is not his intention to ever bypass committees in considering support of various projects.

9. Community Comment

Margaret Holwill announced that a year ago, there were three places on H Street opened for lunch, and that by March 1, 14 or 15 places will be serving lunch.

The meeting was adjourned at 8:53 pm.